

DÁIL ÉIREANN

Déardaoin, 1 Nollaig 2011.
Thursday, 1 December 2011.

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

Paidir.

Prayer.

Leaders' Questions

Deputy Éamon Ó Cuív: I intend raising the issue of the Diocese of Raphoe on the Order of Business.

I have a question regarding the unemployment figures published yesterday. The Tánaiste said on 6 October 2011, "There has been a significant reduction in unemployment. The jobs initiative is working, both in respect of reducing the number of people who are unemployed and creating jobs." Does he accept that yesterday's figures show a year on year increase of 4,500 people on the live register and that his policies are not working? A closer inspection of the figures shows an increase of 9,500 people over 25 years of age and a decrease in those under 25 years of age of nearly 5,000 which is explained by the extraordinary migration of young people in recent months which everybody in the country knows about. This means the real rate of the rise in unemployment far exceeds the headline figure we were given yesterday.

The Government has been in power for nine months. The Tánaiste talks about unemployment and he talked about a jobs budget and all we got was a paltry jobs initiative that was really just an excuse for a raid on pension funds of pensioners to fund and bolster the coffers of the Government.

Deputy Bernard J. Durkan: What about the medical cards for the over-70s?

Deputy Éamon Ó Cuív: Does the Tánaiste accept there is an urgent need for action on jobs, that his policies to date have failed? What are his proposals now to deal with this crisis of unemployment?

The Tánaiste: Yesterday's figures show that unemployment is the single biggest problem this country faces now. The single biggest challenge we have to address is how to get people back to work. This must be the focus for everyone and this is at the centre of every single decision which the Government has made, is making and will make.

Deputy Timmy Dooley: Including the VAT increase.

The Tánaiste: I expect it to be reflected in the statements on the budget which will be made next week.

[The Tánaiste.]

We have sought ways to deal with this challenge by introducing a jobs initiative in May. As recently as last week, we held a special Cabinet meeting on the whole issue of employment, arising from which a number of measures were announced such as the establishment of funds which will provide for the extension of credit and the availability of credit to small and medium-sized businesses, in particular, and for start-up businesses, in order to generate employment. We convened a global Irish economic forum, the purpose of which was to bring together people from the Irish Diaspora in order to help restore the country's reputation and to attract investment into this country. We have established the strategic investment fund which was a commitment we made prior to the establishment of the Government, the purpose of which is, again, to make money available in order to generate employment. We have established the new economic and recovery authority under which the semi-State agencies will operate because they have a key role in the development of employment and the encouragement of investment. I expect that the Budget Statements next week will reflect the top priority which this Government is giving to getting people back to work and to generating employment.

Deputy Éamon Ó Cuív: The Tánaiste is absolutely powerful at the rhetoric and I wish I had his gift.

(Interruptions).

Deputy Éamon Ó Cuív: I will give some good examples. On 9 January—

An Ceann Comhairle: This should be a supplementary question, Deputy.

Deputy Éamon Ó Cuív: I am coming to the question. On 9 January 2010, Deputy Gilmore said, "One of the most shocking elements of all of this is the indifference of the Government in the face of such live register figures", when in fact they were considerably better than now. On 30 June 2010, he asked, "When will the Government take seriously the issues of unemployment and getting people back to work?" In opposition, Fine Gael and the Labour Party were great at talking the talk—

An Ceann Comhairle: Could I have a question, please, Deputy?

Deputy Éamon Ó Cuív: I am coming to the question now.

Deputy Emmet Stagg: He cannot think of the question.

Deputy Éamon Ó Cuív: The Deputy should not worry because I will think of the question.

An Ceann Comhairle: The Deputy is over time, that is what he should be worrying about.

Deputy Éamon Ó Cuív: I am worrying about it. I presume the Ceann Comhairle takes account of every interruption.

An Ceann Comhairle: No, the Deputy should just keep going.

Deputy Bernard J. Durkan: We had better adjourn until tomorrow in that case.

Deputy Éamon Ó Cuív: They would have said anything in their grab for power.

(Interruptions).

Deputy Éamon Ó Cuív: The reality is they are doing nothing for job creation; all they are doing is cutting capital expenditure—

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

Deputy Éamon Ó Cuív: —with deeper cuts in the public service, a VAT hike that will decimate many small retailers—

A Deputy: Ask a decent question.

Deputy Éamon Ó Cuív: —and changes in the social welfare code that are anti-enterprise.

(Interruptions).

Deputy Éamon Ó Cuív: I ask the Tánaiste if he will think again about these proposals and I ask him to bring in a genuinely pro-jobs budget—

Deputy Emmet Stagg: Thanks for the legacy of 400,000 unemployed.

Deputy Robert Troy: Ye did not stop it.

Deputy Éamon Ó Cuív: —next week.

(Interruptions).

An Ceann Comhairle: We could do without the chorus, please; it is not required at the moment.

The Tánaiste: I stand over every word of what I said on 30 June 2010 and on 9 January 2010. The previous Government was indifferent to the problem of unemployment and was indifferent to the necessity to create jobs in this country. That is the reason we have such a high level of unemployment.

Deputy Billy Kelleher: Does he stand over his U-turns?

Deputy Robert Troy: Does he stand over his pledge to students?

The Tánaiste: The previous Government was indifferent to the problem of unemployment and the necessity to create jobs. That is the reason we have such a high level of unemployment.

Deputy Timmy Dooley: The Government is not doing anything about it.

The Tánaiste: The difference between the previous Government and this Government is that unemployment is our top priority. Getting people back to work is key to economic recovery.

Deputy Timmy Dooley: The Government's policies have been an abject failure.

The Tánaiste: This is the reason we introduced the jobs initiative.

Deputy Finian McGrath: The Government is putting people out of work.

The Tánaiste: Deputy Ó Cuív referred to social welfare. We introduced the JobBridge programme and labour activation measures to provide experience for people who cannot secure employment.

Deputy Finian McGrath: There are no new jobs.

An Ceann Comhairle: Given that Deputy McGrath expects silence when he asks a question, I ask him to be silent when others speak.

The Tánaiste: The reason we last week announced two new funds for people who are establishing businesses and start-up companies to get access to funding is that unemployment is our top priority. The reason we set down limits on what banks must lend to small and medium sized businesses is to get people back to work.

Deputy Timmy Dooley: The Government has not set down limits for unemployment.

The Tánaiste: We are encouraging investment from abroad and place such an emphasis on restoring the country's reputation in order that employment will be created here. That is also the reason that, contrary to what the Opposition said, we successfully defended the rate of corporation tax to attract investment. Unlike the previous Government in which Deputy Ó Cuív served, this Government will work every day that it serves to get people back to work and secure employment and investment in this country.

Deputy Timmy Dooley: Does the Tánaiste have windows in his office? Can he not see what is happening outside?

Deputy Mary Lou McDonald: We have 448,600 people out of work and the Tánaiste states unemployment is the Government's top priority as a policy issue. Heaven help us if this is the Government working to put jobs first. Figures published yesterday show an unemployment rate of 14.5% and a shocking increase in poverty levels. Some 22.5% of people reported that they live in deprivation, which means being unable to afford a warm coat, struggling to heat one's home and so forth. This reality seems to be lost on the Tánaiste's colleague, the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, who I do not see in the Chamber. Perhaps he is on a weekend break. In a very brash and unacceptable manner the Minister told the population at large to cheer up and take a vacation, although he may be really telling them to take a hike. Do his comments reflect a disposition among Government members that everything is okay?

Will the Tánaiste tell the almost half a million people who are out of work that he is genuinely different? I hear the same rhetoric we heard previously, and not only from this Government, about lending to small and medium sized businesses increasing. The Tánaiste indicated that employment is the Government's priority, whereas the evidence shows that the misery continues and most of those who are out of work do not see prospects of securing a job. They see the Tánaiste's Administration as a carbon copy of the previous Government.

An Ceann Comhairle: Will the Deputy ask a question, please?

Deputy Mary Lou McDonald: Does the Tánaiste support the Minister's commentary? If he disagrees with him, will he apologise for the comments the Minister made? Let us also have a real commitment from the Tánaiste that the unemployed and those living in poverty will be front and centre in the Government's proposals in next week's budget.

The Tánaiste: Tourism is among the responsibilities of the Minister, Deputy Varadkar, and I understand that while attending a tourism event yesterday, he made some remarks which were aimed at encouraging domestic tourism. This is what he does; it is part of his job.

Deputy McDonald asked me whether the Government believes everything is okay. We do not believe everything is okay. When we came into office we inherited a country that was broken. Its public finances and banks and the morale of its people are broken and we have a huge problem of unemployment. Large numbers of people are out of work which, in turn, is

related to the major problems the Deputy described in respect of people who are living in poverty or at risk of poverty. The Government is determined to deal with this issue. At the centre of doing so must be getting people back into employment and securing jobs and investment. We have been pursuing several strategies to achieve this objective. First, to secure investment we have had to restore the country's reputation and I believe we have made a significant advance in this regard. We have had to communicate to potential investors outside the country who are contemplating investing here that this is a good country in which to invest and we are succeeding in doing so.

Second, we have to get the domestic economy moving again. One of the major problems we have had for some time in the domestic economy has been the difficulty experienced by businesses in accessing finance and capital, in particular people who are starting up a business. The Government is addressing both of these issues.

Deputy Timmy Dooley: By increasing the VAT rate.

The Tánaiste: Third, we have a serious difficulty of people losing their jobs and young people being unable to get their first job because they do not have experience and are unable to acquire experience because they cannot get a job. To address this difficulty we have introduced the JobBridge and internship initiatives.

Deputy Billy Kelleher: Those initiatives were in place before the Government took office.

The Tánaiste: We continue to work on new labour activation measures to get people work experience in order that they will be able to take up job opportunities.

The Government and every Member of the House recognise that the big problem we must address is getting people back to work. The time of the House would be better spent if Members of the Opposition produced some positive proposals and ideas for achieving this. The Government would certainly consider any such proposals.

Deputy Mary Lou McDonald: I notice the Tánaiste did not distance himself from the Minister's commentary. Irrespective of what his role is in the Government, it is not the Minister's role to add insult to injury to the unemployed and deprived people of this State. I hope the Tánaiste is clear about that.

Deputy Billy Kelleher: The Government has only been in power for ten months and has already become arrogant.

Deputy Paul Kehoe: The Deputy only needed ten days.

Deputy Mary Lou McDonald: The Tánaiste stated the Government's efforts have focused on rebuilding the State's reputation. What kind of a reputation can a state have when almost half a million of its people are languishing on the unemployment lines? These are not statistics but people and families, yet less than a week before a budget that will be very hard on people we have a senior Government Minister being flippant in his commentary.

The Government took €1 per day off Mr. Ray Burke in its much heralded—

An Ceann Comhairle: Will the Deputy ask a supplementary question, please?

Deputy Mary Lou McDonald: —fight against high pay and left former taoisigh on massive pensions. Out of the other side of its mouth, it tells people to cheer up, things will not be so bad and we should all take a weekend break. That is completely mad politics.

An Ceann Comhairle: May we have the Deputy's question, please?

Deputy Mary Lou McDonald: Heaven help us if this heralds what the Government proposes to present to the Dáil and citizens in its budget next week.

The Tánaiste stated the Government's priority is to get people back to work and listed the initiatives it has taken.

An Ceann Comhairle: The Deputy's time has concluded. She must ask a question.

Deputy Mary Lou McDonald: Its initiatives are not working. What will it do differently? What new initiatives will it bring forward? When will it demonstrate in real terms a seriousness about getting people back to work? The figures do not lie. They reflect the failure of the Government.

The Tánaiste: The Government will never add insult to the injury that has been experienced in this economy—

Deputy Mary Lou McDonald: The Minister has done it already.

Deputy Timmy Dooley: The Tánaiste is doing it now.

The Tánaiste: —by people who have lost jobs, are having difficulty making mortgage payments and are struggling to meet their financial commitments.

Deputy Seán Crowe: The Minister told unemployed people to take a hike.

The Tánaiste: The Government is working every day to try to get people back to work. It is a huge problem. As Deputy McDonald said, there are 448,000 people on the live register.

Deputy Aengus Ó Snodaigh: Unemployment is increasing under this Government.

The Tánaiste: We are talking about people who have lost their jobs and seen their family incomes turned upside down. We are talking about young people who have not yet had an opportunity to get into work. These people are trying to cope with such real problems and difficulties around the kitchen table.

Deputy Mary Lou McDonald: What is the Government doing about them?

The Tánaiste: I have set out the fact that economic recovery is the Government's priority because it will enable people to return to work. Every action and decision of the Government since it came into office has been taken with that in view.

Deputy Pearse Doherty: When the Government cut the capital allowance, it sent a further 8,000 people to the dole queue.

The Tánaiste: Equally, every decision we will take from now on will be aimed at getting people back into employment.

Deputy Pearse Doherty: It does not stack up.

Deputy Patrick O'Donovan: There have been cuts in the North.

The Tánaiste: We will work at that every day.

Deputy Aengus Ó Snodaigh: Donegal is in the north.

The Tánaiste: Deputy McDonald has suggested that we are not doing enough. I agree that it will never be enough until we get every one of those 448,000 people back to work.

Deputies: Hear, hear.

The Tánaiste: That is our objective.

Deputy Mary Lou McDonald: The Government is failing in its job.

The Tánaiste: It is an individual objective.

Deputy Aengus Ó Snodaigh: It is failing miserably.

The Tánaiste: It is not about meeting this target or meeting that target. It is about getting people into employment and getting business moving again. It is a huge problem. We inherited an economy that was broken. We are working to fix it. We are having success. We will continue to do what we are doing.

Deputy Joe Higgins: I would like to raise the plight of a cohort of people in this city and this State. We have not heard about them for many months. They are being overlooked because they are ordinary working-class people who do not have the resources to hire expensive lawyers or make large donations to the political establishment. Between 2,000 and 3,000 families and individuals were badly burned when a bills payment company, Home Payments Limited, went into liquidation last August. The Tánaiste may be aware of people with low or medium-sized incomes who made regular payments to this company so they would have funds in readiness to pay their routine utility bills, such as those for gas and electricity, on time. Some families used the company to save for future costs like children's schoolbooks and uniforms, the costs associated with their children going to college, or the cost of medical and dental treatment. At this time of the year, it is worth remembering that many families used Home Payments Limited as a savings bank to budget for Christmas-related expenditure.

The families and individuals who have been badly burned by the collapse of this company have lost hundreds or thousands of euro — up to €10,000, in some cases. Such a loss would not be noticed by former Ministers who receive pensions of €150,000 a year, or serving bankers who are paid €500,000 a year. It is an absolute fortune for an ordinary family, however, as it represents a huge saving and sacrifice. Ordinary people have been burned because this company scandalously succumbed to the siren call of the property market and speculated in it. They will lose much of what they had on deposit because the company is in liquidation. I have been told by the liquidator that there will not be a settlement until well into next year, if at all. Even though it was not required to do so, four weeks ago the Government gave €700 million to speculators in Anglo Irish Bank to make good their bad debts. With three weeks to go to Christmas, will the Government establish an emergency compensation fund for the victims of this company? The Tánaiste is aware that the State has quite rightly compensated the victims of floods and storms, etc., in the past. This collapse of this company is as much of a blow to these individuals and families as a storm or a flood. Will the Government establish an emergency fund now to ensure these people do not suffer unduly this Christmas?

The Tánaiste: I appreciate that advance notice of the issue to be raised is not given on Leaders' Questions. If I had received advance notice of this issue, I would have prepared a response on it. My sympathies are with the families and individuals who have been burned in this escapade. If Deputy Higgins gives me details of the cases he has raised, I will arrange to have the issue examined by my Government colleagues and give the Deputy a full response thereafter.

Deputy Joe Higgins: I thank the Tánaiste. It is not surprising that this matter is not to the forefront of his consciousness because—

Deputy Emmet Stagg: Get out of here.

Deputy Eric Byrne: Grow up, Joe.

Deputy Timmy Dooley: The Tánaiste was fairly good at indignation when he was in opposition.

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

Deputy Joe Higgins: The Tánaiste should tell his backbenchers to maintain their silence until they hear what I have to say in full.

Deputy Eric Byrne: What a saintly figure the Deputy is.

Deputy Joe Higgins: As I was saying, it is not surprising that this matter is not to the forefront of the Tánaiste's consciousness because it has not featured since last August.

Deputy Emmet Stagg: I suppose the Deputy is the only person who cares about these people.

Deputy Joe Higgins: My point is that poor people and ordinary working people in these circumstances are not the subject of the same consideration as the very wealthy do when they take a dive.

Deputy Emmet Stagg: The Deputy has a monopoly on concern.

Deputy Joe Higgins: Many people were aware of this matter when it was big news for a few days last August. Details of the plight of these families and individuals are easily available. The Tánaiste does not need to know the individual details of each case to give the House an assurance, as a matter of principle, that these people will be assisted before matters are reconciled when the liquidation comes to its conclusion. Many of the people in these circumstances are now depending on assistance provided by the State. I ask the Tánaiste to assure them, and people in general who depend on State assistance, that he will honour the Labour Party's pledge not to cut child benefit in the budget.

An Ceann Comhairle: That is a separate issue.

Deputy Joe Higgins: The Government pledged that social welfare payments would be maintained. I would also like to know whether the €500 increase in the college registration charge that was imposed by Fianna Fáil will be reduced or reversed, as promised by the Minister, Deputy Quinn, who is sitting beside the Tánaiste. That would be of assistance to those who saved to meet the cost of sending their children to college.

The Tánaiste: I will not be tempted into responding to the second matter that was referred to by the Deputy, which is unrelated to the main issue he raised.

Deputy Aengus Ó Snodaigh: Go on.

The Tánaiste: I will not talk about next week's budget.

Deputy Billy Kelleher: The Government has been talking about it for the last three weeks.

The Tánaiste: If I were to comply with the request made by Deputy Higgins, would he come in here next week to support the budget? On the matter that was initially raised, I assure the House that the Government will deal sympathetically with families that find themselves in financial difficulties. That is the policy and the approach of this Government. To be honest, Deputy Higgins could have raised this issue since last August and given us an opportunity to consider it. We will consider it. If the Deputy gives us the details that are available to him — the information on which he based his questions — we will look at them.

My colleagues in Government who have differing responsibilities in this area will examine the matter on its merits and with the sympathy we approach issues where people are in financial difficulties. I am conscious of the time of year and the implications of this for the families concerned.

Order of Business

The Tánaiste: It is proposed to take No. *a11c*, motion re sittings and business of the Dáil; No. 11*c*, motion re leave to introduce Supplementary Estimates [Votes 19, 20 and 22]; No. 11*d*, motion re referral of Supplementary Estimates [Votes 19, 20 and 22] to select committee; No. 12, motion re proposed approval by Dáil Éireann of the terms of the draft scheme entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2011; No. 5, Health Insurance (Miscellaneous Provisions) Bill 2011 — Second Stage (resumed) and and Subsequent Stages.

It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 5.45 p.m. tonight and shall adjourn on the conclusion of Oral Questions; the Topical Issue Debate shall be considered on the conclusion of No. 5 or at 3.42 p.m. whichever is the later, and

Oral Questions shall take place on the conclusion of the Topical Issue Debate; (2)

11 o'clock Nos. *a11c*, 11*c* and, subject to the agreement of No. 11*c*, No. 11*d*, referral to select committee, shall be decided without debate and any divisions demanded on Nos.

11*c* and 11*d* shall be taken forthwith; (3) the proceedings in relation to No. 12 shall, if not previously concluded, be brought to a conclusion after 65 minutes and the following arrangements shall apply: (i) the speeches shall be made by a Minister or Minister of State 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; (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; (4) the resumed Second Stage and Subsequent Stages of No. 5 shall be taken today and the following arrangements shall apply: (i) the proceedings on the Second Stage shall, if not previously concluded, be brought to a conclusion at 2.10 p.m.; (ii) the proceedings on the Committee and Remaining Stages shall commence immediately upon the conclusion of Second Stage and shall, if not previously concluded, be brought to a conclusion at 3.42 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health; (5) in relation to the Thirty-First Amendment of the Constitution (Presidency) Bill 2011, the Second Stage of which shall be considered tomorrow, the following arrangements shall apply: (i) the opening speech of the main spokespersons for the Technical Group, Fianna Fáil, Sinn Féin and of a Minister or Minister of State, who shall be called upon in that order, shall not exceed 15 minutes in each case; (ii) the speech of each other Member called upon shall not exceed 15 minutes in each case; (iii) Members may share time; (iv) a Minister or Minister of State, who may speak twice, shall be called upon not later than 1 p.m. to make a speech which shall not exceed 15 minutes; (v) the main spokesperson for the Technical Group shall be called upon to make a speech in reply which shall not exceed 15 minutes; and (6) the Dáil shall sit on Monday, 5 December, 2011 at 2.30 p.m. and shall adjourn at 4.30 p.m. and the following arrangements

[The Tánaiste.]

shall apply: Statements on Expenditure shall be taken and the statements of a Minister and of 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, shall not exceed 30 minutes in each case.

Deputy Billy Kelleher: Talk about window-dressing a budget.

Deputy Mattie McGrath: Only two hours for Monday's budget statement.

Deputy Finian McGrath: Will Labour Party Members be voting for the bank guarantee later on?

An Ceann Comhairle: Is the proposal that the Dáil shall sit later than 5.45 p.m. tonight agreed to? Agreed.

Is the proposal for dealing with Nos. *a11c*, *11c* and *11d* agreed to?

Deputy Éamon Ó Cuív: No, it is not. I understand there will be no oral parliamentary questions next Tuesday and Wednesday. There was always the tradition that parliamentary questions went ahead on budget day, as did Taoiseach's Question Time. I also note Topical Issue Matters will not be taken next Wednesday.

Deputy Mattie McGrath: They are never taken anyway.

Deputy Éamon Ó Cuív: I accept on the Tuesday of the budget it was a tradition not to have Adjournment matters. While I am opposed to this proposal I am not going to press it to a vote. Votes on the Order of Business have become the Government's ruse to limit the time and ensure we cannot ask questions of the Government.

Deputy Alex White: Who calls all the votes?

Question, "That the proposal for dealing with Nos. *a11c*, *11c* and *11d* without debate, be agreed to", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 12 agreed to?

Deputy James Bannon: I see Deputy Mary Lou McDonald getting ready to jump up.

Deputy Mary Lou McDonald: No, it is not agreed. I oppose the guillotining of the debate on extending the bank guarantee and request more time is devoted to it. I have no doubt the Tánaiste's colleagues in the Labour Party, particularly the newer Members, will need a lot of time to explain their support for this extension.

Deputy Colm Keaveney: Like Sinn Féin did.

Deputy Emmet Stagg: Deputy McDonald should check the record as to how Sinn Féin voted on it before.

(Interruptions).

An Ceann Comhairle: Will Deputy McDonald proceed?

(Interruptions).

Deputy Mary Lou McDonald: Given their very vocal commentary on the guarantee over the past three years, it is not acceptable to Sinn Féin to allocate such a short time to such a crucial

debate on such a central matter which has been historically of concern to the Labour Party. More time should be extended.

Deputy Michael McCarthy: Bring it on.

Deputy Emmet Stagg: Deputy Doherty was delighted with the bank guarantee the first time around.

Deputy Caoimhghín Ó Caoláin: Not a chance.

Deputy Aodhán Ó Riordáin: Another U-turn from Sinn Féin.

(Interruptions).

An Ceann Comhairle: I call Deputy Higgins.

(Interruptions).

An Ceann Comhairle: I call Deputy Higgins.

Deputy Joe Higgins: The disastrous decisions on the banking system made by successive Governments and the majority in the Dáil have been the source of much of the crisis we are experiencing and the suffering of our people to bail out speculators and gamblers. At the very least we deserve a full and thorough opportunity to go through the experience of the past three years and not least for Labour Party backbenchers to explain their U-turn in this regard. They need to explain why instead of standing by the citizens and the working people, they are standing by the speculators.

Deputy Robert Dowds: Will Deputy Higgins please explain an alternative route?

Deputy Joe Higgins: We on this side of the House are opposed to guillotines, which the Tánaiste used to oppose when those Fianna Fáil Members in front of me made similar proposals when in Government. If the Tánaiste is consistent with his days in opposition, he will give more time to this debate.

Deputy Joe Costello: Many over there voted for it.

Deputy Joe Carey: Give us the figures, Deputy Higgins.

Deputy Jerry Buttimer: Was Deputy Higgins on Vincent Browne's television show last night?

Deputy Éamon Ó Cuív: I agree with my colleagues there should be more time to debate the serious issue of the extension of the bank guarantee. While Fianna Fáil agrees with the Government's position, it is totally at odds with the Labour Party's previous position.

Deputy Mattie McGrath: Like so much else.

Deputy Éamon Ó Cuív: The Tánaiste's Labour Party colleagues should be given the opportunity to explain how they have come around to believing this is the right policy.

It is also important—

Deputy Arthur Spring: Deputy Ó Cuív should stop digging a hole for himself.

Deputy Éamon Ó Cuív: —the Government explains what it is doing with burden-sharing or as its members used to call it “burning the bondholders”.

An Ceann Comhairle: That is a separate issue.

Deputy Éamon Ó Cuív: Will the Government explain why it is not burning the unsecured bondholders as promised so often when in opposition?

Deputy Mattie McGrath: They have no matches.

An Ceann Comhairle: That is a totally separate issue.

Deputy Billy Kelleher: The time for the debate should be extended and the Tánaiste's colleagues can explain their position now.

Deputy Timmy Dooley: Give them ten minutes each to give us a laugh.

The Tánaiste: I understood the timing for this debate had been agreed by the Whips.

Deputy Pearse Doherty: Sinn Féin did not agree to the time allocated for this debate. On a point of order, a Ceann Comhairle, that is an inaccurate statement from the Tánaiste. Sinn Féin opposed this allocation of time.

(Interruptions).

An Ceann Comhairle: Members talk about wasting time. This is a total waste of time shouting at each other.

Deputy Sandra McLellan: Yes, it is technically.

An Ceann Comhairle: Will Deputies allow the Tánaiste to respond?

The Tánaiste: I also remind the Deputies of both parties opposite that when the original blanket—

Deputy Mattie McGrath: What about us? We are here too.

An Ceann Comhairle: Will the Deputy get back in his box please?

Deputy Jerry Buttimer: He voted for it.

Deputy Bernard J. Durkan: His political hormones are at him.

The Tánaiste: Deputy McGrath voted for it as well.

Deputy Caoimhghín Ó Caoláin: Look at who is on the blanket now.

The Tánaiste: When both Fianna Fáil and Sinn Féin supported the blanket bank guarantee, the amount—

Deputy Billy Kelleher: Now the Labour Party is supporting it.

Deputy Pearse Doherty: On a point of order, the Tánaiste is deliberately misleading the House. The Minister for Finance put on the record of the Dáil that the guarantee came into effect on 17 October 2008 in reply to—

An Ceann Comhairle: Sit down.

Deputy Pearse Doherty: —Parliamentary Question No. 150 of 8 November 2011. He said that is when the CIFS came into effect.

An Ceann Comhairle: Would the Deputy mind resuming his seat?

Deputy Pearse Doherty: It is the Minister for Finance's own comment and the Tánaiste knows well that Sinn Féin and the Labour Party voted on 17 October 2008 against that scheme.

An Ceann Comhairle: Will the Deputy resume the seat?

Deputy Pearse Doherty: He is deliberately misleading the Dáil in trying to give cover to his own Members who will walk through the lobbies and vote for an extension of the blanket guarantee, which is a blank cheque for the banks, including the former Anglo Irish Bank.

An Ceann Comhairle: The Deputy should resume his seat.

Deputy Pearse Doherty: Those are the facts. The Tánaiste should deal with them.

Deputy Michael McCarthy: Sinn Féin got caught.

Deputy Caoimhghín Ó Caoláin: Look at the Deputies opposite. They are guilty.

An Ceann Comhairle: I remind Deputies, irrespective of who is in the Chair, that there is a long-standing tradition that when the Chair stands, the Member in possession resumes his or her seat. I ask Deputy Doherty to obey that rule, otherwise there will be chaos in Parliament.

Deputy Billy Kelleher: There is chaos in government.

An Ceann Comhairle: Deputies either respect the Chair or they do not. In future, if they do not, they will take a walk no matter who they are.

Deputy Mattie McGrath: To the park.

An Ceann Comhairle: I am serious about this. We better restore some respect to this Chamber.

The Tánaiste: Deputy Doherty is tortured by the memory of the enthusiastic welcome he gave for the blanket bank guarantee when it was introduced.

Deputy Caoimhghín Ó Caoláin: Not at all.

Deputy Dessie Ellis: Look at what the Tánaiste and the Minister for Education and Skills signed up for.

Deputy Peadar Tóibín: The lot of them are fact free Frankfurters.

The Tánaiste: He has been searching around the Dáil record ever since to see if he can wish away his own words, which are imprinted in black and white.

Deputy Caoimhghín Ó Caoláin: He was not in the Chamber.

Deputy Pearse Doherty: Is the Government going to wish away the blank cheques because the Labour Party does not do blank cheques?

The Tánaiste: He is coming in here with transcripts of the Dáil record underlined in green to do anything.

Deputy Mattie McGrath: Labour's way or Frankfurt's way.

The Tánaiste: I remind Deputy Doherty that what he voted for was a guarantee of €400 billion. As a result of the Government's management of this issue, it is now down to about a quarter of that—

Deputy Timmy Dooley: The Tánaiste should be careful because he will be doing the same later.

Deputy Peadar Tóibín: Listen to the facts.

The Tánaiste: —and I cannot see why he is opposing an extension of a guarantee for the ordinary saver and deposit holder in our banking system.

Deputy Pearse Doherty: This is beautiful policy using the same reason the Labour Party voted against the guarantee.

Deputy Caoimhghín Ó Caoláin: Look at the guilty faces.

Deputy Pearse Doherty: They are absolutely shameful. This is the most expensive U-turn in the history of the Dáil.

Question put: "That the proposal for the dealing with No. 12 be agreed to".

The Dáil divided: Tá, 85; Níl, 42.

Tá

Bannon, James.
Barry, Tom.
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.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzgerald, Frances.
Fitzpatrick, Peter.
Flanagan, Terence.
Gilmore, Eamon.

Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.
Howlin, Brendan.
Humphreys, Heather.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.
Kelly, Alan.
Kenny, Seán.
Kyne, Seán.
Lawlor, Anthony.
Lyons, John.
Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McEntee, Shane.
McFadden, Nicky.
McHugh, Joe.
McLoughlin, Tony.
Mitchell O'Connor, Mary.
Murphy, Dara.
Murphy, Eoghan.
Naughten, Denis.
Neville, Dan.
Nolan, Derek.
Noonan, Michael.
Nulty, Patrick.
Ó Ríordáin, Aodhán.
O'Donovan, Patrick.
O'Reilly, Joe.

Tá—*continued*

Perry, John.
Phelan, Ann.
Phelan, John Paul.
Quinn, Ruairí.
Reilly, James.
Ring, Michael.
Shatter, Alan.
Sherlock, Sean.

Spring, Arthur.
Stagg, Emmet.
Stanton, David.
Tuffy, Joanna.
Wall, Jack.
Walsh, Brian.
White, Alex.

Níl

Adams, Gerry.
Broughan, Thomas P.
Browne, John.
Calleary, Dara.
Collins, Joan.
Collins, Niall.
Colreavy, Michael.
Cowen, Barry.
Crowe, Seán.
Doherty, Pearse.
Dooley, Timmy.
Ellis, Dessie.
Ferris, Martin.
Fleming, Tom.
Grealish, Noel.
Halligan, John.
Healy, Seamus.
Higgins, Joe.
Kelleher, Billy.
Kirk, Seamus.
Kitt, Michael P.

Mac Lochlainn, Pádraig.
McConalogue, Charlie.
McDonald, Mary Lou.
McGrath, Finian.
McGrath, Mattie.
McGrath, Michael.
McLellan, Sandra.
Murphy, Catherine.
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. 5, Health Insurance (Miscellaneous Provisions) Bill 2011 — Second and Subsequent Stages, agreed?

Deputy Billy Kelleher: On the basis of the previous vote, Deputy Broughan appears to be with us on this side of the House. Well done to the Deputy.

Deputy Timmy Dooley: Well done, Deputy Broughan.

Deputy Billy Kelleher: Another man overboard.

An Ceann Comhairle: Deputies should show some respect for the Chair. Is the proposal for dealing with No. 5 agreed?

Deputy Aengus Ó Snodaigh: No. I am opposed to this Bill being guillotined. I have a slight difficulty in that the meetings of the Whips are quite informal in nature and minutes are not taken in respect of what is discussed, opposed or agreed. On a number of recent occasions, my opposition to the schedule presented at such meetings has been misrepresented in the House. Earlier, the Tánaiste misrepresented me again.

Deputy Finian McGrath: Outrageous.

Deputy Aengus Ó Snodaigh: At the meeting of the Whips I objected to the previous proposal and to the time allocated in respect of it. I also objected to the guillotine being imposed in respect of the Health Insurance (Miscellaneous Provisions) Bill 2011.

Deputy Billy Kelleher: We will be obliged to invite Boutros Boutros Ghali to attend future meetings of the Whips.

Deputy Aengus Ó Snodaigh: I do not want a situation to arise whereby meetings of the Whips would have to be held on a formal basis, thus obliging me to put my opposition to items on the schedule in writing. However, if people want to go down that road, I have no difficulty doing so. I presume the other Whips would have no such difficulty either. I do not like to be misrepresented and my party's opposition to some of matters relating to the Order of Business has been misrepresented in the House.

Deputy Catherine Murphy: I also wish to place on record that my opposition to what was agreed should also have been reported.

An Ceann Comhairle: Under Standing Order 26, it is the prerogative of the Government to announce the business to be taken on any particular day. The proposals relating to the taking of business—

Deputy Mattie McGrath: The Government cannot make it up as it goes along.

An Ceann Comhairle: —must be put individually. That is why I am obliged to put each proposal to the House.

Deputy Aengus Ó Snodaigh: I am not objecting to the business that has been listed. However, I am objecting to being informed that I did not voice my opposition to it at the meeting of the Whips in respect of the time allocations involved.

An Ceann Comhairle: I apologise to the Deputy. However, that is not really a matter for the Chair.

Deputy Billy Kelleher: The House is being misled.

Deputy Aengus Ó Snodaigh: I did not say it was a matter for the Chair. I was merely objecting, as is my prerogative, to the guillotine being imposed in respect of the Health Insurance (Miscellaneous Provisions) Bill 2011.

An Ceann Comhairle: Is the proposal agreed?

Deputy Aengus Ó Snodaigh: No.

The Tánaiste: I accept what Deputies Ó Snodaigh and Catherine Murphy have said. If they state that they objected to these proposals at the meeting of the Whips, then I fully accept that.

Deputy Timmy Dooley: The Minister of State and Chief Whip, Deputy Kehoe, is being hung out to dry. He will have to resign.

Deputy Billy Kelleher: The Chief Whip is responsible for the House being misled.

Deputy Timmy Dooley: Can the Chief Whip feel all the daggers in his back? Those around him smell blood.

Question, “That the proposal for dealing with No. 5, Second and Subsequent Stages of the Health Insurance (Miscellaneous Provisions) Bill 2001, be agreed to”, put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with the Thirty-First Amendment of the Constitution (Presidency) Bill 2011 tomorrow agreed to? Agreed. Is the proposal for sitting on Monday, 5 December, agreed to?

Deputy Éamon Ó Cuív: The fact that we are coming in here on Monday is totally unprecedented. There will be a speech from the Minister, the Opposition will get 30 minutes to debate the savage cuts that the Government will introduce—

(Interruptions).

Deputy Billy Kelleher: The savage cuts they all opposed last year.

Deputy Timmy Dooley: At least we gave them time to criticise it. They are stifling debate.

An Ceann Comhairle: We cannot get into detail. Would Deputy Ó Cuív make his point as to why the time arrangements are not acceptable?

Deputy Ruairí Quinn: Fianna Fáil going back to its roots.

Deputy Éamon Ó Cuív: —and then the Dáil will shut down. I cannot see why we cannot sit longer on Monday—

Deputy Alan Shatter: It opens again on Tuesday.

(Interruptions).

Deputy Éamon Ó Cuív: —and what the purpose—

Deputy Billy Kelleher: How many bankers has the Minister, Deputy Shatter, locked up this week?

(Interruptions).

An Ceann Comhairle: Please, Deputies. Deputy Kelleher, your deputy leader is speaking.

Deputy Éamon Ó Cuív: —of the Monday sitting is if it is not a full sitting of the House.

Deputy Mary Lou McDonald: I also object to these arrangements. Two hours is completely inadequate to debate in any serious way the statement that the Minister for Public Expenditure and Reform will make to the House on Monday.

Deputy Alan Shatter: Deputy McDonald will have the rest of the week.

Deputy Emmet Stagg: An extra day.

Deputy Mary Lou McDonald: It also begs the question as to whether, when the Minister for Finance, Deputy Noonan, gets to his feet on Tuesday, there will be a similar arrangement. It strikes me that this is a manoeuvre to shut down debate on the budgetary proposals. Far from being—

(Interruptions).

Deputy Brendan Howlin: We offered them 12.30 p.m. to 4.30 p.m.

Deputy Timmy Dooley: Stifling debate.

Deputy Mary Lou McDonald: The debate happens here, as the Minister, Deputy Howlin, well knows. It strikes me that far from being a Government committed to transparency and offering up the full facts, it is pulling a sly one to try to break up the budget and shut the debate down in this House. That is a disgraceful manoeuvre on the Government's part.

Deputy Joe Higgins: On Monday, the Minister for public expenditure cuts, Deputy Howlin, cast in his favourite role as the grim reaper of public expenditure—

Deputy Alan Shatter: Deputy Higgins should keep that stuff for Mr. Vincent Browne. Even he was not impressed last night. Even Mr. Browne did not believe Deputy Higgins last night.

A Deputy: Deputy Higgins is a grim weeper.

Deputy Joe Higgins: —public sector jobs, etc., will come into the Dáil and lay out, in effect—

A Deputy: Deputy Higgins's voodoo figures.

Deputy Joe Higgins: —a programme of savage cuts, including the loss of 25,000 jobs in the public sector, which, as the House will be aware, is already under serious pressure in many services such as health, a cut of €750 million in capital expenditure which can cost up to 10,000 jobs and so on.

The Minister will have half an hour to roll out his list, which is easily done. However, responding to the devastation that this will cause, laying out the consequences of these cuts and the alternatives, which we have and which we continue to put to the austerity policy, takes far more time.

Deputy Michael Noonan: Especially for windbags.

Deputy Joe Higgins: The 30 minute statements are utterly inadequate.

Deputy Alan Shatter: Deputy Higgins could not produce an alternative that made sense last night.

Deputy Joe Higgins: In addition, at least some Labour Party backbenchers are in an acute state of mental angst over these cuts.

Deputies: Talk to Joe.

(Interruptions).

An Ceann Comhairle: We are not getting into the relevance of things.

A Deputy: It is more electoral angst.

An Ceann Comhairle: Deputy Higgins is entitled to outline his reasons for not agreeing.

Deputy Joe Higgins: Rather than sending them off to the elf counselling services, also known as Deputy Stagg, the Chief Whip—

(Interruptions).

Deputy Joe Higgins: —it would be much better to let them express their reservations and objections—

A Deputy: With Mr. Joe Duffy.

Deputy Joe Higgins: —to the devastation caused by their Minister and the Government. Then they can tell us that they will vote against them as well and that would be a great deal off their chest. We need far more time on Monday to spell out the implications of what the Government is proposing and to put our alternative.

The Tánaiste: What we are doing next week is new.

A Deputy: It sure is.

The Tánaiste: It is.

Deputy Billy Kelleher: It is a stunt as well.

An Ceann Comhairle: Can we hear the reply?

The Tánaiste: We will have the Estimates announced in the House. All year, the Opposition has been complaining about announcements being made outside the House.

Deputy Mary Lou McDonald: The Government will hardly announce the budget outside the House.

The Tánaiste: This announcement will be made in the House and there will be an opportunity for each of the parties or groups in opposition to respond to the Minister's announcement. Each party, individually, will have the same length of time as the Minister has for making the announcement.

Deputy Barry Cowen: There are many more elected Members.

The Tánaiste: I remind Deputy Ó Cuív that what happened in the lifetime of the Government of which he was a member was that the Budget Statement was announced in the House and meanwhile individual Ministers went out and held press conferences about the various cuts in expenditure, etc.—

Deputy Bernard J. Durkan: Hear, hear.

Deputy Barry Cowen: While the backbenchers spoke here.

The Tánaiste: —and it all was done outside the House. This is being done—

(Interruptions).

The Tánaiste: —in the House.

Deputy Timmy Dooley: The Government is maxed out on press conferences.

The Tánaiste: Plenty of time is being given for responses from the Opposition parties and plenty of time next week—

Deputy Billy Kelleher: They have been flying kites for the past two months.

The Tánaiste: —as we have already agreed arrangements which clear questions and other matters. This will maximise the amount of time next week for debate on the budget in its totality.

Question put: “That the proposal for the sitting on Monday, 5 December, be agreed to.”

The Dáil divided: Tá, 82; Níl, 39.

Tá

Bannon, James.
Barry, Tom.
Broughan, Thomas P.
Burton, Joan.
Butler, Ray.
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.
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, Terence.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.

Howlin, Brendan.
Humphreys, Heather.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.
Kelly, Alan.
Kenny, Seán.
Kyne, Seán.
Lawlor, Anthony.
Lynch, Ciarán.
Lyons, John.
Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McEntee, Shane.
McFadden, Nicky.
McHugh, Joe.
McLoughlin, Tony.
Mitchell O'Connor, Mary.
Murphy, Dara.
Murphy, Eoghan.
Naughten, Denis.
Neville, Dan.
Nolan, Derek.
Noonan, Michael.
Nulty, Patrick.
Ó Ríordáin, Aodhán.
O'Donovan, Patrick.
O'Reilly, Joe.
Phelan, Ann.
Quinn, Ruairí.
Reilly, James.
Shatter, Alan.
Sherlock, Sean.
Spring, Arthur.
Stagg, Emmet.
Stanton, David.
Tuffy, Joanna.
Wall, Jack.
Walsh, Brian.
White, Alex.

Níl

Adams, Gerry.
Browne, John.
Calleary, Dara.
Collins, Joan.
Collins, Niall.
Colreavy, Michael.
Cowen, Barry.
Crowe, Seán.
Doherty, Pearse.
Dooley, Timmy.
Ellis, Dessie.
Ferris, Martin.

Fleming, Tom.
Grealish, Noel.
Halligan, John.
Healy, Seamus.
Higgins, Joe.
Kelleher, Billy.
Kirk, Seamus.
Kitt, Michael P.
Mac Lochlainn, Pádraig.
McConalogue, Charlie.
McDonald, Mary Lou.
McGrath, Finian.

McGrath, Mattie.
 McGrath, Michael.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Cuív, Éamon.

Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Sullivan, Maureen.
 Pringle, Thomas.

Níl—*continued*

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: We now move to the motion re sittings and business of the Dáil. I call on the Minister of State at the Department of the Taoiseach, Deputy Paul Kehoe, to move the motion.

Deputy Éamon Ó Cuív: On a point of order, a Cheann Comhairle—

An Ceann Comhairle: We are over time. I have called the next business.

Deputy Éamon Ó Cuív: Yesterday, on the record of the House—

An Ceann Comhairle: Sorry, we are in the middle of dealing with a motion. Will the Minister of State, Deputy Kehoe, move the motion re sittings and business of the Dáil?

Sittings and Business of the Dáil: Motion

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

That, notwithstanding anything in Standing Orders, unless the Dáil shall otherwise order, the following arrangements shall apply in relation to the sittings of the Dáil on 6, 7 and 8 December, 2011:

(i) oral questions shall not be taken on Tuesday and Wednesday;

(ii) matters may not be raised under the provisions of Standing Order 32 on Tuesday and Wednesday;

(iii) topical issues may not be raised under the provisions of Standing Order 27A on Tuesday and Wednesday;

(iv) Private Members' business shall not be taken on Tuesday and Wednesday but shall be taken on Thursday;

(v) Leaders' Questions shall be taken at 2 p.m. on Tuesday; and

(vi) the Order of Business shall be taken at the conclusion of Leaders' Questions on Tuesday.

An Ceann Comhairle: Is the motion agreed?

Deputy Timmy Dooley: Which motion is this?

An Ceann Comhairle: It is the motion re the sittings. Is that agreed? Agreed. We move on to the next motion.

Deputy Éamon Ó Cuív: A Cheann Comhairle—

An Ceann Comhairle: What is your problem?

Deputy Éamon Ó Cuív: My problem is that yesterday, on the record of the House, the Taoiseach said the following: “The Bill is required by the troika—”

An Ceann Comhairle: Sorry, you are out of order. Please, Deputy, resume your seat.

Deputy Éamon Ó Cuív: Sorry, but—

An Ceann Comhairle: Deputy, will you please resume your seat? You are totally out of order. It is now 11.45 a.m.

Deputy Timmy Dooley: That is not his fault.

An Ceann Comhairle: I am in the middle of putting business.

Deputy Éamon Ó Cuív: When you are finished. You can call me next. Thank you.

An Ceann Comhairle: Sit down. Thank you.

An Leas-Cheann Comhairle: I now call on the Minister for Finance, Deputy Michael Noonan.

A Deputy: Our man is installed.

Deputy Timmy Dooley: Your man is gone. He has no cover now.

Deputy Paul Kehoe: Withdraw that. You might have to withdraw that, I can tell you.

Deputy Timmy Dooley: It was an off the record comment. I will make you withdraw every one that you make from now on, if you want.

Deputy Éamon Ó Cuív: A Leas-Cheann Comhairle—

An Leas-Cheann Comhairle: Sorry, Deputy, we have finished the Order of Business.

Deputy Éamon Ó Cuív: A Leas-Cheann Comhairle, yesterday, on the Order of Business, the Taoiseach said that the Water Services (Amendment) Bill was required by the troika memorandum.

Deputy Paul Kehoe: That is out of order.

Deputy Éamon Ó Cuív: He went on further to say that it had to be “implemented before the end of the year”.

Deputy Paul Kehoe: He is totally out of order.

An Leas-Cheann Comhairle: I am sorry. The Deputy will have to resume his seat. We have finished the Order of Business.

Deputy Éamon Ó Cuív: The Taoiseach was wrong, factually. I ask him to come to the House and correct the record of the Dáil, which is incorrect. Furthermore—

An Leas-Cheann Comhairle: Deputy Ó Cuív, you have just heard the Ceann Comhairle say that when the Chair is on his feet, the Deputy will resume his seat.

Deputy Éamon Ó Cuív: I am giving the Tánaiste, Deputy Gilmore, an opportunity to make an honest man of the Taoiseach, as the Taoiseach wanted to make of him last week.

An Leas-Cheann Comhairle: Deputy Ó Cuív, you were told that the Deputies should resume their seats when the Chair is standing. I call on the Minister for Finance, Deputy Michael Noonan, to move the next motion.

Question put and agreed to.

Supplementary Estimates for Public Services 2011: Leave to Introduce

Minister for Finance (Deputy Michael Noonan): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2011:—

Vote 19 — Justice and Equality (*Supplementary Estimate*).

Vote 20 — Garda Síochána (*Supplementary Estimate*).

Vote 22 — Courts Service (*Supplementary Estimate*).

Question put and agreed to.

Estimates for Public Services 2011: Referral to Select Committee

Minister for Finance (Deputy Michael Noonan): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31 December 2011, the Supplementary Estimates be referred to the Select Committee on Justice, Defence and Equality, pursuant to Standing Orders 82A(3)(c) and 159(3) and paragraph (8) of the Orders of Reference of Select Committees, which shall report back to the Dáil by no later than 8 December:—

Vote 19 — Justice and Equality (*Supplementary Estimate*).

Vote 20 — Garda Síochána (*Supplementary Estimate*).

Vote 22 — Courts Service (*Supplementary Estimate*).

Question put and agreed to.

Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2011: Motion

Minister for Finance (Deputy Michael Noonan): I move:

That Dáil Éireann approves the terms of the draft scheme entitled Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2011, a copy of which draft scheme was laid before Dáil Éireann on 28 November 2011.

This year has been a significant one for the Irish banking sector. The financial measures programme, FMP, announced on 31 March last by the Central Bank was a rigorous analysis of the capital and liquidity requirements of the domestic banks and formed the backdrop against

[Deputy Michael Noonan.]

which the Government announced proposals to comprehensively restructure and reform the banking sector. These proposals represented a benchmark in the process of reorganising and strengthening credit institutions in Ireland and were a necessary follow-up to the decision to accept assistance from the external partners in November 2010, and to carry out the consequential adjustment programme.

Given the main role played by the weakness in our financial system in bringing about the need for external intervention, it was vital to quickly address this issue. This has and is being done through a number of actions, in particular, by requiring an increase in bank capital sufficient to ensure adequate capitalisation based on conservative and rigorous assumptions about future requirements; by initiating a sizeable de-leveraging of the banks concerned through the amortisation and sale of non-core assets, with the intention of achieving a more prudent loan-to-deposit ratio; by creating a domestic banking system centred around two universal, pillar banks, AIB and Bank of Ireland; and by focusing on a drive to meet bank funding requirements, both in terms of deposits and issuance of debt securities. It is in this latter context that the extension of the eligible liabilities guarantee, or ELG, scheme remains of crucial importance, and so I would like to turn to the motion before the House to approve the draft statutory instrument entitled the Credit Institutions (Eligible Liabilities Guarantee) (Amendment) Scheme 2011.

As the House is aware, the ELG scheme, which was introduced in December 2009, provides a Government guarantee in respect of certain liabilities of a number of credit institutions in Ireland. Given its nature, the scheme is time limited so that any prolongation requires that the scheme be amended periodically, and this must be done by bringing a motion before the Houses of the Oireachtas in accordance with section 6 of the Credit Institutions (Financial Support), or CIFS, Act 2008, as amended. As matters stand, the ELG scheme would expire at the end of December of this year in the absence of a prolongation.

The statutory instrument contains two necessary amendments. Item 1 amends paragraph 3.1(b) of the Schedule to the scheme, which sets out the period within which institutions may apply to join it. This amendment seeks to extend the application period by replacing 31 December 2011, with 31 December 2012, to reflect the one-year time extension to the scheme in law. Item 2 amends paragraph 2.1 (c)(ii) of the Schedule to the scheme which sets out the temporary criteria which a liability must meet to be considered eligible. This amendment seeks to replace the current end date of 31 December 2011, by which eligible liabilities must be incurred if they are to be guaranteed, with a new date in national law of 31 December 2012. Both amendments are subject to the continuing approval of the European Commission.

This conditionality arises because all banking guarantee schemes are subject to EU state aid rules and these rules provide in practice that schemes be approved for a maximum period of six months in advance. Therefore the ELG scheme will remain subject to six-monthly Commission approval, notwithstanding the proposed one year extension in national law. This necessary approval has already been sought from the Commission and is expected to be formally given within a matter of days. Once given, this will mean explicit EU approval for the scheme until 30 June 2012, that is, for the next six months, in line with existing practice. Further state aid approval could then be sought before this date in order to cover the final six months of the scheme's extension to the end of December 2012 if this is required.

It is also necessary to seek the views of the European Central Bank in these matters and the ECB has already given a favourable opinion on the proposed prolongation of the scheme, stating that: "Taking into account financial stability considerations, a further extension of the ELG scheme would be beneficial". The views of the relevant Irish authorities, the Central Bank and the National Treasury Management Agency, NTMA, which are fundamental in any

assessment of the future of the scheme, are also supportive of its extension. I shall return to this matter later.

I shall now give some detail on the scheme and on the *raison d'être* for its proposed continuation. The scheme, as I already mentioned, commenced in December 2009. It was effectively a successor to the credit institutions financial support, CIFS, scheme, although both schemes co-existed for a period until the expiry of that scheme on 29 September 2010. The ELG scheme is more focused than its predecessor and covers both a narrower range and smaller amount of liabilities. The scheme covers eligible liabilities as defined in paragraph 11 of the Schedule to the scheme. These liabilities can be summarised as consisting of certain deposits and various unsecured debt securities. As retail deposits of up to €100,000 are already covered under another scheme, the deposit guarantee scheme, the ELG scheme only covers sums above this figure in such cases.

The credit institutions which are part of the ELG scheme are described as the “participating institutions”. They are, principally, AIB, Bank of Ireland, Irish Life & Permanent and the IBRC or Irish Bank Resolution Corporation, formerly Anglo Irish Bank and the Irish Nationwide Building Society, and their subsidiaries, including the EBS. The full list is published on the NTMA website. Participating institutions may take deposits and issue debt, with a maximum maturity date of five years, during the so-called issuance period which runs from the date the institutions joined the scheme to the end date of the scheme, currently 31 December 2011.

At present, some €100 billion in eligible liabilities are covered under the ELG scheme, compared with liabilities of €375 billion at the beginning of the CIFS scheme. Later, in mid-2010, a combined figure of €256 billion was guaranteed by both schemes when they overlapped and just before the CIFS scheme expired. After this expiry, at the end of the third quarter of 2010, the amount guaranteed under the ELG scheme alone was €147 billion.

The decrease in these eligible liabilities figures from €256 billion to €147 billion and, later, to the €100 billion figure mentioned, reflects a number of factors. These were, principally, the non-renewal of some senior unsecured debt and deposits which matured under the CIFS scheme; second, a “fall-out” of those liabilities — asset covered securities and dated subordinated debt — which were not eligible to be covered under the ELG scheme; and, third, there were the turbulent market conditions and negative sentiment that prevailed about the financial system in Ireland in 2010, which resulted in large outflows of corporate deposits from the institutions in the latter half of that year. However, this year the rate of deposit outflows from the institutions has slowed significantly and the level of deposits since mid-year has been steady. Nevertheless, the market remains fragile and it is imperative that no action be taken that would cause any negative movement in deposits which remain so important as a funding source for Irish credit institutions in the absence of conditions that would allow normal debt issuance by the participating institutions.

It is against this background that the Central Bank has advised of the necessity to continue and extend the ELG scheme until 30 June next, in line with the EU six monthly approval period, while also agreeing with the extension of the scheme in national law until 31 December 2012. The operator of the scheme, the NTMA, has also confirmed that an extension is advisable. The consensus of the authorities is that in a market where there is little opportunity for Irish banks to issue debt or paper and where depositors, especially the public, still need to be reassured that both bank funding and their deposits remain secure, the need for the continuation of the scheme is beyond question. Moreover, the extension of the scheme complements the financial measures programme announced in March as it was assumed by the Central Bank,

[Deputy Michael Noonan.]

in the context of the prudential capital assessment review, that the ELG would remain in place during 2012 and 2013, subject to EU approval.

Of course, since the Minister for Finance, and thus the State, is guarantor for all eligible liabilities under the ELG scheme, there must be a *quid pro quo* for the provision of the guarantee and therefore the participating institutions must pay a significant fee to the Exchequer. The fee structure is set down under recommendations which apply to all EU banking guarantee schemes and which are based on first, recommendations dated 20 October 2008 of the governing council of the European Central Bank on government guarantees for bank debt and, second, on subsequent recommendations from the EU Commission set out in a DG Competition staff working paper, dated 30 April 2010, which apply state aid rules to government guarantee schemes concerning bank debt issued after 30 June 2010.

The outcome of the Commission recommendations was a staggered increase in fees payable in respect of new issuances in the second half of 2010, in accordance with the maturity of the debt concerned and the credit rating of the institutions involved. In a nutshell, the fee structure is aimed at encouraging banks to move away from dependency on short-term funding, in particular that less than three months in duration. Consequently, for debt or deposits issued today which fall into this category, the guarantee fee is 160 basis points, excluding retail deposits which attract a fee of 90 basis points. All debt and deposits with a maturity of between three months and one year attract a fee of 90 basis points also. For longer-maturity debt, the fee is between 126.5 and 134.5 basis points.

The consequences of the revised pricing structure are that the level of fees earned by the Exchequer has increased. As a result, participating institutions are now paying an average of some 100 basis points compared to the 50 basis points for short-term debt that was charged at the beginning of the scheme. In monetary terms, about €1.8 billion in fees have been paid to date under the ELG scheme of which more than half, or €947 million, has been incurred in the first three quarters of 2011, compared with €855 million for all of 2010. A new Commission fee structure is expected to be in operation in 2012 which will leave fees unchanged for debt of less than one year's maturity while resulting in some small decrease initially for debt of longer maturity. The fee structure may be revisited in the future if member states were to reach agreement on so-called pooling arrangements for EU-wide guarantees of bank liabilities.

Earlier I mentioned the two specific amendments to the scheme before the House that are necessary to extend the scheme in law. For the further information of the House, however, I should mention in passing that there are also two amending orders of a consequential technical nature which will have to be made if the statutory instrument amending the scheme is passed by this House. These are called financial support orders and will be made in exercise of the powers that are conferred on the Minister for Finance under section 6(3)(b) of the Credit Institutions (Financial Support) Act 2008 or CIFS Act. These orders do not have to be brought before the House as they are not part of the proposed amendment to the scheme but are supplementary to it.

The first order specifies the issuance period during which financial support, that is, the Government guarantee, may continue to be given, in accordance with section 6(3)(b) of the Credit Institutions (Financial Support), CIFS, Act, in respect of eligible liabilities incurred under the eligible liabilities guarantee, ELG, scheme. Effectively, this allows the current end-date of the scheme of 31 December 2011 to be extended to 30 June 2012 for the purposes of allowing the guarantee to continue to apply to eligible liabilities incurred. The new issuance period will therefore run from 1 January 2012 to 30 June 2012, that is, the period approved by the Commission under state aid rules. It replaces the existing issuance period which runs from 1 July to 31 December 2011.

12 o'clock

The second order sets down the end-date for financial support in accordance with section 6(3)(b) of the CIFS Act 2008, which allows the Minister for Finance to specify the date beyond which such support cannot be given. This date will now be extended to 30 June 2017 instead of the current date of 31 December 2016. This is to deal with those liabilities under the ELG scheme which may have a maturity of up to five years and which would therefore have to be guaranteed even if the scheme itself were to expire on 30 June 2012. In this way, for example, a depositor who has made a fixed-term five year deposit with an institution on, say, 31 May 2012 would enjoy a guarantee of the sum involved up until 31 May 2017.

Notwithstanding the overarching need to extend the ELG scheme for an additional period, I should mention here a positive development in this area, namely, the recent indications that there may be some demand in the near future for non-guaranteed deposits from the participating institutions. This was shown by the request, made in accordance with paragraph 13 of the Schedule to the ELG scheme, from these institutions to be allowed to offer unguaranteed deposits to certain corporate and institutional customers. I responded positively to this request by publishing the necessary technical notice on 16 November last, a notice which allowed such offers to be made subject to certain conditions, which made clear that unguaranteed deposits had to be clearly labelled as such and that they were not open to normal retail depositors as defined in the rules of the scheme. It was also made explicit in the notice that guaranteed deposits were unaffected by the new development.

The fact that a request to be permitted to offer unguaranteed deposits has been made by the participating institutions is a positive sign that may yet be seen as one of the first steps in removing the necessity for the maintenance of the guarantee but I will not exaggerate the position. It is likely that internationally, especially in the European Union, market conditions will have to improve substantially before the issue of Irish bank unguaranteed paper can become significant. Nevertheless, a recommencement of the substantial downward trend in Irish Government bond yields on the secondary market evident since July until quite recently could help move sentiment in the direction of unguaranteed bank paper also.

In summing up, it would in truth be preferable if there were no need to bring this statutory instrument before the House today since such a situation would infer that a guarantee for bank liabilities was no longer required. That this is not the case is a fact of financial life, however, and we must accept it for the present. Nevertheless, the need for a bank guarantee is kept under review and the requirement to obtain formal EU state aid approval every six months is a continuing obligation that ensures that the ELG scheme will be extended only as necessary and only after the reviews of all the relevant authorities are taken into account. In the meantime, present market conditions and the need to safeguard the stability of bank liabilities in a turbulent market on the one hand while, at the same time, giving comfort to providers of such funding on the other hand mean that the ELG scheme must be extended. The position will be reviewed in advance of the 30 June 2012 date in accordance with the existing state aid approval schedule. I commend the scheme to the House.

Deputy Michael McGrath: I wish to share time with Deputy Kelleher. I will take ten minutes and Deputy Kelleher will take the balance.

This debate is taking place against an extraordinary back-drop of uncertainty and fear. My party will be supporting the motion before the House. I do not believe we have any choice as a country. The consequences of ending the eligible liabilities guarantee scheme at this time would be extremely serious. It would inevitably result in a deposit flight from Ireland and our banks would suffer devastating consequences as a result. At this time investors, the markets and the international community are very sensitive to any policy shift, however minor it might appear to be, but ending the ELG at this time would be a fundamental shift of policy and

[Deputy Michael McGrath.]

would certainly result in changed behaviour in terms of where deposits are being based. In that context and against that back-drop it is important that the motion before us is supported.

I will not spend time discussing the politics of this; it got a good airing on the Order of Business and I am sure it will again later in the debate. It is fine when in opposition to discard the advice of the National Treasury Management Agency and the Governor of the Central Bank, as the then Opposition parties did in December 2009 when the ELG scheme was first introduced by the then Minister for Finance, the late Brian Lenihan. In September 2010, when the ELG scheme was being extended for a further year to the end of 2011 and the amount being guaranteed under the ELG scheme had been substantially reduced from the CIFS scheme down to €147 billion, it was again opposed by Fine Gael and Labour. They are now proposing an extension of the same guarantee substantially on the same grounds set out by the then Minister in late 2010 for it to be extended.

We must acknowledge that people are very fearful about the security of their deposits. When they watch the news every night and hear political leaders in the European Union talking about having days or weeks to save the euro it sends shivers down the spine in terms of the safety of their money. Along with many other Deputies, I am sure, I am taking telephone calls from very concerned constituents who are worried as to what they should do with their money. We all want to advise them that the euro is safe, that the Irish banks are safe, that there is a guarantee in place, and that there is no risk whatsoever but that advice is undermined by what they are hearing every night on the news. It is essential that finality to the greatest extent possible is brought to this crisis at next week's European Council summit.

In that regard I welcome the co-ordinated intervention yesterday by the main central banks across the globe — the European Central Bank, the Bank of England, the Bank of Japan, the Swiss National Bank, the Bank of Canada and the United States Federal Reserve — in making unlimited US dollars available to European banks. That in itself should be a precursor to a far more aggressive government bond buying programme by the ECB. It has been speculated that the ECB would target a limit on government bond yields or on the spread between the interest rate on German and other government bonds. That would be a significant boost to confidence in the wider market.

The fact that the central banks have moved ahead of the politicians is in itself instructive. As well as providing help for banks, the co-ordinated action sends a signal that the central banks will not wait on political instruction before they act. That is implicitly acknowledged in the statement by the Bank of Japan, for example, which stated:

There is ... a possibility that Japan will be adversely affected, should conditions in global financial markets deteriorate further. The Bank of Japan will continue to maintain financial market stability in close co-operation with other central banks.

Given the endless rounds of crisis meetings and summits we have had at European level in recent months it is reassuring to know that we are not depending exclusively on the outcome of any negotiations at Franco-German level to design a solution to this crisis. Next week's summit will be of critical importance and I hope next week will mark another milestone in terms of the interest rate being charged by the ECB, which could provide some easing of the burden for tracker mortgage holders and, hopefully, variable mortgage holders, if the governing Council decides to reduce the main interest rate further at next week's governing Council meeting.

The extension of the ELG scheme is the correct decision for the Minister to make. The banks are still rebuilding their deposit base and that process would be quickly put in to reverse

if the guarantee were suddenly withdrawn. The risk of deposit flight is certainly real and substantial.

To put this in context, I have been looking at some numbers going back over the last few years. Total deposits at the six covered institutions came to €425 billion at the end of 2008. By the end of March this year, when the financial measures report was published, that figure had fallen to €311 billion. The most significant move in the banks' deposit base was in their non-domestic deposits, which collapsed from €196 billion to €76 billion; a fall of €120 billion. Domestic deposits had actually increased over the period from €229 billion to €235 billion. This showed that in terms of stabilising domestic deposits, the guarantee had broadly worked, but the banks' ability to attract funds from outside the domestic economy evaporated over that period of time.

The banks have made up this loss of deposits via an increase in reliance on central bank liquidity, both from the Central Bank of Ireland and the ECB. At the end of March, the banks had borrowed €180 billion from this channel. This is ultimately not a sustainable situation. The ECB simply will not term fund the Irish banking sector, and the need for the Irish banks to attract further deposits, while carefully reducing their loan books, is the biggest challenge facing them. At the same time, we are demanding of them that they meet the credit needs of the economy. They have a very difficult challenge to meet in that respect.

The timetable on the deleveraging of the banks' balance sheets, set out in the memorandum of understanding with the ECB and the IMF, needs to be revisited and renegotiated. Forcing them to carry out deleveraging in the manner agreed will be unhelpful and is inconsistent with the requirement that we all want them to fulfil, in terms of meeting the domestic needs of the economy. In respect of the sale of the non-core assets and the rebuilding of the banks' loan to deposit ratios, the Minister should consult with the Central Bank, examine the terms of the MOU and seek to renegotiate a lengthening of the time for the banks to meet those criteria.

The banks are making some progress in this regard, which is welcome. Bank of Ireland reported an increase of 3% in deposits in the three months to the end of October. The covered banks have reduced their dependence on Central Bank funding to a total of €148.6 billion.

The State has become quite dependent on the level of fees being paid by the banks on foot of the ELG. The Minister acknowledged the figures in his own contribution. The State has received €1.8 billion under the ELG since it was introduced in December 2009. It received €969 million to end of October in the Exchequer returns. That is more than three times the receipts that the State received over that time from CAT or CGT. It is effectively becoming a new form of stamp duty. When the ELG eventually ends, there will be a hole in the public finances. If the ELG had ended this year and the fees were not paid, it would have been to the tune of €1 billion. As the banks are weaned off the guarantee, this money will be available to the banks to offer more attractive deposit rates or to improve their profitability. The corollary of this is that in time, the income will be lost to the State and the Minister will need to plug the gap in the State finances. I am sure he is well aware of that.

Deputy Billy Kelleher: I welcome the opportunity to debate this issue in the House. The extension of the guarantee scheme for another year was originally announced as a press release in the dark hours of the morning from the Department of Finance. Deputy McGrath has outlined the technical reasons behind it and the importance of this scheme in rebuilding confidence in the banking system. The way it has been announced is an indication that there is much disquiet in Government circles, as it has had to do a *volte-face* of major proportions.

This debate has been ongoing since September 2008 and it has been a big political football. I accept that there is cut and thrust in politics, but given that this Government has decided to

[Deputy Billy Kelleher.]

extend the guarantee, in view of all that was said by the Government parties when they were in opposition, it shows that the right decision was made from the start. We had to make sure that we had a functioning banking system and that we were able to build confidence in that system in Ireland, admittedly in a different scenario, following the winding down of Anglo Irish Bank, its amalgamation of deposits with AIB and the restructuring announced in March by the Minister. The announcement by the Minister was indicated by the previous Minister for Finance, who said just before the election that due to the major decisions which had to be made on restructuring the banks, it would be more appropriate for the new Government to make them, rather than the outgoing Government which was vacating office.

This has been a very expensive exercise for taxpayers, but equally it had to be done and it is critically important that we have honest debate in this Chamber on how we deal with the banking system. As Deputy McGrath outlined, it is becoming a source of revenue for the Government to be used in current expenditure this year and next year. While the then Opposition opposed the decision tooth and nail, it has been very quick to spend the money that the scheme has generated now that it is in Government. I am in this House for nearly 20 years and this is one of the most breathtaking U-turns I have ever seen. The then Opposition vilified anybody who supported the guarantee in those very difficult times in 2008, when this country was on its knees and a tough decision had to be made.

Does the Minister actually have confidence in the Governor of the Central Bank? When in Opposition, the Government parties said it was one of the worst decisions ever made, yet Professor Honohan's report quite clearly states that a broad guarantee had to be delivered on that night to ensure the survival of the banking system in Ireland and to ensure that we did not have a meltdown of the Irish economy in 2008. The Labour Party in opposition campaigned vehemently against that proposal and against the idea that we saddle the taxpayers with huge burdens. We did this, but we did it for the right reasons, when we made a very difficult decision to secure and guarantee debt of bondholders and depositors at the same time.

We then heard all about burning bondholders. It was to be Frankfurt's way or Labour's way. Quite clearly, nothing has happened in that respect. I raise these issues because it shows the absolute hypocrisy in the space of ten months. When he was in opposition, Deputy Shatter was constantly accusing the previous Government of not jailing bankers. We assumed that when he became Minister for Justice and Equality, there would be funeral pyres outside Dublin Castle, with bankers and bondholders being burned daily. Nothing has happened. It is very easy to stand on this side of the House and cast aspersions on the integrity of individuals on the other side of the House when they are making very difficult decisions. I am obliged to highlight the absolute hypocrisy of senior Ministers, when we remember what they said from this side of the House and when they were running around the country last February. I do not like saying this, but it must be said, because it was very dishonest campaigning to say the least.

Deputy Pearse Doherty: I would like to read some comments into the record:

The amendment before us this morning is the recommencement of the bank guarantee of billions in the name of Irish taxpayers...It provides for the roll-over of the bank guarantee...The Minister is asking the taxpayer to provide yet another line of defence for the banking system...[Next week when the Government will announce €3.8 billion of] cuts in welfare and elsewhere, it will be to meet the higher interest charges Ireland has to pay on an increased national debt because of the incompetent way the bank guarantee was cooked up and then handled...The critical issue to be addressed is whether the banks have changed sufficiently to warrant the taxpayers dipping into their collective pocket once again.

These are not my words; they are the words of Deputies Joan Burton and Richard Bruton taken from their speeches to the House on 3 December 2009. The Dáil was debating the Credit Institutions (Eligible Liabilities Guarantee) Scheme that day. This is the same scheme that Fine Gael and the Labour Party are seeking to extend today. Both parties, then in opposition, argued strongly about the new banking guarantee and both voted against the scheme.

Nine months later on 29 September 2010, when Fianna Fáil sought to extend the eligible liabilities guarantee, ELG, scheme for a further six months, the Fine Gael and Labour Party opposition to the scheme remained steadfast. Deputy Joan Burton described the extension as a vote of confidence in the Government's banking strategy, firmly stating that the Labour Party does not do blank cheques. Deputy Michael Noonan, while supporting the principle of the extension, voted against it on the grounds that it would continue to provide cover for Anglo Irish Bank.

How the times have changed. Fine Gael and the Labour Party voted against the ELG scheme in 2009 and against its extension in 2010. Nevertheless, today we are being asked by Fine Gael and the Labour Party to extend the bank guarantee not for a further six months but for 12 months. We are being asked to saddle the State and its taxpayers with an unknown liability on top of the existing guarantee of €100 billion. We are being asked to write a blank cheque for the banks, including Anglo Irish Bank. Given the volatility in the eurozone it is likely that the scale of this liability will increase in the coming 12 months. Given the risk to the State and the taxpayer of the bank guarantee this represents the greatest and most expensive political U-turn in the history of the Dáil.

The Minister will be aware that the move today does not mark the beginning of the U-turn. That sad event took place behind closed doors in Government Buildings in June of this year when the Cabinet, including the Minister, Deputy Noonan, Deputy Joan Burton, Deputy Richard Bruton and others agreed to extend the bank guarantee until the end of 2011. However, today, unlike in June, every member of the Government and its backbenchers must vote on whether they wish to breath a further 12 months of life into what is universally regarded as the most costly and the most damaging decision ever taken by an Irish Government.

The scale of that U-turn is breathtaking given the depth of opposition to the bank guarantee, especially from the Labour Party. If there were one decision that represents the Labour Party's capitulation to the failed policies of Fianna Fáil it would be this one. So much for not writing blank cheques for failed banks. Naturally, those in the Labour Party, stung by the exposure of this complete U-turn, will attempt to deflect attention from its bad decisions. They will allege that they alone stood against the blanket guarantee in 2008 and that they alone had the courage to stand up to Fianna Fáil at the time. Naturally, this is not true but they have repeated it so many times that it is possible they now genuinely believe it to be true. The Dáil record shows and tells a different story.

Let me set the record straight. At the end of September 2008 there was widespread fear that a run on Irish banks was imminent, that our banking system was at risk of collapse and that many small depositors would be burnt. Many credible economists and commentators argued for a time-limited guarantee of deposits and liabilities of banks of systemic importance to serve as an emergency measure. Fianna Fáil, acting under pressure from the ECB which advocated not letting any bank fail, introduced the Credit Institutions (Financial Support) Bill on 30 September 2008. The Bill empowered the Minister to produce a financial support scheme to provide a guarantee for Irish banks which would be presented for approval by the Houses of the Oireachtas.

Sinn Féin gave conditional support to the Bill. We criticised its lack of detail and called for specific protections to be provided for the taxpayer. We argued for tougher regulation of the

[Deputy Pearse Doherty.]

banks. We stated that any bank in receipt of State support should assist struggling mortgage holders in distress. We called for a specific levy to be applied to covered institutions. We made it clear that we would only support the scheme if our substantive concerns were met in the secondary legislation. Many of these concerns were echoed in the contributions to the debate made by the Labour Party, including that of the then finance spokesperson, Deputy Joan Burton.

Two weeks later the Government brought forward the Credit Institutions (Financial Support) Scheme to the Dáil. It met none of the tests set down by Sinn Féin during the debate on the enabling legislation. Rather it provided for a guarantee so expansive and comprehensive that anyone with an ounce of sense could see that the level of risk to the State and the taxpayer was unacceptable. Sinn Féin voted against the scheme on that basis. This is not an academic point. As the Minister is aware, the blanket guarantee only came into legal effect after the passing of the scheme by the Oireachtas on 17 October 2008.

The Dáil record clearly shows that Sinn Féin and the Labour Party were the only parties to vote against the scheme. The first banks to join the scheme did so on 24 October. The Minister of Finance confirmed as much in a reply to a parliamentary question from me on 8 November this year. This is on the Dáil record. Sinn Féin opposed the blanket guarantee then and we have done so consistently since. To suggest that Sinn Féin supported the blanket banking guarantee introduced by Fianna Fáil is a lie casually thrown about to distract attention from the facts and not supported by the Dáil record.

Perhaps some of the Labour Party Deputies and backbenchers will not accept my word for it but I suggest they would accept the word of the Minister, Deputy Noonan, in a reply to a parliamentary question on 8 November 2011 in which he stated that “The formal statutory legal basis for the guarantee was provided by the Credit Institutions (Financial Support) Act 2008 and the Credit Institutions (Financial Support) Scheme 2008”, known as the CIFS, which were formally approved by both Houses of the Oireachtas on 17 October 2008. The Dáil record shows that Sinn Féin voted against the scheme but, more important, the decision on 17 October 2008 by Fianna Fáil, the Green Party and Fine Gael to saddle the State and the taxpayer with a liability running into hundreds of billions of euro had consequences more profound and long lasting than any politician or economist could have predicted at the time.

Throughout 2009, Sinn Féin and the Labour Party continued to oppose the bank guarantee. When the Government brought the Credit Institutions (Eligible Liabilities Guarantee) Scheme before the Dáil in December 2009 both parties rightly saw it as a mechanism to further extend the disastrous decisions of 2008. Deputy Joan Burton was right to suggest that supporting the ELG scheme was akin to voting confidence in Fianna Fáil’s failed banking strategy. She was right to describe the ELG scheme extension as a blank cheque that would be used by the Government to increase the risk to the State and the taxpayer. Deputy Richard Bruton was right to withhold support from the ELG scheme on the grounds that the banks were not doing enough to help foster lending in the economy and to change their greed-driven culture. When Fianna Fáil came back again in June 2010 seeking to extend the ELG scheme for a further six months, Deputy Joan Burton rightly criticised the Government for having no exit-strategy from the banking guarantee while Deputy Bruton rightly questioned the inclusion of Anglo Irish Bank into any support scheme. With such a strong and vocal record of opposition to the ELG scheme by Fine Gael and the Labour Party one might believe that upon taking office they would have set about developing an exit strategy from this toxic debt.

However, at a Cabinet meeting in June this year Fine Gael and the Labour Party abandoned two years of principle and adopted wholesale the failed banking policy of their predecessors. Worse, today they seek a 12-month extension of this failed guarantee. The Minister’s arguments

and those of Fine Gael and the Labour Party are no different to those presented by the late Brian Lenihan in 2008 and by Deputy Éamon Ó Cuív on his behalf in 2009. There are no new justifications for saddling the State and the taxpayer with the additional risks that will arise from today's decision. This represents another blank cheque written by a Government in hock to the Irish banking system and the European Central Bank and has little or no regard for the consequences for ordinary working people. Clearly, the Labour Party writes blank cheques when Fine Gael asks it to do so. It seems an apt, if depressing, description of everything that is wrong with this coalition and the Labour Party's participation in it. Sinn Féin will oppose the proposed extension to the bank guarantee scheme today, as we have consistently done since October 2008. We will do so because it is the right and honest thing to do.

I want to make it clear to every Government backbencher that today it has asked us to write another blank cheque for the banks, including Anglo Irish Bank. It is asking us to give Government guarantees to unsecured private banking debt, a sum we will not know. We are asked to do this at a time of uncertainty and volatility in the banking system which will increase the level of risk to the taxpayer. Unlike others in this House, Sinn Féin will remain true to its principles and word and vote against this irresponsible request. We will push the issue to a vote and make others vote likewise.

Deputy Mick Wallace: I wish to share time.

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

Deputy Mick Wallace: I accept that the Government in 2008 was probably bounced into the bank guarantee, given the manner in which it was established. History will come down on the side of the view that the banks were pretty economical with the truth. The notion that they had a liquidity crisis no longer stacks up.

Over the following three years, we have slowly learned more and more. Things were far worse than they pretended. The banks all over Europe had one great comfort of the time, namely, lenders of last resort. Countries would back them to the hilt with unlimited support. Things have changed and the banks are calling the shots and deciding what happens. Sovereign countries are in difficulty and need help but do not seem to have a lender of last resort, unless the Germans decide to change their mind and allow the ECB to become such a lender. All the talk suggests they will not but perhaps the future might dictate otherwise.

September 2008 was a case of the tail wagging the dog and nothing seems to have changed. We are at the mercy of banks and the current banking squeeze on the real economy, which is a result of the problems in the banks, is causing huge problems all over Europe. The prospects of growth are constantly diminishing. Everybody agrees that growth is essential if we are to make any inroads into the unemployment figures or progress in creating jobs. Every Government in Europe would like to see more jobs but as long as governments, who have been the lifesavers of the banks, cannot tell the banks what to do, it is hard to see them playing ball.

The notion that taxpayers are paying for the poor decisions of the banks and we now cannot access funds is difficult to take. The chances of people, especially those running small and medium businesses, of getting money today are very small. Apart from financial issues, the financial markets are now interfering dramatically in the democratic process. There are unelected leaders in Greece and Italy. There has been a change of government in Spain and more people abstained or spoiled their votes than voted for the new Government. A democratic deficit is developing on the back of the crisis.

The editorial in today's *Financial Times* states:

[Deputy Mick Wallace.]

The mother crisis — bigger even than the banks' woes — is of course the run on sovereign debt. Ireland found out the hard way that if a stressed sovereign tries to bear the excessive losses of banks, it breaks the back of sovereign and banking system alike. There is no need for the eurozone as a whole to make the same mistake — provided it prioritises securing governments' liquidity over the bottomless taxpayer rescue of banks. Central banks clearly meant to send the markets a message of global readiness to act, and to act together. One hopes that eurozone leaders got the message too, and that they will heed the example at their summit next week.

Deputy Richard Boyd Barrett: The fact that the Government is seeking to extend the disastrous decision to guarantee the banks in this country is proof positive that there is not a scintilla of difference between it and the last one. It demonstrates most graphically that Fianna Fáil and Fine Gael, notwithstanding the Punch and Judy show that sometimes goes on in here, are exactly the same when it comes to the core issues. It is a case of Tweedledum and Tweedledumber.

The bank guarantee was a disastrous decision. This country led the way and was the poster boy for the deranged neoliberal economic dogma that has plunged the entire European and global economies into an unprecedented crisis. It was also the people who led the way in the disastrous response to that by being the first to initiate a blanket guarantee of private profit crazed institutions whose reckless behaviour plunged this economy towards an abyss. Now the rest of Europe seems to be copying us in moving down the same road.

The policy is to protect the banks at all costs, regardless of the consequences for society or the possibility of economic recovery. The guarantee forced us into the clasp of the EU and IMF and the need to borrow money to pay off and recapitalise banks because of their reckless lending. It allowed them to put us in a vice grip where they can ram brutal austerity down the throats of our citizens, crucifying them and ransoming our entire future against the interests of the bankers and bondholders. This was not necessary and was done solely to protect the bondholders and corporate depositors.

We had a guarantee for ordinary deposit holders. What have we got for this? For all the money we have put into the banks and back stop that our citizens have provided for them, we have received nothing. They will not do anything for distressed mortgage holders and will not lend money into the economy. No matter how much we bow down in front of the bondholders, they will still not lend us money at reasonable rates.

The important point for people to grasp is at the beginning of 2009 the ECB demanded, in the guidelines it issued, that we had to rescue the banks but not divert them from their central goal of profit maximisation. The ECB was explicit in its instructions that the funding should not be diverted towards social or other macro-economic goals and that the overriding priority must be profit maximisation. That is the problem. Balance sheets and bondholders come first for the banks and they will not lend money into the economy or invest in it.

We should repudiate this guarantee, tell the bondholders to take a hike and guarantee the moneys of ordinary deposit holders. We must then set up a State bank which would not have all these liabilities to bondholders and others and which the State would instruct to give relief to ordinary mortgage holders and to invest in our economy so that we can put our people back to work. If the Government is worried about money flowing out of the country, we should do as the Icelandic people did and impose capital controls to prevent that.

Deputy Joan Collins: I welcome the opportunity to contribute to this debate. I am sick of Labour Party Members claiming theirs is the only party opposed to the bank guarantee. If that is so, why are they supporting its extension? Are they saying that it is now necessary to do so in order to prevent deposit flight and a run on the banks? Those are the arguments used by Fianna Fáil and the Green Party for the introduction of the guarantee. Is the change in the Labour Party's position simply a consequence of its now being in government? Its undertakings on this issue, on the renegotiation of the IMF-EU bailout, on third level fees and its absolute pledge to protect child benefit from any further reductions are as worthless as shares in Anglo Irish Bank.

The reality is that our financial institutions are still effectively zombie banks, mere conduits for the ECB funding which is used as blackmail to ensure continued payments to bondholders in order to shore up the EU banking system at the expense of our economy, welfare payments and social services. In October 2011 lending to households fell by €614 million, while lending to business was down by €500 million. International deposits are still being withdrawn, amounting to €4 billion in October, which was a small increase on August and September. Since September last year banks have lost one third of their deposits.

The policy of propping up zombie banks is a disaster which has cost €70 billion thus far. The only solution is a publicly owned, democratically controlled banking system. I refer the Minister to a recent report from the United Nations Conference on Trade and Development — not exactly a socialist think tank — which argued strongly for publicly owned banks which would provide greater stability and would not engage in speculation. I ask the Fianna Fáil Members who support this proposal to reflect on the statement by the former Minister for Finance, the late Brian Lenihan, that the guarantee would turn out to be the cheapest bailout in history. It has already cost Irish citizens €70 billion, which is half a year's GDP. It is shameful.

Deputy Shane Ross: Like my colleagues, I am very reluctant to support this measure. If we go back to September 2008 we see that the initial decision — we still do not know exactly what happened behind closed doors — was dictated by a small group of bankers, probably four, who terrified the people inside the fortress of the Department of Finance on Merrion Street into giving way on this blanket guarantee. The Minister's statement today would suggest that little has changed since then. The views he sought in coming to a decision on an extension were from the Central Bank, the NTMA, the Department and so on. In other words, all the usual suspects are being reeled out in support of a decision to extend the guarantee.

The guarantee was apparently introduced in order to protect depositors. Now we are told that this extension is also necessary to protect depositors. However, the Minister indicated that last year, when the guarantee was already in place, there was a massive outflow of corporate deposits because the holders of those deposits had no confidence in depositing money in our banks, guarantee or no guarantee. That is because the credit rating of the sovereign, that is, the State, has tanked in recent years. We must ask whether there is any value to depositors in this, whether the State's guarantee is worth anything and why deposits were flowing out of the country despite the existence of the guarantee.

That guarantee was an opportunity for the last Government and this Government to take the banks by the scruff of the neck, control them and reform them. The last Administration did not do so and nor is its successor. If the Government is serious about being in control, why is it not insisting that finance be made available to small business? If the banks, with the exception of Bank of Ireland, are now State-controlled bodies, why is that lending not taking place? The Credit Review Office is nothing but a puppet organisation of the banks. Anybody who examines its composition, operations and findings will agree with that. It is operating as a type of subsidiary of the banks and making recommendations on a very small scale without

[Deputy Shane Ross.]

assisting people in any way. It is a cover for the banks' failure to provide money to small businesses.

The second opportunity, of which neither Government took advantage, was to control the boards of the banks. That failure is clearly evident in the case of the two so-called pillar banks. Two weeks ago the chiefs of the two pillar bank boards, and a couple of others, had a meeting with members of the Government, including the Minister. Despite the fact that the State is supposedly in control of at least one of these institutions, they eyeballed the Government and would not agree to its request in regard to variable interest rates. This guarantee has given the banks everything. They have taken advantage of it and have spat in the eye of the Government. Why should we tolerate that type of behaviour from institutions which still consider themselves independent republics? They seem to be able to defy those who either have a majority shareholding or membership of the boards.

In that regard, one wonders what has happened to the public interest directors. Have they all gone native? They are certainly not acting in the interests of the public in conceding on issues like charges and remuneration. On every issue, they are conceding to what the banks dictate. In certain cases they have even given way to the desires of the boards of the banks against the wishes of the Government, particularly in regard to certain appointments.

Minister for Finance (Deputy Michael Noonan): I thank all the Deputies who contributed to this debate. Unfortunately, however, there was little reference to the statutory instrument itself. Instead there were strong attempts by certain Members to visit the past and rewrite history.

I thank Deputy Michael McGrath for supporting this initiative, recognising the factual situation and dealing with the issue in a straightforward manner rather than seeking to gild the lily in any way. Deputy Pearse Doherty's piece of casuistry reminded me of Bart Simpson's defence, "We didn't do it, nobody told us, we weren't there, it was the other people". The record of the House shows that on the night Fianna Fáil proposed the guarantee it was supported by the Green Party, Fine Gael and Sinn Féin, while the Labour Party voted against it. Those are the facts. Deputy Doherty can make his case in prose or in poetry but, either way, he is trying to rewrite history—

Deputy Pearse Doherty: The Minister is misleading the Dáil.

Deputy Michael Noonan: —and pretend that Sinn Féin had a consistent line right through this debate, that it established a truth and stuck with it.

Deputy Pearse Doherty: On a point of order, the Minister is misleading the House.

An Leas-Cheann Comhairle: I am not taking a point of order.

Deputy Pearse Doherty: I have a document before me which shows what the Minister said on 17 October.

Deputy Michael Noonan: Sinn Féin was justified in supporting the guarantee on the night.

An Leas-Cheann Comhairle: I ask Deputy Doherty to resume his seat.

Deputy Michael Noonan: It is very difficult to reply.

Deputy Pearse Doherty: I am entitled to make a point of order.

An Leas-Cheann Comhairle: No. If the Deputy does not resume his seat I will have to send for the Ceann Comhairle.

Deputy Pearse Doherty: Will the Chair instruct the Minister that he must not mislead the House?

An Leas-Cheann Comhairle: We have had this debate already.

Deputy Michael Noonan: The Deputy is trying to rewrite the record.

Deputy Pearse Doherty: I am asking the Leas-Cheann Comhairle to instruct the Minister not to mislead the Dáil deliberately. That is a point of order.

An Leas-Cheann Comhairle: I know what a point of order is. We have already had this debate this morning. The Minister has only three minutes remaining.

Deputy Pearse Doherty: I am entitled to raise a point of order.

An Leas-Cheann Comhairle: Will the Deputy resume his seat?

Deputy Michael Noonan: I should get injury time.

Deputy Pearse Doherty: I am asking whether the Chair has the discretion to ensure that a Minister does not deliberately mislead the Dáil. I have the proof to show that he is misleading the Dáil in this instance.

An Leas-Cheann Comhairle: The Deputy made that point this morning.

Deputy Michael Noonan: Sinn Féin has spent 30 years trying to rewrite history and the Deputy is doing it again now. The Sinn Féin Deputies voted for the guarantee on the night—

Deputy Pearse Doherty: 17 October, those are the Minister's own words.

Deputy Michael Noonan: In October there was a different vote.

Deputy Pearse Doherty: Which gave legal effect to the guarantee.

Deputy Michael Noonan: Now the Deputy is basing all his argument on the October vote. Sinn Féin voted for the guarantee. The Deputy is the Bart Simpson of this operation.

An Leas-Cheann Comhairle: The Minister only has a few minutes to reply so no interruptions, please.

Deputy Michael Noonan: They are always in denial. It is a case of, "No one saw me, it wasn't me, it was the other fellow". The record of the House shows that Sinn Féin voted. In my view, the Deputy is correct on the facts, because the House was misled on the night. When we asked whether it was a liquidity crisis or an insolvency crisis we were solemnly assured by the Minister that it was only a liquidity crisis and that the banks were quite solvent. We voted on that basis and it looked like the right thing to do on the night. Therefore, I do not blame the Deputy but he should admit what his party did and he should not be pretending that they did something different—

Deputy Pearse Doherty: It is deliberately misleading the Dáil. The Minister said in the Dáil that it came into legal effect on 17 October.

An Leas-Cheann Comhairle: Order, please, we have had this argument already.

Deputy Michael Noonan: —and it was all the fault of poor Joan; it was all Joan's fault because Sinn Féin voted for it on the night. That is not credible at all, for God's sake, Deputy. What kind of rubbish is that?

I will not refer to Deputy Kelleher because we know Deputy Kelleher's speeches and they are all very entertaining. I thank Deputy Mick Wallace for a very reflective contribution. There is much in what he says and I always listen to him. As for Deputy Boyd Barrett, I cannot pass the same compliment to him. He dances around the edge of the great European crisis like a kid at a bonfire, cheering for more flames and looking for more burning but he does not really contribute to any solutions in the debate. Deputy Ross is always very direct in what he says but he is economical with the truth on occasions because when he deplores that cabal who were in the Department of Finance on the infamous night, I ask who was there such as Seán FitzPatrick or Michael Fingleton? I recall reading Deputy Ross's piece back in 2004 when he presented the Anglo Irish Bank business model as the prototype model that should be followed by all banks in Ireland and when he deplored the ineptitude of the Bank of Ireland when it did not follow the model of Seán FitzPatrick and really get profits for its shareholders. Has he forgotten all this? As we rewrite history, let us refer to all the facts and to all the things in the past and then move forward. We voted for the guarantee on the night. We thought it was the right thing to do because we were given assurances by the Minister.

1 o'clock

Deputy Pearse Doherty: The Minister and his party voted against it twice.

Deputy Michael Noonan: I believe the Minister was misled himself and I agree with Deputy Ross on this point. I do not think the Minister had the full facts on the night but that is the way the Parliament made its decision. We are in a situation now where, effectively, the banking policy of the previous Government has proved to be disastrous. They left Government without reconstructing and recapitalising the banks, again, probably because the Minister for Finance could not get the support of the Government at the end to take action. It was left to us to do it and we have done it. We now have two pillar banks which are working properly and they are lending to small business again—

Deputy Pearse Doherty: The Minister should get his head out of the sand, for God's sake.

An Leas-Cheann Comhairle: The Minister must conclude now as the time is almost up. I am doing my best.

Deputy Michael Noonan: The Donegal man keeps shouting at me. It is like Donegal football, it is blanket defence.

An Leas-Cheann Comhairle: We are not bringing football into this. Order, please.

Deputy Pearse Doherty: We got further than Limerick anyway. How much is this blank cheque going to cost us?

Question put.

The Dáil divided by electronic means.

Deputy Aengus Ó Snodaigh: As a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means. I do so to give Labour Party Deputies an opportunity to reconsider in light of the consequences of the vote.

An Ceann Comhairle: As Deputy Ó Snodaigh is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: “That the motion be agreed to.”

The Dáil divided: Tá, 98; Níl, 30.

Tá

Bannon, James.
Barry, Tom.
Burton, Joan.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Calleary, Dara.
Carey, Joe.
Coffey, Paudie.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Coonan, Noel.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Cowen, Barry.
Creed, Michael.
Daly, Jim.
Deasy, John.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Dooley, Timmy.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzpatrick, Peter.
Flanagan, Terence.
Fleming, Sean.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Howlin, Brendan.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.

Kelleher, Billy.
Kelly, Alan.
Kenny, Seán.
Kirk, Seamus.
Kitt, Michael P.
Kyne, Seán.
Lawlor, Anthony.
Lynch, Ciarán.
Lyons, John.
Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McConalogue, Charlie.
McEntee, Shane.
McFadden, Nicky.
McGrath, Michael.
McHugh, Joe.
McLoughlin, Tony.
Mitchell O'Connor, Mary.
Murphy, Dara.
Murphy, Eoghan.
Nash, Gerald.
Naughten, Denis.
Neville, Dan.
Nolan, Derek.
Noonan, Michael.
Nulty, Patrick.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
Ó Ríordáin, Aodhán.
O'Donnell, Kieran.
O'Dowd, Fergus.
O'Reilly, Joe.
Perry, John.
Phelan, Ann.
Quinn, Ruairí.
Reilly, James.
Ring, Michael.
Ryan, Brendan.
Shatter, Alan.
Shortall, Róisín.
Spring, Arthur.
Stagg, Emmet.
Stanton, David.
Troy, Robert.
Tuffy, Joanna.
Wall, Jack.
Walsh, Brian.
White, Alex.

Níl

Adams, Gerry.
Boyd Barrett, Richard.
Broughan, Thomas P.
Collins, Joan.
Colreavy, Michael.
Crowe, Seán.

Daly, Clare.
Doherty, Pearse.
Ellis, Dessie.
Ferris, Martin.
Flanagan, Luke 'Ming'.
Fleming, Tom.

Níl—*continued*

Grealish, Noel.
Healy, Seamus.
Higgins, Joe.
Mac Lochlainn, Pádraig.
McDonald, Mary Lou.
McGrath, Finian.
McGrath, Mattie.
McLellan, Sandra.
Murphy, Catherine.

Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Brien, Jonathan.
O'Sullivan, Maureen.
Pringle, Thomas.
Ross, Shane.
Stanley, Brian.
Tóibín, Peadar.
Wallace, Mick.

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

Question again declared carried.

Business of Dáil: Motion

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

That, notwithstanding anything in Standing Orders, or the Order of the Dáil of today, the following arrangements shall apply in relation to No. 5 — Health Insurance (Miscellaneous Provisions) Bill 2011 — Second and Remaining Stages (resumed)

(i) the proceedings on the resumed Second Stage, shall if not previously concluded, be brought to a conclusion at 3.30 p.m.;

(ii) the proceedings on the Committee and Remaining Stages shall commence immediately upon the conclusion of Second Stage and shall, if not previously concluded, be brought to a conclusion at 3.42 p.m.;

Oral questions shall not be taken on Thursday, 8th December, 2011.

Question put and agreed to.

Health Insurance (Miscellaneous Provisions) Bill 2011: Second Stage (Resumed)

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

Deputy Billy Kelleher: While Fianna Fáil will not oppose this legislation, it provides us with an opportunity to debate broader issues such as health funding and how to provide an equitable and best possible health service. It is an accepted fact that Ireland has a two-tier health system. Those with private health insurance can access health care and treatments quicker, along with getting better hospital accommodation. One could argue this in itself is unjust, inequitable and militates against those who cannot afford private health insurance.

This inequitable system is due not to private health insurance, however, but to the failure to provide a proper public health system in the first place. It is fine if people want to continue taking out private health insurance. The State, however, should be providing proper health facilities.

A cross-subsidisation process occurs in the health system between private health insurance and the State. For example, if a person with VHI cover takes up a public health bed, the VHI is not charged for it. In turn, this forces someone without private health insurance out of the system or delays their hospital appointments or procedures. This is a key issue to be addressed

in any debate on universal health insurance funded through the Central Fund and State subventions into the health service.

With no disrespect to the Minister of State present, Deputy Shortall, the Minister for Health, Deputy Reilly, should be present in the Chamber for this debate. Funding the health services in the years ahead is a fundamental issue. Today's front page of the *Irish Independent* carried an article highlighting the likelihood of extraordinary increases in VHI premia again next year. While the headline figure of the drop in private health insurance from 52% to 48% is not alarming, the 48% who remain in private health insurance are downgrading their cover. There is already financial pressure on those taking out private health insurance. Any further increases in the premia will have a huge impact on them being able to continue with their cover. Meanwhile, more people will be forced to fall back on an already pressured and overcrowded public health system.

We cannot wait for the Minister for Health's grand design for universal health insurance. Along with waiting for the establishment of an implementation group, waiting for its report and then acting upon it, it will be some ten years before some form of universal health insurance is in place. In the meantime, private health insurers consistently cherry-pick younger and lower risk customers, regardless of all the talk about community rating, intergenerational solidarity and cross-subsidisation.

Any analysis of the age profile and demographics of private health insurance customers shows the companies are pitching their products to younger people. Now, the VHI is unable to cross-subsidise because it cannot compete with other private health insurers such as Quinn and Aviva which target younger customers. Years from now when the age profile of Quinn and Aviva is older, some other private insurance health company will come in behind them while we wait for the Minister's grand plan for universal health insurance. Meanwhile, the VHI is haemorrhaging funds and needs to constantly raise its premia.

Last year, for the first time, the VHI made a conscious decision to raise the premiums of certain policies targeted at a specific age profile. That is against the ethos of the organisation but it was forced to make the decision because of the difficulties it has competing with other health insurers that do not incur the same costs. I am not a champion of the VHI but it was the only health insurer in the market for years. Young people joined, paid a premium and they subsidised older people who incurred most cost for the organisations. This worked reasonably well. There were inefficiencies in the processing and payment of claims and ensuring value for money on deals for its clients but there has been a marked improvement in this regard. The difficulty is if the Minister continues to allow the stripping away of its base of younger customers, we will have a major problem in a few years. Quinn Insurance is under huge pressure because it does not have the cash reserves it should while, following the European ruling, the VHI will be not exempt from financial regulation. The State will quickly face a huge liability and the Government seems to be doing nothing about it.

With regard to community rating, a sum of €205 on each policy is transferred under the principle of intergenerational solidarity. Everybody knows that is not enough but nobody is willing to talk about it. All we are doing is putting our heads collectively in the sand in the vain hope a miracle will happen down the road. The VHI cash reserves have been exhausted, it is no longer exempt from financial regulation and it will end up having to hike its premiums significantly in the months and years ahead, which will have further implications and repercussions for everybody in the public health system.

We have to be honest in how we deal with that. The Minister needs to outline immediately what the implementation group will do, the criteria and guidelines that will be laid down, what it will have to analyse and assess and whether it will report back in a short timeframe. As a

[Deputy Billy Kelleher.]

Parliament, we cannot sit around and wait to discuss the group's final report. It should report on a quarterly basis on this fundamental issue of how we develop, support and fund our health services. This is important for all the reasons I have outlined.

On the broader issue of the health services, we should move beyond the election campaign at this stage because that was a different time. Deputies who were not Ministers then promised, for example, to abolish prescription charges, to keep Roscommon hospital open, to keep St. Mary's Orthopaedic Hospital in Cork open and to retain services in it and to build a new hospital in the north east. In February, the Minister promised a new hospital and that lacked credibility. He walked into the Department knowing full well major financial challenges facing the country and his Department and promised to get rid of prescription charges, about which he spoke passionately in the House on numerous occasions because he believed the 50 cent charge would discourage people from going to the doctor and accessing medicines.

We then found out recently that he attended Fine Gael and Labour Party parliamentary party meetings ahead of the budget for a briefing he hoped would make it into the public domain with backbenchers applying pressure in order that he could get his way to achieve a larger slice of the budget. That was his strategy but now we have been told he may propose a €2 prescription charge. We witnessed a *volte-face* in the House minutes ago when Labour Party Deputies one after another traipsed up the steps and turned left through the lobbies to vote in favour of the extension of a bank guarantee that they have campaigned excitedly against all over the country over the past number of years. They supported it today. The kernel of the issue is it is difficult to take seriously a proposal from the Minister on any health issue.

The programme for Government sets out clearly that year on year increased funding would be provided for community, long-term and residential care for elderly people. The Minister is in office ten months and he is running around the country closing these facilities. He is shepherding people towards private health care. He is using the HIQA, on the one hand, as cover to close nursing homes and, on the other, he is using budgetary constraints. Either way, it is a complete breach of the commitment in the programme for Government signed by both parties only ten months ago to provide increased funding year on year. This goes to the kernel of the matter of how we can believe in and trust the Government on the implementation of universal health insurance and other schemes that have been announced.

The Minister of State made a commitment a few weeks ago but I do not know whether it will happen.

Deputy Róisín Shortall: It will.

Deputy Billy Kelleher: A few days later, there were leaks from the same sources saying free GP care would not be available to all those on long-term illness benefit.

We are still unsure as to who is running the system. The Minister castigated the HSE on "Prime Time" recently because its financial controller said it would delay payment of expenses to staff. He rubbished the executive but, only a few months ago, he stood up with pride to say he had seized control of the HSE and sacked the board. The cameras were organised and he was outside the HSE's headquarters dragging staff out by the scruff of their neck. Now he is saying this terrible organisation made this decision. He is either in charge or he is not. If he is, it is time he stood up and acted like it.

My difficulty is every day confidence in his comments saps away. Most Members are fair, reasonable and rational but what was said prior to the election and what has been said since is at variance. However, every day since the formation of the Government confidence in what the Minister said has ebbed away and it has been undermined by his actions, deeds and words.

Most of the red line issues of huge importance to him are ebbing away on a daily basis. We await universal health insurance, free GP care for everybody, investment in primary care units and community and long-term residential care. The Minister seems to be moving further away from providing those services.

Fianna Fáil will support the Bill. The principle of intergenerational solidarity and community rating is noble and should be supported but we must go further and realise that if we retain the current system, the private health insurance system will not be sustainable. It will collapse around us and the public health system will be snowed under. The State will not have the capacity to fund or support it. We cannot wait years. The Minister must act quickly and decisively to ensure sustainability in the private health insurance market.

The issue of preventative medicine has also not been tackled. The HSE has health promotion units and the Department of Health promotes campaigns sometimes to quit smoking, reduce alcohol intake and take up fitness regimes but they are piecemeal. It is my opinion that whatever steps we take in respect of this matter would not cost a great deal to implement.

Everyone knows that we are going to be obliged to take a very strong stance on this issue. We are sitting on a generational time bomb in the context of obesity in children. I am aware of the Minister of State's commitment to reducing the level of alcohol consumption. We owe it to younger people to address the issue of obesity. We must educate ourselves and our children on the need to be active, to be fit and to eat in a healthy manner. The statistics relating to what is happening to the younger generation are alarming. Obesity is becoming a huge issue and, if we do not act now, it will become a major killer in the years to come.

There is a need for a wholehearted and concerted effort on the part of a number of Departments and agencies on this matter. Responsibility in this area always seems to fall between the Departments of Health, Education and Skills, Transport, Tourism and Sport, etc., and the HSE and other agencies. What is required is a collective, singular focus on how we promote healthy living. Let us consider the position which obtains in other countries. In Australia, for example, there is a sense that the entire society has bought into the idea of a healthy lifestyle and there has been a dramatic reduction in the number of people there who smoke. It is surprising, particularly in light of all the information available, that 28% of the population here continues to smoke. I continue to struggle with the addiction of smoking and I find it incredible that so many younger people are taking up the habit. It is also incredible that these individuals engage in binge drinking on a regular basis. Coupled to this is the fact that so many young people have sedentary lifestyles, do not take exercise and eat the wrong foods. This is a matter we must act on.

I introduced a Private Members' Bill last week which proposes that products sold in fast food outlets should be labelled to indicate the number of calories they contain. I am of the view that it would be worthwhile to discuss the possibility of introducing sugar and fat taxes. Taxation is sometimes seen as merely being a mechanism to raise revenue. However, it can also send out a signal on behalf of society, the Government or the Parliament. For example, the price of cigarettes has been increased on a continual basis. This is obviously a revenue-generating measure but, equally, it also sends out a strong signal on the part of Government and society to the effect that cigarettes are not good for people. We raise the tax on cigarettes and other tobacco products in order to make them more expensive and less attractive and thereby discourage people from smoking.

I am not a killjoy but I am of the view that we have been slow to tackle the extremely important issue of childhood obesity. The latter can give rise to diabetes and to people losing their sight or being obliged to have limbs amputated. As Members are aware, there are many more things which could happen if we fail to address this issue. Obesity was a matter of concern

[Deputy Billy Kelleher.]

in America in the 1960s but it is now an epidemic there. The patterns which occurred in the US at that time are now being repeated in Britain and Ireland. We know what will be the outcome of this problem.

In the broader context of discussing health insurance, one of the ways in which we can promote health and secure funding is to focus on prevention. The latter is the cheapest way to ensure that the health service delivers on the commitment to ensure that people remain healthy and stay alive for as long as possible. That is a key issue. I propose that the Departments of Education and Skills, Transport, Tourism and Sport and Health, etc., should jointly establish a health promotion unit that would have the requisite powers and resources at its disposal to allow it to target the key issues with which we must deal, namely, smoking, alcohol abuse and childhood obesity.

Deputy Caoimhghín Ó Caoláin: This Bill is necessary to provide, as the explanatory memorandum states, “a mechanism to support intergenerational solidarity” in the health insurance market. The memorandum also states that such solidarity is required because “there are incentives for insurers to design products that are attractive only to healthier lives, undermining intergenerational solidarity and the common good protections”. Once again, the Oireachtas is being obliged to enact legislation in order to try to regulate the distortions and inequities brought about by the private health insurance market. Primarily, the latter is a market rather than a means of funding health care. In order to maximise profits, the private health insurance market often discriminates in favour of the healthy and against the aged and the ill. The State is then obliged to intervene — it has done so repeatedly — in order to try to redress the imbalance.

A question arises with regard to why the Government insists that the way forward for health reform in this State is by means of an insurance-based system. We are all of one mind with regard to the need for reform. It is the proposition of an insurance-based system to which the Fine Gael appears to be absolutely wed which gives rise to real concerns on my part. My remarks in this regard provide only a small insight of the range of concerns I harbour about the model that has been proposed.

It is interesting to revisit the programme for Government and the commitments it contains in respect of health reform based on insurance. The programme states:

A system of Universal Health Insurance (UHI) will be introduced by 2016, with the legislative and organisational groundwork for the system complete [that is, finished] within this Government’s term of office.

That is a major commitment by any standard. The first step in implementing it is supposed to be a White Paper on financing universal health insurance. The programme for Government indicates that this White Paper will be published early in the Government’s first term. Some time ago, the Minister for Health, Deputy Reilly, explained to me what constitutes such a term. When referring to two terms, he stated that the period involved was ten years. Therefore, the extent of one term of office is five years. So the White Paper is to be published early in this Administration’s first term in office and, as the programme for Government states, it will “review cost-effective pricing and funding mechanisms for care and care to be covered under UHI”.

On 14 September last, I tabled a parliamentary question in which I asked the Minister to indicate the timeframe for the publication of the White Paper. In reply, he made what I believe to be a considerable departure from the commitment provided in the programme for Government. The Minister stated:

The Government is embarking on a major reform programme for the health system ... While universal health insurance is the ultimate destination of this Government's reform programme, there are a number of important stepping stones along the way and each of these will play a critical role in improving our health service in advance of the introduction of universal health insurance.

In the reply, the Minister also mentioned the special delivery unit, strengthening primary care and repeated that oft trundled-out phrase to the effect that "money follows the patient". Furthermore, he indicated that the Government had given approval for the establishment of an implementation group on universal health insurance and stated that this will have responsibility for assisting the Department in preparing the White Paper. The Minister made a further significant observation when he said that the White Paper will be published within the Government's current term in office.

Given that I look at the responses I receive and I listen to what the Ministers state in reply to me here as a spokesperson on both health and children, I believe there is a big difference between that statement "within the Government's current term in office", within a five-year period, and the programme for Government commitment to publish "early in the Government's first term". Early, in my view, would be in the first couple of years. Now it seems, at least to me, that the timeframe is being extended all the time. We are always tempted to use the oft-used analogy of kicking the can down the road and I am tempted to apply it once again in this case.

That aside, and explaining my concerns, the Minister went further in that response and added an "However", stating:

[T]he precise cost of universal health insurance will significantly depend on the success of various reform measures ... over the next 3-4 years. This will influence the development of the White Paper and, as such, it is not possible to be more specific regarding its publication at this stage.

Something that is to expose itself in the next three to four years will influence the preparation and presentation subsequently of the White Paper that was definitely promised in the early stages. Whether it even presents within the so-called "five-year term" of the 31st Dáil is now a moot question.

Here we see a fundamental element, which is exactly as it must be seen, of the Fine Gael and Labour Government's health reform agenda being kicked years down the road. The White Paper would appear to be turning into a white elephant. The Minister, in his response, stated that he saw the delivery of all of this within a ten-year period but there is no guarantee that the Government will be back after this Dáil, whatever its duration. Every day we are here it becomes more interesting.

In the meantime, we have the continuation of the inequitable and inefficient two-tier health care system against which the Minister, Deputy Reilly, and the Ministers of State, Deputies Kathleen Lynch and Shortall, and all of their colleagues so strongly and correctly criticised when in opposition. I hope they have not changed their minds on that because the current system is abhorrent. It ill-serves us as a people and I do not believe that anyone could describe it in any international forum in a short couple of sentences. The type of system we have in this State would take some explaining in any language.

Worse is the continuing imposition of the health cuts imposed by the former Government partners, Fianna Fáil and the Greens. In my home county of Monaghan, I campaigned vehemently with colleagues across the political spectrum in this House in opposition to the

[Deputy Caoimhghín Ó Caoláin.]

removal of key services from our local hospital, Monaghan General Hospital. Never could I have envisaged the further loss of services from that hospital site following on the general election in February last. All of the acute services had been removed and none of us, including former Deputies of the main party in government with whom I developed a close and respectful working relationship that continues to this day, could ever have imagined that this new Government of Fine Gael and Labour would impose further cuts after all that over the preceding years to which those parties were witness and to which they were such strong voices in opposition, and yet that is what has happened.

Our minor injuries unit has been reduced from a seven-day to a five-day, Monday to Friday service, and from 9 a.m. to 9.30 p.m., as it was, to 9 a.m. to 5 p.m. It is a major loss of critical access for those in my home county and the Minister's response to me time and again is that they can now go to North East Doctor on Call at Castleblaney or to the emergency department at Cavan General Hospital, both of which are at their wit's end in trying to cope with the current footfall and throughput. It is making situations even worse. All of this is excused on the basis of savings. The previous Government at least tried to paper it over with the argument of patient safety, but this is nakedly about money. It is not about patient service in any shape or form.

The Bill has been introduced in that context and in the context of a declining health insurance market. VHI has stated that it expects up to 200,000 people to give up private health insurance by the end of 2012 as a result of rising unemployment. The proportion of the population with health insurance declined from 49% in 2007 to 47% in 2010, and the numbers qualifying and receiving medical cards have increased. Some 30% of the population have a medical card, while 23% have neither medical card nor health insurance, including myself, on principle, and must pay as they go through every stage of the health care system. Thus, 53% of the population depend entirely on the public health system, from which the other 47% also benefit significantly, for example, from the use of private beds in public hospitals, but data from the OECD show that the largest proportion of funding for health care in the State comes from the public finances, at 80.7%.

When we debated the predecessor to this Bill, the Health Insurance (Miscellaneous Provisions) Bill 2008, I stated that we were seeing a turning of the tide. I stated that the astronomical rise in unemployment was resulting in more people applying for medical cards, the cancellation of private health insurance and ever greater demands on the public health services. These services, because of the fundamentally flawed policies and the disastrous mismanagement of the health services by previous Governments all of which were led by Fianna Fáil, were almost at breaking point. I stated that the cuts imposed since autumn 2007 and greatly increased cuts in 2008 were creating a crisis situation, and that is what we have lived with since. Regrettably, my words have proven correct. Two years on, we see the ramshackle structure of the health services under even greater pressure than at any time previously.

This Bill simply addresses one aspect of that structure, the need for what is called societal and intergenerational solidarity in the health insurance sector. It does this by continuing up to the end of 2012 the arrangement whereby the burden of the costs of health services are shared by insured persons through a cost subsidy, an age-related tax credit funded by the collection of a levy on all insured lives.

There is a need to protect the health system from a predatory approach by health insurers which would see older persons and persons with illnesses being forced to pay higher health insurance premiums, and this Bill seeks to achieve that for another year. How long will we have to depend on such stop-gap measures?

The Minister's back-tracking on the programme for Government commitments on universal health insurance does not augur well. I will argue for a very different approach, namely, universal health care delivery, delivered to all on the basis of need, and need alone, and paid for through direct and progressive taxation.

If the Minister's promise is fulfilled within the term of the Government, then clearly the whole legislative and funding framework around health insurance will have to be changed. As I pointed out earlier, the can is being kicked a long way down the road — conveniently, I add. All of this points to the need for a new direction, and the direction that I believe is best suited to our needs is the one I and my colleagues in Sinn Féin, and other voices, have long advocated. Real inter-generational solidarity and social solidarity are needed across our health care system, not just within a private health insurance market. For this, we require a single-tier public health care system, funded by fair and progressive taxation, with access to every citizen based on need, and need alone, and without any relation to the balance in one's bank account, the money in one's pocket or one's geographical location.

Why complicate matters by creating a separate health insurance system that requires a huge battery of legislative and regulatory checks to make it work? The only logic for the course being proposed by this Government, represented and spoken for by the Fine Gael Minister, Deputy James Reilly, is to benefit the private health insurance industry — I say this to the Minister of State, Deputy Shortall, as a well respected Labour Party representative of long standing.

Here we are, on the cusp of yet another budget, budget 2012, which will be announced next week. As we face into this new budget and all that will entail, there is no sign of any kind of fundamental change in the thinking of the Government or that any new direction will be presented for our health system by the Government for the future. Fine Gael and Labour, which made so much of the health care system in the lead-up to general elections over recent years, very particularly under Deputy James Reilly in his Opposition position, facing off with the former Minister for Health and Children, Deputy Mary Harney, have given rise to a sense of expectation among the wider electorate. None of it even presents on the horizon at this point in time. We are faced with the continuation of the dreadful system we have but with no prospect of real address, let alone reform.

My appeal, as it is on so many issues in regard to the Government, and to those in the Labour Party in the first instance, with whom, on the basis of their proclaimed position on many issues, I would find comfort and common appreciation, is to use their very important and valuable access to the decision making process in the Government and in the Cabinet to ensure that new directions are found, that new models are mooted and that we have the implementation of a system of which we can all be proud. That is within their gift. It is within the timeframe of a five-year cycle — a term of Government. In looking back, would that not be a proud legacy for their involvement in this 31st Dáil?

Deputy Richard Boyd Barrett: I wish to share time with Deputies Maureen O'Sullivan, Seamus Healy, Catherine Murphy, Mick Wallace, Thomas Pringle and Luke 'Ming' Flanagan.

Acting Chairman (Deputy Thomas P. Broughan): Is that agreed? Agreed.

Deputy Richard Boyd Barrett: We have a two-tier system. It is an obscenity that access to decent health care is dependent on how much money a person has. We are in a situation where, as a result of the EU-IMF arrangement, albeit under the cover of health and safety considerations, health services are being slashed across the country. Local hospitals and accident and emergency units are being downgraded and there is a trolley catastrophe daily in many of our hospitals. Those are the problems we have to resolve if we are to have a health

[Deputy Richard Boyd Barrett.]

system of which we will be proud, which is fair and where there is equal opportunity for access to decent health care, which is one of the most important priorities for anybody and for any decent society.

This legislation proposes to extend the risk equalisation scheme. We have a two-tier, privatised health system that many people, because of the chronic underfunding and the crisis that exists in our public system, are forced, because they do not have a choice, into taking out private health insurance. Given this and in so far as this is a measure to try, at some level, to regulate the private health insurance system and create some sort of level playing field, we have no choice but to go along with it. However, the problem is that it still follows the failed strategy of having competing private health insurers as the way in which to deliver health services. In other words, it accepts and is underpinned by the notion of a two-tier system where affordability will dictate the quality of a person's health care.

Those who advocate this kind of approach to delivering health care would say that its principle objective is to improve access to health services. In that regard, it is failing completely. Competition has not led to lower premiums and Irish health insurance companies are raising their premiums, most recently with Quinn Insurance hiking up its premiums by 12%. Health policy expert Professor Charles Normand of Trinity College, Dublin warned in the aftermath of this hike that those plans that have competing private insurers may not be a very good mechanism for keeping prices down. If we look at the case of the United States, we find dramatic evidence of how correct that is.

The health system in the United States is based on competing private insurers, and it is the most bureaucratic and the most expensive health system in the world, with US costs twice those of comparable countries. Some 31% of health spending goes on bureaucracy, executive salaries and massive profits. Over \$600 billion of the \$2 trillion spent on health in the United States, which is 15% of GDP, goes on these salaries, bureaucracy and profits. In the Irish case, the Government is proposing to continue down this road of competing private health insurers, although it is costly and does not deliver access to the health service. The Government must abandon the universal health insurance model, which is only about profit in private health insurance companies, and instead provide a national health service that is accessible to all and is based on progressive taxation.

Deputy Maureen O'Sullivan: It is rather strange to discuss private health insurance. Whether the legislation is necessary is one thing but a great deal more is needed in our health service. Many people have believed in and purchased private health insurance. I did too, many years ago. One sometimes asks oneself why one did so. It has nothing to do with our health system or the quality of our health service but with accessing that system and having faith in being able to access it. That is the reason so many people have opted for private insurance. The aim is to access treatment speedily.

According to the Minister's speech last night, almost half the population, 47.5%, have private health insurance in one form or another through inpatient plans. Of course, the VHI has the bulk of this business. The numbers are decreasing but it is still a significant amount. In 2010, €1.9 billion was spent on premia, a 19% increase on the 2008 figure. There is still plenty of money about.

On the one hand, private health insurance takes pressure off the public system, but it is based on unfairness and the fact that payment will secure quicker access. Payment will get the scan and quicker access to the consultant and secure the private or semi-private room. I cannot but be aware of the system in the private hospitals. When one gets a time for an appointment, it takes place at that time and when one gets a date for a procedure, nine out of ten times it

will happen on that date. Patients generally do not have to go through our chaotic accident and emergency system unless there is an emergency. Now, money can pay for the various clinics catering for minor ailments, broken limbs and so forth, and the waiting time is minimal.

I do not understand why our public system cannot provide the same efficient service. We have excellent doctors, nurses and other personnel. There have been some very good developments with the breast screening and cancer services, but there are major problems. In 2004 the then Minister for Health stated, "The one thing I want for the country I love is to have a health service that is accessible to every citizen, regardless of his or her wealth". That Government had seven further years in office and I do not believe progress was made in that regard.

We have a two tier health service, with access based on ability to pay rather than need. We need a fair and equitable health system. The programme for Government states that this Government is the first in the history of the State that is committed to developing a universal single tier health service, which guarantees access to medical care based on need, not income. Within the programme there are ambitious plans to radically change the Irish health system and to provide for equal access, universal health insurance, which will be compulsory whether it is with private or public insurance.

That is the plan but in the meantime the reality is very different. There is immense pressure on the public health system. We are aware of the waiting lists and yesterday the Minister of State and I attended the briefing on the mental health service, so we know what is happening in that area. People are dying unnecessarily. I pay my private health insurance and because I am healthy, thankfully, and have not needed to use it more than once or twice, my good health is benefitting those in the private system. However, it is not benefitting people generally. The system must be more equitable.

The Bill seeks to regulate the health insurance market and the area of risk equalisation. The Supreme Court judgment found that risk equalisation was not maintaining what was termed "the common good". I believe the common good, in broad terms, means having a health system whose core principle is the common good of all, not just the good of those who have the ability to pay for it. We need a fair and equitable health system, with equal access available to everybody and not based on ability to pay. The Bill refers to all consumers, without differentiation being made in respect of age and health status. There should be no differentiation within the health system. We must look to the common good for all of our society.

Deputy Seamus Healy: This debate is about private insurance and competition within that market. Competition is really about maximising profits, which is what is happening. In the past few days huge increases have been proposed in the cost of health insurance. Quinn Healthcare has proposed an increase of 12% and one can take it that the other companies will shortly follow suit. If the Government raises the charges for private and semi-private accommodation in public hospitals in the budget, that will further increase the cost of health insurance. There will be a number of significant increases, as there have been in the past few years.

This insurance favours young and healthy people rather than elderly and ill people. It all relates back to the type of health system in this country, which is a two tier system that favours very wealthy people in society who can buy health insurance and get preferential access to health services. What we need is a public health system, paid for through progressive taxation, that is free at the point of use, with access based on medical need. That should be the priority of this Government and Dáil.

That priority has been put at risk by the policies of previous Governments and the current Government. One example is the huge reductions in budgets for the general hospital service and for acute hospitals. In south Tipperary there was a €13 million reduction in the budget in

[Deputy Seamus Healy.]

the past three years; in Blanchardstown the reduction was approximately €20 million in the past two years. Most hospitals in the country are in a similar position. That means beds are closed, beds are put in corridors, there are trolleys in accident and emergency departments, access to services is hugely reduced and there is huge pressure on staff. Unless these budget reductions and the moratorium on recruitment of replacement staff are reversed, the current crisis in health services will intensify and ordinary people will find it almost impossible to get services.

I believe the services should be locally based and accessible. Independent international professional research shows that locally based services in smaller units give better quality care, better value for money and better access to services. Unfortunately, that is not happening with the Minister's reform programme, which is transferring services to larger hospitals, as if big is best. However, big is not best for quality, value for money or access. We should focus on providing public health services paid for by progressive taxation, with access based on medical need.

An Ceann Comhairle: I welcome to the Visitors Gallery the pupils of Cashel community school who sang on Leinster Lawn for the switching on of the Christmas tree lights. They sang exceptionally well.

Deputy Seamus Healy: I join the Ceann Comhairle in welcoming them.

Deputy Catherine Murphy: If one is looking to pick holes in this Bill, one might ask whether there should be inter-generational solidarity. Of course there should. However, that is if one accepts that private health insurance is an appropriate way to fund the health care system and that people can buy their way into our hospitals, or at least skip other people who might well be more ill.

The Labour Party campaigned — it is in the programme for Government — for a universal health insurance levy but it is not clear what role health insurance will play when that levy is introduced. That must be articulated. For example, it is not clear to me what the relationship will be to pay-related social insurance, which had a health component to it but which was amalgamated in recent years. I would welcome a response from the Minister of State on those issues.

People are choosing to have health insurance, where it eats heavily into the budgets of many households that can just about manage to pay it, because they are terrified that if they get sick they will not have the ability to get into hospital for the appropriate care. As has been said previously, when people get into hospital the level of care is good but the problem is accessing those services.

The difficulty in recent years, and certainly in the past 12 months and since this Government has taken office, is that there has been a plethora of closures, including ward closures with a consequent knock-on effect. It is the same position with the publicly funded nursing homes. There is a consequence to taking this approach. Just as our health service developed in a fragmented manner it is being reformed in a fragmented way. It is not at all coherent to the citizens of this country and it is scaring people into taking up private health insurance because they are frightened about what happened to somebody like the late Susie Long, who delayed getting a colonoscopy long enough to end up with a form of cancer that was not treatable.

We have not had a national health strategy in this country and this Government has not articulated one. I stated on several occasions that we must have it mapped out to us what is intended. If we are entering the second Republic that is being talked about we should look to

the future in terms of our expectations of the services that are to be provided. There is a responsibility on this Government to do that in a coherent way for people. That would help people in making a decision on whether they need health insurance. They are being frightened into believing they need it. They are afraid that if they or a family member becomes ill, the ability to get into a hospital and be treated is very much reduced without it.

An Ceann Comhairle: The next speaker on my list is Deputy Mick Wallace, who is not present.

Deputy Luke 'Ming' Flanagan: I am here instead.

An Ceann Comhairle: Deputy Daly, are you speaking in this slot?

Deputy Clare Daly: Yes.

An Ceann Comhairle: You must be in instead of Deputy Mick Wallace because you are not on the list but you can substitute. I call Deputy Thomas Pringle.

Deputy Thomas Pringle: This Bill serves to highlight the inequity in our health system in that we must bring in legislation to provide for increases in tax credits to facilitate private companies in making profits on people's fear that they will not get access to the health services they need. That whole market has been driven by fear in that if people want to be sure they can leap-frog the queues when they need to enter our hospital system they can get the access they are often denied under the existing health system.

This morning I was contacted by a constituent who has a 95% blockage in his carotid artery and is in imminent risk of a massive stroke. He does not have health insurance. He has been told there is a two year waiting list for his operation. Even with the recognition that his case is an emergency he has been put on a list for admission to Galway University Hospital. He has been waiting two weeks to get a bed in that hospital. The accident and emergency department is overrun with trolleys and it cannot accept any patients.

If that man had private health insurance he would have been admitted last week, had his operation, would be recovering now and waiting to go home to rejoin his family. Instead, he is sitting at home paralysed with fear, wondering if he will have a stroke before he is called for admission to Galway University Hospital. That is the health system we have created, and that is the system that has resulted in ordinary people who cannot afford private health insurance sitting in fear. Other people are at the pin of their collar trying to ensure they have insurance so that in the event of such a situation arising for them or a member of their family they can get access to our health system. That is a shame on us all, and it is a shame on any Government that perpetuates such a system.

We heard from the Minister's contribution last night that €1.9 billion is being paid in health premiums. If that money was taken in direct taxation and put into our hospital system we would have no need for private health insurance. We would not need the profiteers selling people plans and pumping money onto families, and families paying over €3,000 a year in health premiums. We could have a system that would guarantee access to all and ensure that people like my constituent would not be fearful that if something were to happen they would not get the health treatment, and the system, they need. This Bill serves to highlight that inequity which, unfortunately, this Government wants to perpetuate and put on a statutory basis where everybody will be paying exorbitant amounts of money under so-called universal health insurance.

[Deputy Thomas Pringle.]

We should use the €1.9 billion in premiums and the existing health budget to ensure we have a system that is free at point of access for everybody, guarantees universal cover for everybody and ensures that people do not have to live in fear. It should ensure that if their health lets them down this State will care for them and not leave them languishing on waiting lists or trolleys in hospitals, reminding them that if only they could afford health insurance they could leap-frog the system and use that benefit money brings them to get treatment.

Deputy Luke ‘Ming’ Flanagan: If there was no other option but to go down the route the Minister is taking, namely, the idea of inter-generational solidarity, it would be a good thing and one could not argue against that but the reality is that it is only solidarity among those who can afford this private health care. I do not have any health care package, and obviously I do not have a medical card, and the reason for that is because I do not believe I am better than anyone else. I believe I am equal to everyone else in this country. I have two young children who I love more than any children in this country but at the same time I do not believe they are better than any other children in this country.

Earlier this summer I had an experience of using a service where one could pay to skip the queue when I visited family and friends in London with my family and we went to LEGOLAND. In LEGOLAND, which is not a life and death situation, there is a state of play where the rich children get to skip the queue ahead of the poor children. I was in a lucky position where I could have paid for my children to skip the queue but I decided I would not because I did not believe it was fair. For approximately £80 a day my children could have gone on all of the fairground rides before all of the other children. I left that place very angry that people could be treated like that.

I am in the lucky position that neither of my children, touch wood, are sick and I hope they will not be too sick in the future. We heard interesting figures from Deputy Ó Caoláin earlier that 80.7% of the health service is paid from the public purse yet 53% of the population are treated as second class citizens in that they will have other people jumping the queue ahead of them because apparently they are more important than other people.

I always understood that the Labour Party was a socialist party and the idea of socialism was that everyone is treated equally. It begs the question: what is equal about a situation where a poor child could potentially be left to die while a rich child gets to skip the queue? I cannot see how any socialist could stick by this form of socialism. It does not make sense, so I am left a little bit baffled on where socialism has gone, if it is about killing the poor and letting the rich live longer.

Deputy Róisín Shortall: The Deputy should read the programme for Government.

Deputy Luke ‘Ming’ Flanagan: The programme for Government is not socialist.

An Ceann Comhairle: We are using up time now.

Deputy Róisín Shortall: Never let facts get in the way of a good line.

Deputy Mick Wallace: I also used to be in the VHI, but a couple of years ago I decided that the system left a lot to be desired, so I opted out of it. About two months ago I had to get an operation on my arm and I went to Beaumont Hospital under the public system. The only problem was getting in there, but once I got in, the people were so nice. The surgeon was wonderful and the nurses were fantastic. It seems to be accepted that we have a fantastic system, if we could only get into it. The notion that we can get better care under the private system than the public system needs to be questioned.

Approximately 47% of the public pay for private health insurance at the moment, but the State is paying 90% of their care. The main reason for people to opt for private health care is a fear that they will not get into the public system in time. Private health insurance allows them to be bumped up the waiting list. Most people who take out private health insurance are not looking for extra privileges, but they are afraid that they might have to wait too long, given the need for some serious medical treatment.

I recently read a very good article by Fintan O'Toole, and I would like to finish by quoting some of it:

There are, for example, four different categories of patients: medical card holders, who are entitled (in theory at least) to fully free services from GPs and in public hospitals; “dual cover” patients who have both a medical card and private health insurance; “non-covered” patients who have neither a medical card nor private health insurance; and patients with private health insurance only. How could such a system not require a vast bureaucracy to run it and how could it not lead to inefficiencies?

As with so much else, however, this vicious and absurd system was tolerated so long as the middle classes could afford to manoeuvre their way around it. But the illusion that middle class people could actually benefit from systematic inequality was just another Celtic Tiger con job. What was actually happening was that middle class people were being conned into paying twice — through taxes and private insurance — for an inadequate, inefficient and unfair system.

A system that depends on people paying again for services they have already paid for through taxation is inherently unsustainable. It is now unravelling. No amount of insurance can buy you out of an overcrowded A&E. And the cost of fattening up the VHI for privatisation is simply too high for most people to pay.

The truth is coming home: the rotten injustice of our health system is bad even for those who thought they could avoid it. A fair, one-tier system of social health insurance is not just less shameful and better for the poor. It is also more rational, more efficient and better for everyone.

Deputy Clare Daly: This Bill draws attention to the debacle that is the Irish health service and the role of private health insurance. I find it absolutely shocking that 47% of the population have private health insurance. That is a huge number of families who are already overburdened with other bills and who have to scrape together the means to come up with those funds. It is interesting to note that this figure has declined. Some 29,000 people no longer pay for private health insurance as a result of the recession, job losses and the increased premia that these companies are charging.

We have to examine why these families are paying thousands of euro for private health insurance. It is not unheard of for a family of four to pay about €5,000 for such insurance. It is obviously not because they hate their neighbours and they feel ashamed to share a room with somebody if they end up in hospital. The reason is that they do not have confidence they will get the treatment for themselves and their families out of the public health service. This is particularly graphic in the case of cancer care. Anybody who has been in the system knows that the centres of excellence and the public health system in dealing with cancer is better than anything that the private insurance companies could deliver, or at least equal to it. Why would anybody pay thousands to go into the private system? The only explanation is that they cannot get into the system. That has to be addressed.

[Deputy Clare Daly.]

Like Deputy Murphy, I would also like to mention my former colleague Susie Long, who died needlessly in 2007 because she had to wait eight months for a colonoscopy. It was an absolutely tragic situation, and we were told it would never again happen and her memory would be marked in some way. The promise at the time was there would be no distinction between public and private patients on waiting lists and people's bank balances would have nothing to do with who would be seen first. That was a lie. The number waiting for colonoscopies has increased. It has doubled since 2010 to 2,400 people. How many of those people will end up unnecessarily dead like Susie Long, because they did not have the money? The Blackrock Clinic only this month revealed to www.irishealth.com that it has no waiting list at all for colonoscopies. People who are covered by private health insurance can get a colonoscopy at any time, but if they are not, they must come up with €1,000. Who in this day and age has €1,000? Very few people have it.

It is patently obvious that people only choose private health care because they do not have confidence that they can rely on the public system. This is madness. The whole debate exposes the madness of having for profit companies involved in the whole system of health care. We see it graphically in respect of nursing homes, where the Government is standing over the closure of public nursing homes, while at the same time driving people into private nursing home provision. It is an absolutely ridiculous situation.

The irony is that the private health insurance companies — Aviva, VHI, Quinn — all massively hiked their premiums this year. In fact, VHI did so twice. These companies are highly profitable, largely due to the Irish market in the case of Aviva. If people are willing to pay thousands of euro to these private companies for a minor advantage, then this demonstrates the point that they would be prepared to pay more in PRSI contributions if they had the confidence that they would get a decent public system. Instead, as a result of Government policies, we have moneys diverted so that the public system is run down and the private sector is boosted. That is disgraceful and is shameful of the Labour Party to participate in that.

Deputy Peter Fitzpatrick: I welcome the opportunity to speak about the Health Insurance (Miscellaneous Provisions) Bill 2011. The four principles of private health insurance in Ireland are community rating, open enrolment, lifetime cover and minimum benefit. The Health Insurance Act 2009 introduced, on an interim basis, a system to deliver on the policy position supporting community rating, which is achieved by risk equalisation. A more robust, transparent and effective scheme for risk equalisation to support the core policy of community rating is to be introduced from 2013. Therefore, the current Bill will extend the interim scheme for a further year, while the details of the 2013 scheme are advanced.

At this juncture it is worth examining the idea of risk equalisation, as it is a term that is often bandied around, and in some cases by people who do not have a clear understanding of it. Risk equalisation is a process that aims to neutralise, in an equitable manner, differences in insurers' costs that arise due to variations in the health status of their members. Risk equalisation involves transfer payments between health insurers to spread some of the claims cost of high risk members among all the private health insurers in the market, in proportion to their market share. Risk equalisation is a common mechanism in countries with community rated health insurance systems.

It is worth examining the background to the current legislation. The Health Insurance Acts 1994 to 2009 provide the statutory basis for the regulation of the health insurance market in the interests of the common good. At the centre of the common good is intergenerational solidarity between all insured persons and community rated health insurance. Following the July 2008 Supreme Court judgment people continued to have access to community-rated health

insurance plans and to benefit from other common good protections such as open enrolment and lifetime cover.

However, the reality is that in the absence of a mechanism to support inter-generational solidarity there are incentives for insurers to design products that are attractive only to healthier lives, undermining inter-generational solidarity and the common good protections. This would not be universally beneficial to all members of the State and certain sections of society could easily be discriminated against or simply left uninsured. In these circumstances the market can be subject to fragmentation and inter-generational solidarity weakened. In the absence of an appropriate response, it would be in the interests of all insurers to focus on products that would be particularly attractive to healthier lives and to minimise features in their products that would be attractive to older people and those who suffer ill-health. This conflicts with the common good principles underlying regulation of the market and should not be acceptable to any understanding Government.

The Health Insurance (Miscellaneous Provisions) Act 2009 was enacted for these reasons. Its main objectives were to affirm that the purposes of the Health Insurance Acts were to ensure that access to health insurance cover is available to all consumers without differentiation in respect of age and health status, to strengthen the provisions to achieve this purpose, to enhance inter-generational solidarity and community-rated health insurance and to provide for the implementation of related measures to achieve these objects. This has proved to be solid legislation with one noteworthy element. The key measure was the introduction, in respect of persons aged 50 years and over and for the period 1 January 2009 to 31 December 2011, of a new age-related tax credit in respect of payments due in that period of private health insurance premiums.

This measure was to be funded by the collection of an annual levy on health insurance companies based on the number of lives covered by policies underwritten by them. These measures provide that health insurers receive higher premiums in respect of insuring older people and 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 while insurers receive higher premiums in respect of older people to compensate partly for the higher level of claims.

This method of sharing costs is known as the interim scheme of age-related tax credits and community rating levy and is a scheme of considerable benefit. The main object of this Bill is to continue to ensure that in the interests of inter-generational solidarity the burden of the costs of health services are shared by insured persons by providing that the cost subsidy between the young and the old, as provided for by the Health Insurance (Miscellaneous Provisions) Act 2009, is continued for a further year. There is considerable merit in this and I have no hesitation in recommending the Bill to the House.

Deputy Jerry Buttimer: I support this Bill in its entirety. The private health insurance market can never be unregulated. It is a market place. Historically, there has been only one provider in this country but, thankfully, we have competition now. This is about private health care. I hear the people opposite referring to the health system and the health service but the programme for Government has a reforming theme running through the health area.

Deputy Catherine Murphy: It involves closing hospitals.

Deputy Jerry Buttimer: Deputy Murphy should cast her eye to the Gallery where there are young men and women from our schools who will make up the insurance market of the future and who will look to us and to the Government to bring about a reformed health service, including universal health coverage, which will be fair and equitable. This is why the Bill is

[Deputy Jerry Buttimer.]

important. It is important that the Minister of State, Deputy Shortall, given primary care tasks, the Minister, Deputy Reilly, and the Minister of State, Deputy Lynch, are supported in this regard.

I challenge those opposite to come over and engage meaningfully in the process rather than giving a constant barrage of negativity. Last night, the Minister of State stated that the main object of the Bill is to ensure the burden of the costs of health services are shared by insured persons. Maintaining our health service and delivering vital reform is difficult. It is not easy but the process must be carried out. We must ensure that we maintain a functioning health insurance market which delivers not only for the insurance companies — I do not support them — but for customers, the marketplace and patients. As other speakers have stated, it should be based on the principles of community rating, open enrolment and lifetime cover. These are important elements of the reform.

The Bill provides safeguards and the fundamental principles necessary but we must engage actively with the insurers. If one speaks to the insurers, one hears their speech and tone but we must engage with them to ensure the health providers, insurers and patients are at the forefront of everything we do. More important, we must meet the needs of customers and patients and facilitate the delivery of a quality health service at competitive prices. The continuing price increases we have seen from some insurance companies have forced people to consider their insurance needs, as Deputy Daly suggested. In some cases such people have opted out, in other cases they have changed plans and in other cases again people have stayed where they were.

I am a customer of the VHI and I am probably a patient at this stage as well. We need a competitive marketplace. If we do not have it, the current model will compound the difficulties with providing resources for the public health system. At that stage those opposite would come here with a different tale of woe and give us a different story. Let us have a real debate and reflect on the additional demand on our public hospitals if we did not have private health insurance. The funding of beds in public hospitals plays an important role in the funding of our health system. The Deputies opposite cannot have it both ways or any way they wish. Let us have universal health care and a fair and equitable health system.

The country is similar to an oil tanker in the ocean: one cannot turn it with one tug of the wheel; it takes time. Deputy Wallace is involved in business and he is well aware of the transformation and reform necessary in the country and he is aware that it cannot take place overnight. It will take time. Let us have some realisation of the situation from those on the opposite side regarding the issues of the health system. The Minister for Health and the Minister of State in the House are at the forefront of bringing about reform. Let us make this happen. I call on those opposite to join us rather than sniping from the far side of the House. They should join us.

Deputy Mick Wallace: I do not suggest the Minister will not produce the goods. Time will tell.

Deputy Jerry Buttimer: Deputy Wallace should give us a chance.

Deputy Mick Wallace: I would not underestimate the Minister for one minute.

Deputy Jerry Buttimer: We have been in government for nine months; the baby has just been born. Those opposite should give us a chance to take Piaget and the other models of psychology to fruition with the child. This Government is in its infancy. Reform is taking place in the health area.

Deputy Luke ‘Ming’ Flanagan: The baby is hungry.

Deputy Jerry Buttimer: Deputy Flanagan reminds me of the guy who is never happy because he is against everything and for nothing, except for his fine speech on mental health last week which was a credit to him. That is the only positive thing I have heard from him since he came to the House. I call on the Deputies opposite to work with us rather than be negative. The young people in the Gallery represent the health-insured people of the future.

Deputy Mick Wallace: Deputy ‘Ming’ Flanagan is a remarkably positive man.

Deputy Jerry Buttimer: Let us give them a health system whereby they can state in 20 years time that they remember the Minister, Deputy Reilly and the Minister of State, Deputy Shortall, and that they were the people who pioneered a reformed health service.

Deputy Luke ‘Ming’ Flanagan: That is inspirational stuff. Deputy Buttimer inspires me.

Deputy Jerry Buttimer: I am pleased to hear it. It was nothing else.

Deputy Dara Murphy: I welcome the opportunity to speak on this Health Insurance (Miscellaneous Provisions) Bill. It is the main objective of the Bill and it is in the interests of society in general that the burden of costs of health insurance are shared between all people of the State, young and old. There is no doubt that as with all forms of insurance there is an obvious economic and business motivation for companies to try to attract as many young, healthy people as customers and to seek to minimise the number of elderly people or people who may prove to be more expensive customers for other reasons. The objective of the Bill is to try to redress this imbalance.

There is no doubt that the provision of health insurance in the country must continue to be heavily regulated because of the natural competitive tendency that exists in all businesses. There are few businesses more important than those that deal with the provision of health cover.

I accept many of the points made. Without doubt we have a flawed health system which is in need of major surgery. The private health insurance industry is one which, on the face of it, performs better but has many areas which need to be improved. We have to acknowledge that we need to work very hard to protect people who do not avail of private health insurance, despite the fact that almost half the people in the State have health insurance. That is why I welcome the provisions being put in place to strengthen protection. Irrespective of risk, age or gender, after reasonable waiting times one can change insurance companies and be guaranteed to be delivered insurance.

I want to touch on another area, the cost of health insurance. I refer to the supply side. The levels paid to our consultants and the cost of purchasing schemes from health insurers remains far too high. One of the main reasons for this is that we still have a significant deficit in the supply of hospital and medical services. There is a protectionist regime in the medical and hospital supply areas.

In Cork a fully fitted hospital which cost tens of millions of euro is in a position to open under the management of the Mater Private clinic but the VHI has refused to cover it. I understand the reason is primarily because of the fact it does not want to increase the supply within the south Munster area. One has to consider why. It may be because if more people were treated, the amount of money it would have to expend would increase in the short term. I call on the Minister of State, as I have privately in the past called on the Minister, Deputy Reilly, to examine the situation.

[Deputy Dara Murphy.]

When there are good, solid entrants who wish to engage at no cost to the State in the supply of perfectly good private medical services one health insurer should not be in a position to effectively block entry to the market. It is a worrying development. The cost of purchasing private health insurance requires us to examine the dynamic between demand and supply. Even within the private health insurance market there is a limited supply which allows prices to be held at their current high rates.

The Bill is a step in the right direction and does not obviate in any way, shape or form the ambition of the Government to achieve universal health cover but I concur that strong elements of the private health insurance industry remain broken and more remains to be done.

Deputy Alex White: There are a lot of things which divide us in this House in terms of the policy and funding of social services. One of the things on which we all agree, which is reflected across the political divide, is that the market alone cannot deal with the distribution of health care. It simply cannot be done. The pure form market is good at some things but is peculiarly bad at the distribution of social services, including health services.

As far back as 1993 or 1994, all parties in this House recognised that because it was then that the evolving system of so-called risk equalisation was introduced. There was a recognition across the political spectrum and in the community that we could not have a situation where people who are a greater risk, because of age or inherent illness, would have to pay more. We should spread the risk across society, the community and generations. That is why we have the useful and laudable notion of intergenerational solidarity.

It is important to reflect on the view that the market is not the place where the problem can be solved but it has a role. Our discussion on universal health insurance is a recognition of that. Intergenerational mobility concerns people who suffer illness or are older and should not be penalised for that. I would add another category, namely the ability to pay. It is the great additional category which needs to be added to the equation and what brings us to universal health insurance.

President Obama had big battles in the US in the past two years. He was insistent that people who could not afford to pay for their health care should be brought into the system and that there should be a reliable and robust system of funding for health care which did not discriminate against people on the basis of ability to pay. The battle focused on the basic health services required. Luxury care can be paid for if people have money to do so.

People should not be discriminated against in terms of the basics in any civilised health service on the grounds of ability to pay, any more than they should be discriminated against because of age or an inherent illness. That is the one great additional step we need to take to get us to universal health insurance. I have huge confidence in the Minister of State, the Minister, Deputy Reilly and the Government, arising from the commitments in the programme for Government, that we will make the giant leap to reach the stage where we have a fundamentally fairer system of health care in Ireland. It will not be easy to achieve and will not happen quickly but a lot of the important work has already started.

As others have said, the Bill is an opportunity to have a wider debate. We are dealing with a relatively net issue. It is essentially a continuation of an interim measure which was introduced by the last Government when the Supreme Court shut down the system of risk equalisation which had been put in place. I remember having this debate with the former Minister for Health in the Seanad. I was surprised the then Government did not move more quickly to introduce a proper system. I understand tax relief is available but it is a sticking plaster approach. I mean no disrespect to the previous or current Government.

The Supreme Court did not completely shoot down the idea of community rating. Its judgment had narrow grounds for rejecting the idea. The Chief Justice said at the time and it was made clear in the judgment that it was possible to have a system of risk equalisation which did not offend the basic principles set out in the Act. I am surprised the problem was not addressed then.

A question has been troubling me. The Minister said this Bill will be passed this year and a more permanent system will be put in place next year. How does that fit in with our commitment to universal health insurance? Why would we go down the road of doing all the work on risk equalisation and tidying the system to make it more robust when we are, in any event, looking at the bigger picture of universal health insurance? I am not clear how the two things fit together.

Now we are heading toward universal health insurance could we not live with a sticking plaster, given that we have had it for two or three years? We could live with the sticking plaster for another couple of years in circumstances where we are introducing universal health insurance.

There are many reasons I am happy to see Fianna Fáil in opposition. For the first time people like Deputy Kelleher will become involved in this important debate, as he did this afternoon.

He pointed to the reality of our two-tier health system. I do not recall Fianna Fáil Members acknowledging that in the past. The party effectively abandoned all health policy issues to the former Minister for Health, Mary Harney, for six or seven years. It offered no initiative in terms of health provision in general, how resources should be distributed, the role of the market and the benefits of universal health insurance. I am not sure whether anything in this area was included in the party's election manifesto. The Fianna Fáil Party removed itself entirely from the pitch in regard to health.

As such, I welcome that party's return to the pitch. As Deputy Buttimer said, this issue is too important to be solely a prerogative of the Government in terms of its planning. Everybody should participate. I very much agree with previous speakers that the market will not provide the solution. The market is peculiarly unsuited to the issue of distribution of social services, particularly in regard to health. We look forward to the Minister's proposals for a universal system of health insurance. The Minister of State, Deputy Shortall, is working tirelessly in regard to the primary care element of it. I hope we can accelerate our move towards the new system rather than, as Deputy Ó Caoláin suspects may be the case, allowing any delay in doing so. It is a hugely important objective for this Government and I very much welcome the Minister's commitment to it.

Deputy Bernard J. Durkan: I entirely agree with the sentiments expressed by my colleague, Deputy White. When discussing health insurance and health services in general, we should bear in mind that every single person in this country will have to access the health sector in some form or other during the course of his or her lifetime, either on the way in or the way out. It is an issue that affects everybody to a greater or lesser extent. All of the young people in the Gallery today either have been or will be beneficiaries of the health service, and that must be paid for.

In recent years we have seen a shift away from the expectation that people can rely on the public health service to provide for their needs, with an alternative to be provided by the private sector. Unfortunately, the two have crossed over each other and there is a severe degree of duplication. I spoke on this issue back in the mid-1990s when the whole debate emerged about competition in the private health insurance sector and the sharing of the burden by new entrants. We discussed at length the need for new entrants to recognise that everybody must

[Deputy Bernard J. Durkan.]

carry a fair share of the burden, both new providers and those already operating in the market. Unfortunately, that did not happen despite the existence of the sticking plaster legislation which we are proposing to extend.

I compliment the Minister of State, Deputy Kathleen Lynch, on her opening contribution to this debate last night. It offered an excellent outline of the current system, the difficulties facing it and the need to address those issues as a matter of urgency. Countless people throughout this country have made health insurance contributions over their lifetime, some of whom have been unfortunate enough to have to draw on the services provided. Many VHI customers are now old, but they were not always so. They made their contributions throughout the period in their life when it was expected that they would have little call on the system. They made their payments consistently and it was a great burden to do so at times of very high taxation.

There are issues of serious concern in regard to the current dual system of provision. For example, there was and is the suggestion that, in some cases, private health care is soaking up a disproportionate amount of available resources. If that is allowed to continue, not only will we have a duplicate system, but also a hugely expensive one across the board. If services can be provided, as has been alleged, at a much more competitive rate in other European countries, then something is wrong. Why are we unique? We are not so special that we should be treated differently from everybody else. It is well known that there are health systems in other European countries and beyond which work effectively and competitively and are very responsive to the needs of their population. I do not see any reason that we, at this stage of our development, cannot provide a service equal to any of them.

We have a year or two to contemplate what should be done. There is one certainty in this; if we do not eliminate duplication, overlap and double payment by the consumer into the system, we are doomed. The universal health insurance system, as proposed by Government, is the right approach. Everybody is entitled to a basic level of cover and a basic level of service thereafter. If that provision is not in place, only the people who can afford it will be sure of obtaining service. That is not acceptable in a republic. We are still in control of our own destiny to some extent. The part which nobody can explain is that we were able to provide all of these services many years ago. Despite the public and private contributions made over many years and the fact that we allegedly have a sophisticated health system, we cannot provide the same level of response we were able to provide 25 or 30 years ago. Some of us might know the reason for that, and it is being worked on by the Government.

I fully agree with Deputy White that it is deeply sad that Fianna Fáil, a party which represented a broad spectrum of society for many years, failed to exert its representational authority by asserting to its erstwhile colleagues in government that there was an obligation to provide for all of the people in so far as possible from the resources available to us. That was never done and I cannot understand why. Fianna Fáil Members, of all people, should have understood the importance of doing so. I welcome Fianna Fáil's return to this debate. It is hugely important for the benefit of this country and its people. I support the proposal outlined in the Bill.

Minister of State at the Department of Health (Deputy Róisín Shortall): I thank all of the Members who engaged in the debate. The provisions of this Bill are exclusively technical in nature, providing for a one-year extension of the interim scheme of age-related tax credits and the community rating levy for 2012. It includes several small modifications to the scheme to allow for a more precise level of support for community rating. That is the purpose of the Bill and it does not pretend to do anything more than that. It simply deals with a situation that must be dealt with for the coming year. The broader issues in regard to risk equalisation will

be dealt with over the course of the coming year by the Minister for Health. The concept of risk equalisation will be more vital than ever in the context of a universal insurance health system, and the programme for Government includes a commitment in this regard.

Section 2 of the Bill amends section 6 of the Health Insurance Acts 1994 to 2009 by providing a revised definition for “age group” and 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. That will provide very important data to which we do not currently have access. 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 the 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 to 2012 the age-related tax credit in respect of private health insurance premia paid by persons aged 50 years and over.

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 am in complete agreement with the many comments of Members in respect of the unfair nature of our health service. It is because both parties to this Government are so concerned about the unfair nature of the health service and the great difficulty which so many people encounter in accessing the service and the unacceptable delays involved in accessing vital services that this Government is committed to introducing fundamental reform to the health service. Both parties in Government had substantial policy documents on the health service prior to the election and in the context of the negotiations for the programme for Government, the health area was the area of most concern to both parties. A substantial element in the programme for Government deals with the kind of health reform programme to which the Government is committed. I wish to make it clear there is no argument in this regard. The current situation where many aspects of our health service are dysfunctional and where it operates in an entirely unfair manner, is completely unacceptable to this Government. This is the reason we are so determined to introduce the kind of fundamental reform that is required in order to introduce a fair system.

The aim of the reform is to deliver a single tier health service which will ensure equal access to care, based on a person’s need and not on their income. The programme for Government provides for this in a universal health insurance context. We are realistic in stating that these reforms cannot be introduced overnight. They are major reforms. What is involved in turning around the big ship of the health service requires very detailed preparation and very intensive work over a period of time. It is for this reason we are setting as an objective the introduction of universal health insurance at an early stage in a second term of government. If we suggested it could be done this year or next year, it is quite clear we would not be able to deliver such a commitment because it is not possible to do so in such a short timescale. For this reason we are being ambitious but also realistic in setting a medium-term timescale in order to introduce

[Deputy Róisín Shortall.]

full universal health insurance. This is the responsible attitude for the Government to take and it is realistic.

However, there are a number of important stepping stones along the way and each of these will play a critical role in improving our health service in advance of the introduction of universal health insurance. First, significant reform of the acute hospital system is planned. The special delivery unit was established in June 2011 to unblock access to acute services by improving the flow of patients through the system. It undertook its work to put in place a systematic approach as a priority to eliminate excessive waiting times in emergency departments. This is probably the one major complaint we hear from our constituents and it was identified as an absolute priority. The special delivery unit is establishing an infrastructure based on information collection and analysis, hospital by hospital, so we can know the situation in real time. It is quite incredible that this information is not available to us but new systems have had to be implemented in order to collect this important data. This will allow us to begin to embed performance management into the system in order to sustain shorter waiting times. If we have learned anything over the past decade, we should have learned that throwing money at problems in the health service will not solve those problems. We need to introduce fundamental reform to which the Government is committed but we need to have accurate data systems in place in order to be fully informed. It cannot be a question of money going into a black hole without knowing what that expenditure is achieving.

The establishment of the special delivery unit necessitates alterations in the current role of the National Treatment Purchase Fund, whose resources have been refocused to align closely with the work of the special delivery unit and to allow for a progressive improvement in the performance of the country's hospitals. The National Treatment Purchase Fund is proactively working with the special delivery unit and the HSE to achieve the best possible results for patients. The National Treatment Purchase Fund is working to support hospitals in the delivery of a 12-month maximum waiting time for inpatient or day case surgery by 31 December 2011. The Minister for Health, Deputy Reilly, has stated on a number of occasions that he is committed to meeting that objective. We expect to be able to move forward to reduce further that waiting time, year by year.

A further critical aspect of reform of the acute hospital system is the implementation of a new, more efficient funding system for hospital care which will be a mechanism whereby money follows the patient. It will include a purchaser and provider split, whereby hospitals will be established as independent, not-for-profit trusts. Various initiatives to facilitate achievement of the money follows the patient funding system are already under way. These include a patient-level costing project to track resources actually used by individual patients in hospitals and a pilot project on prospective funding of certain elective orthopaedic procedures at selected sites.

We have to know that an amount of money being spent on particular procedures is providing value for money. For instance, if a block of funding is given to a hospital we will know how many hip operations this money will buy. It is not just a question of allocating a lump sum of money to a hospital and hoping it will carry out as many procedures as possible. The funding must be much more targeted in its allocation while ensuring that best value is achieved.

The reform agenda also involves enhancing and greatly expanding capacity in the primary care sector in order to deliver universal GP care with the removal of cost as a barrier to access for patients. This Government is absolutely committed to delivering on that element of the reform agenda in the short to medium term. The full universal health insurance is a medium-term project which is well underway but the reforms promised on opening universal access to GP care are reforms we intend to deliver within this term of Government. This commitment will be achieved on a phased basis to allow for the recruitment of additional doctors, nurses

and other primary care professionals. Taking this step will allow us to move away from the old hospital-centred model where health care was episodic, reactive and fragmented. We aim to deliver a more proactive, joined-up approach to the management of our nation's health.

A total of 80% of health activity relates to chronic disease. It is the intention of this Government to move the vast bulk of chronic disease management away from hospitals to the local primary and community care setting. This is how real reform can be introduced to the health service. Unfortunately, as it works currently, fees act as a significant barrier for people in accessing care when a condition develops. In many cases, people cannot afford the fee of €45 to €55 for a GP visit. This problem is increasingly common and people are putting off having conditions seen to in the hope that the symptoms will go away. In many cases where people decide to neglect early symptoms, they inevitably end up with poorer outcomes and a more serious condition requiring more expensive care, frequently in an accident and emergency unit or through admission to hospital. The purpose of the reform provided for in the programme for Government is to have early intervention to encourage people to access care at an early stage and achieve better outcomes, earlier diagnosis and a much more user friendly health service. This also entails having a much more cost effective health service. This is what we intend to achieve in the term of this Government.

To respond to some of the points speakers made, given the complex nature of what is planned, the Government has approved the establishment of and terms of reference for an implementation group on universal health service. The details of the group are being finalised and it will commence work shortly. Its work will pave the way for the introduction of universal health insurance in the medium term.

I thank Deputies who contributed to the debate. This important legislation deals with a specific issue and should be considered in the context of the overall reform agenda to which the Government is fully committed. I am aware that Deputies opposite are also committed to introducing these types of reforms. As I stated, they should not expect us to have completed the task in the first nine months of the Government. Considerable work is under way and I hope Deputies will start to see the benefits of this work from next year onwards as we start to roll out the commitments contained in the programme for Government. I hope at that stage the Opposition will give us some credit for the work we are doing.

Deputy Luke 'Ming' Flanagan: We will give the Minister of State the benefit of the doubt.

Question put and agreed to.

Health Insurance (Miscellaneous Provisions) Bill 2011: Committee and Remaining Stages

An Ceann Comhairle: I am obliged to inform the House that Committee and Remaining Stages must conclude by 3.42 p.m.

SECTION 1

Question proposed: "That section 1 stand part of the Bill."

Deputy Caoimhghín Ó Caoláin: I do not intend to present any amendments. I apologise for missing the opening part of the Minister of State's contribution at the end of Second Stage. I was at a well attended safeTALK training session sponsored by the all-party group on mental health which is taking place in the AV room. Unfortunately, I cannot cover two sites at once, although I am working on it.

The Bill will proceed without opposition from me and other Sinn Féin Deputies. I note the final point the Minister of State made on Second Stage. I look forward within the timeframes

[Deputy Caoimhghín Ó Caoláin.]

she suggested to seeing some significant progress, preferably in the manner described in my contribution on Second Stage rather than that which has been signalled. I leave my case with the Minister of State and her colleagues to see what may happen.

Question put and agreed to.

Sections 2 to 6, inclusive, agreed to.

SECTION 7

An Ceann Comhairle: Amendment No. 1 in the name of Deputy Kelleher has been ruled of order as it is declaratory.

Section 7 agreed to.

Title agreed to.

Bill reported without amendments and received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Health (Deputy Róisín Shortall): I thank Deputies for participating in the debate and my officials for the work they did in preparing the legislation.

Question put and agreed to.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Paul J. Connaughton — the need to ensure charities that are VAT exempt are not charged VAT on donations made over the telephone; (2) 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; (3) Deputy Caoimhghín Ó Caoláin — the need to amend the eligibility criteria for the JobBridge scheme to cater for lone parents; (4) Deputy Aengus Ó Snodaigh — the need to ensure services continue to be provided at the Base, Ballyfermot, Dublin; (5) Deputy James Bannon — the need to designate Longford as a sub-office of the newly amalgamated Longford-Westmeath Vocational Education Committee; (6) Deputy Terence Flanagan — the need to ensure funding is not cut for St. Michael's House and those with intellectual disabilities in budget 2012; (7) Deputy Patrick O'Donovan — insulation in local authority houses and the physical accessibility to local authority houses for people with a disability; (8) Deputy Simon Harris — the need for a guaranteed supply of drinking water to north County Wicklow; (9) Deputy Michael Healy-Rae — the way in which public contracts are tendered for; (10) Deputies Tom Hayes, Seamus Healy and Mattie McGrath — the proposed closure of Kickham Barracks, Clonmel, County Tipperary; (11) Deputy Michael McCarthy — the need to establish a bilateral agreement between Ireland and Ethiopia to facilitate inter-country adoptions from that country; (12) Deputy Eamonn Maloney — the plan to establish an Oireachtas committee to inquire into clerical sex abuse; (13) Deputy Robert Troy — the vacant Industrial Development Agency park in Mullingar, County Westmeath; (14) Deputy Joe Costello — the need to combat digital piracy in Ireland; and (15) Deputy Mick Wallace — the need to progress matters between the residents of Priory Hall and Dublin City Council.

The matters raised by Deputies Simon Harris, Robert Troy, Michael McCarthy and Caoimhghín Ó Caoláin have been selected for discussion.

Topical Issue Debate

Water Services

Deputy Simon Harris: I am grateful for the opportunity to raise this important matter and I thank the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, for coming to the Chamber for this debate. The Vartry tunnel is a 4 km long, rock lined tunnel built in the 1860s which runs through the Wicklow Mountains. It supplies water from the Vartry reservoir to more than 150,000 homes in south County Dublin and north County Wicklow. I am deeply concerned by reports that a faultline has been identified in the rock which may result in the collapse of the tunnel at any time. The tunnel has been listed on the Environmental Protection Agency's list of facilities requiring remedial action.

The Minister, Deputy Hogan, will appreciate that this is a matter of considerable urgency. Some 80 million litres of water flow through the tunnel on a daily basis, representing approximately 20% of the total supply of water to the greater Dublin area, including towns like Bray and Greystones. If the tunnel collapses, which could occur without any warning, no alternative water supply will be available to service houses and businesses currently served by the Vartry tunnel. Not only would this be a huge inconvenience for many families, but it would also raise significant health and safety concerns. I understand from media reports that in the event of such a collapse, it could take months or years to restore the water supply to the affected areas. I hope the Minister can allay my fears in that regard. At a time when the Government is rightly doing everything it can to protect jobs and promote employment, this is an additional worry for local businesses in the area.

I ask the Minister to ensure the Department of the Environment, Community and Local Government and the Environmental Protection Agency take pre-emptive action now so alternative measures can be put in place in the event that the Vartry supply experiences difficulty. I understand that Dublin City Council has made proposals in this regard, involving the development of a 1 km bypass pipe that would run parallel to the existing pipe. I hope the Department will engage constructively with the council on this so the minds of my constituents in north Wicklow can be put at rest. I recognise there are competing demands for investment in water supplies in different parts of the country. I appreciate that the level of investment in our water infrastructure was inadequate when this country was experiencing an economic boom. It is a matter for the Minister to try to right those wrongs in extremely difficult circumstances. I know he is aware of the need for significant improvements in our water infrastructure. I have spoken to him at length on the matter. Water shortages are becoming increasingly frequent, particularly in winter. Significant leakage across our water network remains a real problem. I believe this unique and pressing case merits the immediate attention of the Minister.

Deputy Phil Hogan: I thank Deputy Harris for giving me an opportunity to outline my position on this important subject, which clearly demonstrates the importance of water volumes and water quality for the community in general. I will continue to prioritise capital funding under my Department's water services investment programme, which is clearly underpinned by the need to address deficiencies in quality and security of water supply. This is in line with the risk-based approach that has been developed by the Environmental Protection Agency since 2008, whereby it has listed public water supplies that require corrective action on a remedial action list. Under the 2010-12 water services investment programme, some €285 mil-

[Deputy Phil Hogan.]

lion has been set aside for contracts to start for water supplies on the remedial action list. A further €28 million has been allocated under the rural water programme since 2008 for smaller works that are required. The EPA report that was published yesterday, *The Provision and Quality of Drinking Water in Ireland — A Report for the Year 2010*, indicates that good progress has been made in addressing supplies on the remedial action list. Of the original 339 supplies on the list, 166 have been removed with works to be completed on a further 136 by the end of 2011. Action programmes are in place for most of the remaining supplies.

I assure Deputy Harris that an action programme is in place for the Vartry supply, backed by funding from my Department. I am disappointed that the EPA has reported slow progress on addressing issues with this supply. The Vartry supply has served the citizens of parts of Dublin and Wicklow for over 140 years. It supplies 80 megalitres of potable water to 335,000 people every day. In 2007, my Department approved a preliminary report which recommended the replacement of the existing Vartry tunnel with a new 4 km tunnel on a direct line from Vartry waterworks to Callowhill, at an estimated cost of €19.4 million. A planning stage budget has been approved. The project is included in the water services investment programme as a project to advance through planning. My Department is awaiting the submission of contract documents from Dublin City Council to enable the scheme to proceed to construction.

Dublin City Council has proposed an advance works project to mitigate the risk to public health that was identified by the EPA, pending the construction of a new tunnel, by providing UV treatment at Callowhill. As part of the review of the water services investment programme earlier this year, this contract was added to the water services investment programme, as a contract to start, at a cost of €1.5 million. I understand the city council is working on detailed proposals for this project. My Department has also approved funding for a number of additional project staff for the delivery of water services capital projects in Dublin, including the Vartry tunnel replacement project. Capital investment in water services is being given a high priority by the Government, with €371 million being provided in 2012. The next stages of the action plan for the Vartry tunnel replacement and the more immediate works at Callowhill will be a priority for funding within the available resources as they are developed by Dublin City Council. I urge the council to finalise these proposals as quickly as possible.

Deputy Simon Harris: I thank the Minister for his positive response. Many of my constituents — the Ceann Comhairle's constituency of Dún Laoghaire is served by a similar supply — will be astonished and annoyed to learn that the Department of the Environment, Community and Local Government has allocated funding and made provision for additional staffing measures and that a preliminary report was approved in 2007. People woke up yesterday, in 2011, to read in the national newspapers that the north Wicklow water supply could be affected by these problems at any stage. I am encouraged by what the Minister has said. I would like to add my voice to the Minister's call for Dublin City Council and Wicklow County Council to get involved as quickly as possible. I would like the Minister to ask the Department of the Environment, Community and Local Government to contact Dublin City Council to see if progress can be made on this matter as quickly as possible.

Deputy Phil Hogan: I accept that legitimate concerns have been raised about the supply of drinking water to parts of Wicklow and Dublin from the Vartry supply. I reiterate my firm commitment to the advancement of proposals, including those in the action programme, aimed at addressing these deficiencies. I want infrastructural provision in the water sector to be accelerated. Important decisions on the reform of the sector will be made from this perspective in the coming months. We will build on the existing strengths of the current system to achieve our goals. Projects in the current water services investment programme will form part of our

investment plans under any structural arrangements. Important projects, such as the replacement of the Vartry tunnel, need to be advanced as quickly as possible. The Government has committed to invest €1.6 billion in capital funding in water services between 2012 and 2016. I urge all authorities, including Dublin City Council, to press on with the delivery of priority projects. I can confirm that I will contact the local authority in the Deputy's area to see what can be done to expedite the proposals that have been mentioned.

Industrial Development

Deputy Robert Troy: I thank the Ceann Comhairle for selecting this important issue for debate during Topical Issues. This matter was discussed the other evening at a town hall meeting of Mullingar's business community, which I attended. I would like to give some background to this matter. I will preface my remarks by saying I do not hold the Minister of State, Deputy Sherlock, personally responsible for any of this.

Deputy Michael McCarthy: Go for him.

Deputy Robert Troy: We have had enough of that today. A 68-acre site was purchased by IDA Ireland in 2002. It was intended that a great new technological park for the town of Mullingar would be developed on the site. Permission was granted to install all services on the site in 2003. The park is now fully served by road, broadband, electricity, public lighting and footpaths. The attention to detail was such that the park even has a bus stop. Permission was subsequently granted for two units in an effort to attract new business to the town. The park is totally empty today, however. It is being used for grazing purposes. I wonder how much those grazing cattle are costing the Exchequer. Historically, the people of Mullingar have not had good experiences with IDA Ireland. In 1997, IDA Ireland announced that Oxford Health Plans was planning to locate in Mullingar and intended to employ 500 people. The firm had 40 staff in Mullingar at first and increased this to 180 before it closed its doors two years later. Similarly, the Hon Hai Precision Industry Company located in Mullingar in 1999 to great fanfare but little came of it.

I have submitted a number of parliamentary questions on this matter since I was elected to the Dáil. Most recently, in October of this year, I asked the Minister for Jobs, Enterprise and Innovation to state the number of visits by potential clients to the IDA Ireland park in Mullingar that had taken place since February 2011. The Minister said in reply that he had been "informed by IDA Ireland that so far in 2011, the agency has hosted three site visits by potential investors to Mullingar". That is nothing short of disgraceful and shameful, particularly when one examines the site visit figures for other IDA Ireland parks in the region. When representatives of IDA Ireland addressed Westmeath County Council on 11 May last, they said there is no such thing as a fair share or an equal slice when it comes to bringing direct investment and jobs to Mullingar. IDA Ireland should market Mullingar as a priority location in keeping with its stated policy objective of balanced regional development and delivering 50% of projects to regions outside Dublin. What has Mullingar done wrong? It is strategically placed in the centre of Ireland and is well-served by a road infrastructure. Travel times from Mullingar to Dublin Airport and Dublin Port are two hours, an hour and a half to Galway, two hours to Belfast and two and half hours to Cork. Rail services have been improved over the past several years. Mullingar has a well-educated workforce and is close to major third level institutions such as Athlone Institute of Technology, which celebrated its fortieth anniversary as seen on "Nationwide" recently, and NUI Maynooth which is only 30 minutes away. However, the IDA still treats us as second-class citizens.

The Government recently decided to close the Army barracks in Mullingar with the relocation of 200 jobs. In its capital expenditure plan, it announced it would discontinue with the

[Deputy Robert Troy.]

decentralisation of Department of Education and Skills offices to the town with a further loss of 300 jobs. While most decentralisation programmes were a bit airy-fairy, I was informed the Mullingar proposal was the most subscribed of all the plans.

Who will take control of IDA Ireland, as it seems to be a law unto itself? Will the Minister inform me what Mullingar needs to do for the IDA to stop ignoring a business park in the town in which it has invested millions of euro? The agency has failed abysmally in attracting jobs to Mullingar or to work with Enterprise Ireland or the local enterprise boards. It has hoarded this business park away for itself. Several companies have approached the agency to purchase units in the business park, only to be refused unless they had IDA approval. As the Minister knows, opening up just one unit can have a knock-on effect with other businesses opening in the vicinity. What are the Government's plans for job creation and investment in Mullingar? What are the Minister of State's proposals for this 68 acre functional business park, along with those of IDA Ireland and Enterprise Ireland, which is still being used to graze cattle?

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I thank Deputy Troy for raising this matter. I have some sympathy for his position as I understand the frustration of any Deputy who represents areas outside of the large urban conurbations when it comes to attracting inward investment to their business parks. I too have had words with the agency when it comes to its policy of attracting inward investment to places other than the larger urban conurbations.

IDA Ireland's property portfolio comprises approximately 1,240 ha. Under section 16 of the Industrial Development Act 1986 the agency has responsibility for managing its property programme which consists of the acquisition and disposal of land, the development and servicing of land and the provision of building solutions. The programme has been designed specifically to support the promotion of Ireland and its regions as a suitable location for foreign direct investment, FDI, by providing tailored property solutions.

The midlands region is a priority for IDA Ireland and it is continuing to market the region, including Mullingar, to its existing clients and to potential new investors. In line with the national spatial strategy and IDA Ireland's strategy, Horizon 2020, IDA Ireland is focused on advancing regional economic development, primarily through gateway locations and in the midlands this includes Mullingar, Tullamore and Athlone.

The IDA has invested heavily in the business and technology park in Mullingar to make it more attractive to overseas clients. The agency has confirmed that it will continue to promote this park and other local private property options to secure new investments for Mullingar and its surrounding areas. As Ireland competes for high-end investments, the concept of scale is crucial to success. Leading corporations require a significant population of highly qualified talented people, effective physical and digital infrastructure, coupled with the availability of sophisticated support services, an attractive quality of life and proximity to third level institutions.

IDA Ireland is actively marketing the midlands gateway through its network of overseas offices and is in regular engagement with all local economic stakeholders including local authorities, midlands gateway chamber, county development boards, academia and Enterprise Ireland to develop constantly the value proposition for the midlands and to provide the most attractive conditions for growth.

With the improved infrastructure that is now in place, a significant number of people commute from within the midlands gateway. The IDA considers a project win in one midlands town to have a positive impact on the other surrounding areas due to the close proximity of all main locations.

As well as marketing the region for new greenfield investment, IDA Ireland continues to work with existing clients to deepen their mandate in Ireland and to continue to reinvest in their sites in the region. This encourages further business in areas which are compatible with our skills base and which are sustainable within our economy in the longer term.

The strategy of developing lands and property in advance of securing new business has been a fundamental and successful tool in the IDA's marketing to overseas clients. The ready availability of property solutions often eliminates the lead times normally associated with acquiring property and for completing necessary development work. It also allows for the commencement of projects at an earlier date by eliminating many of the potential difficulties associated with land acquisition, planning and construction.

It is an accepted that the role of the IDA in making available appropriate and timely property solutions tailored to the needs of prospective multinational clients has been a key contributor to winning FDI to Ireland.

I have been informed some clients tend to opt for site locations in larger urban areas. I agree with the Deputy that there must be a meaningful dialogue with the IDA around the designation of hubs in attracting inward investment to sites such as the one in question. There may also be a need to examine more closely how these sites can be better utilised.

Deputy Robert Troy: I thank the Minister of State for his reply. The IDA's policy states it would be in keeping with the authority's stated policy objective of balanced regional development to have 50% of projects delivered to regions outside Dublin and Cork. The Minister of State correctly pointed out that the midland region is receiving investment and he stated the gateway hub of Tullamore, Athlone and Mullingar is being looked after, but only two of those towns are being looked after. There is no IDA development in Mullingar. He also referred to proximity to third level institutions. The availability of a highly educated workforce is of huge importance to potential investors. The town is well located with AIT down the road and NUI Maynooth up the road, both only a 30 minute drive away.

According to reports regarding the upcoming budget, no grants will be made for fourth level education and that will have a detrimental affect on the IDA's efforts to attract foreign direct investment. If the student registration charge is increased further, it will also have a detrimental effect because young people will be disincentivised to attend third level and educate and upskill themselves to a level that would attract foreign direct investment.

Will the Minister of State take a personal interest in the site in Mullingar? I am sure he will visit the region. When he does so, will he visit the IDA park in Mullingar to see first hand how well located and serviced it is and how quickly it could be made ready and available to a potential client? The IDA should look outside its own parameters regarding this park. It seems to covet the site because no one else can get a look in. The authority has had it for the past 11 years and it has not attracted any company. Enterprise Ireland, the local authority, the county enterprise board and community organisations should be given the opportunity to avail of it and let whichever group comes forward with a reasonable suggestion use it. If that means they have to be given the site without paying for it, so be it. Captains of industry who are prepared to take risks and invest their own capital in line with their entrepreneurial spirit to create jobs in our locality should be let on to the site. People need to be incentivised to spend their own money to create jobs because the State will not do so. The State needs to introduce policies to incentivise people to generate job creation using their own wealth.

Will the Minister of State give a commitment to do this, especially given the recent decision to close the Army barracks in Mullingar and to cancel the decentralisation of the Department

[Deputy Robert Troy.]

of Education and Skills to the town? The town has lost 500 jobs. The IDA says it prioritises areas that have suffered job losses. Mullingar must be at the top of the list if that is the authority's criterion.

Deputy Sean Sherlock: I have sympathy for the Deputy regarding the issues raised. If one considers this from the vantage point of companies that may invest inward, they do not necessarily look at county boundaries or constituencies and, therefore, if they are considering the midlands gateway, they will look at the towns, in particular, not the county boundaries.

Deputy Robert Troy: The IDA is bringing investors to the other two towns.

Deputy Sean Sherlock: I take what the Deputy said in good faith. Given that Mullingar has a strong stakeholder forum, I respectfully suggest it should take up the cudgel through its local public representatives to forge a closer link or dynamic with the IDA in respect of the issues he has outlined.

With regard to a site visit, I can bring this to the attention of the Minister. I have visited AIT and NUIM. They are two fine institutions conducting world class research and there is continued investment by the Government in science, technology and innovation to ensure this world class research can be maintained.

There is merit in the Deputy's contribution. There has to be a dialogue around these sites throughout the country and how they are marketed and utilised. We need a discussion about a more lateral approach and if a set of potential investors locally or a set of stakeholders or entrepreneurs who are from without the IDA portfolio want to engage, an approach should be made to the authority to discuss the potential of the land use. I fail to see why that could not happen. I thank the Deputy for raising these issues.

Inter-Country Adoptions

Deputy Michael McCarthy: I thank the Ceann Comhairle for the opportunity to raise the issue of inter-country adoptions between Ireland and Ethiopia. I refer to the difficulty being experienced by people who want to adopt children from Ethiopia because of the absence of a bilateral agreement. The enactment of recent legislation in the area, while, by and large welcome, has effectively made it impossible for Irish couples to adopt Ethiopian children. This not only poses obvious problems for first-time or prospective parents seeking to adopt from Ethiopia but it also means that Irish couples who have previously adopted an Ethiopian child and who may want to expand their family will not be in a position to adopt a second child from that country. They are in a difficult space.

In this context, I call on the Minister for Children and Youth Affairs to review this situation and specifically to begin negotiations with the Irish Ethiopian Adoption Organisation with a clear view to establishing a bilateral agreement between both countries. Ireland has a positive history of adoption from Ethiopia going back over 20 years.

The most recent figures indicate that between 250 and 300 adoptions of Ethiopian children by Irish parents have taken place during that period. There are now in the region of 7 million orphans in Ethiopia. Of that number, just over 3,000 Ethiopian orphans are currently the subject of intercountry adoptions.

We have a duty to reach out to Ethiopia, which has a population of 80 million people. We are facing into an extremely difficulty budget and our country is experiencing many economic and social problems. Our concerns pale into insignificance when one considers the problems relating to poor education provision, health, shelter, sanitation etc., with which Ethiopia must

deal. The position in Ethiopia is not improving, it is getting worse. Only 17% of the Ethiopia is urbanised and the rate of youth unemployment there is worse than that which obtains anywhere else on the planet. More than 1 million people in Ethiopia have AIDS or HIV and the country has endured its own well-publicised share of civil conflict in the past.

As the Minister is aware, Ireland ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions in 2010. The enacting legislation, the Adoption Act 2010, came into force on 1 November of last year. The Hague Convention establishes minimum standards for the protection of children and eliminates various abuses previously associated with the intercountry adoption process. In that context, the ratification of the convention and the accompanying legislation are to be warmly welcomed because they ensure that high standards and specifications are applied to the intercountry adoption process at all times. In addition, the best interests of the children involved are placed above all other considerations. Section 40 of the Adoption Act stipulates that, in respect of intercountry adoptions, only children from contracting states may be adopted by Irish couples. The only other avenue by means of which Irish couples may adopt children is if they come from a country that has a bilateral agreement with this State. That Ethiopia has limited resources means it has been unable to ratify the Hague Convention. As a result, and in order for adoptions to continue into Ireland from Ethiopia, a bilateral agreement between the two countries must, as required under the Adoption Act, be put in place.

It is important to point out that the Hague Convention allows for adoptions to countries which have not ratified the convention. As already stated, the Adoption Act 2010 allows for bilateral agreements with such countries. As far as I understand it, Ireland is the only country which has restricted adoptions to countries which have ratified the convention and which will not allow adoptions — carried out to Hague standards — from non-contracting states with bilateral agreements. Significantly, countries which have ratified the Hague Convention — the UK, Belgium, Norway, Sweden and Germany — facilitate adoptions from Ethiopia, despite the fact it has not yet ratified the convention. Furthermore, Australia has a bilateral agreement with Ethiopia. I am of the view that the position with regard to Australia could be mirrored in Ireland. While this country currently has no bilateral agreements, history shows that the now expired bilateral agreement with Vietnam was an exceptionally positive collaboration. As a result, there is no reason an equally productive link could not be established with Ethiopia.

It is worth noting that 80% of all intercountry adoptions worldwide are from countries which have not ratified the Hague Convention and 20% are from those which have ratified it. There are many families in Ireland which are, for one reason or another, seeking to adopt Ethiopian children but which are being prevented from doing so. There is an easy remedy to this situation. I call on the Minister for Children and Youth Affairs to agree to a request from the Irish Ethiopian Adoption Organisation to have a meeting with her and to authorise the Adoption Authority of Ireland to commence negotiations with the Ethiopian authorities on establishing a bilateral agreement with Ireland.

Minister for Social Protection (Deputy Joan Burton): I am taking this matter, which is of great interest to many Members, on behalf of the Minister for Children and Youth Affairs, Deputy Fitzgerald, and I thank Deputy McCarthy for raising it.

There was a fundamental change to adoption in Ireland with the commencement of the Adoption Act 2010 and the coming into force of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions on 1 November of last year. In the context of intercountry adoption, Ireland has now signed and ratified the Hague Convention, which aims to promote the highest standards and best practice in intercountry adoption. The practice of intercountry adoption is not without risk. The Hague Convention seeks to

[Deputy Joan Burton.]

minimise that risk, with those countries who are party to it working in collaboration in order to build confidence in the process in both sending and receiving countries.

The Adoption Authority of Ireland, AAI, is the central authority for this country with regard to intercountry adoption. As the Hague Convention is designed to ensure a minimum set of standards in respect of such adoption, the AAI as indicated that its first priority is to reach agreements on arrangements with other countries which have ratified the convention. Representatives of the AAI recently returned from the USA and intend to develop an administrative arrangement with that country in respect of intercountry adoption. In the coming weeks, these representatives also intend to visit Mexico and Vietnam in the context of entering into administrative arrangements with both jurisdictions. An arrangement with the latter will be dependent on the entering into force of the Hague Convention in Vietnam on 1 February 2012.

The Minister has been informed by the Irish Embassy in Addis Ababa — it is of assistance that we have an embassy there — that the Ethiopian Government is strongly committed to protecting the best interests of the child and that the ratification of the Hague Convention is an objective for it. While the Ethiopian authorities are supportive of the goal of Hague-compliance, it seems likely that it will take time for them to put in place arrangements to allow for their ratification of the convention. UNICEF is working closely with the Ethiopian authorities to support the development of enhanced policies and programmes in support of children.

As well as providing for the ratification of the convention, the Adoption Act also provides that we may, as Deputy McCarthy noted, enter into bilateral agreements with countries such as Ethiopia which have not ratified the Hague Convention. The negotiation of bilateral agreements on intercountry adoption with states which have not ratified the Hague Convention is governed by section 73 of the Adoption Act 2010, which states “the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State”. The opening of negotiations on such a bilateral agreement 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-à-vis* the Hague Convention.

In the context of Ethiopia, the AAI has given preliminary indications that certain issues — particularly those relating to the effect of Ethiopian adoptions in the context of the Adoption Act 2010 — which will require detailed consideration are likely to arise. It is also acknowledged that the adoption process is a tremendously emotional journey to which legal rigour must, in the best interests of the child and all other parties to an adoption, be applied. Add to this the period of change the Adoption Act 2010 has induced and the result is a very difficult and demanding landscape for prospective adoptive parents. There are few certainties or guarantees and, on occasion, governments in both sending and receiving countries may make decisions about what is in the best interests of children that will give rise to concerns on the part of prospective adoptive parents.

The Minister is extremely conscious that the AAI has a full work programme in the terms of Hague countries, as well as the important upcoming priority of engagement with Vietnam. In addition, the AAI and officials from the Department of Children and Youth Affairs will be undertaking exploratory meetings with the Russian authorities in the coming weeks. The AAI must also prioritise checks of legal compatibility with a wide range of jurisdictions in order to process applications for the recognition of the adoptions of children already adopted from abroad by Irish citizens. These are desktop reviews in respect of which legal advice is needed. They are urgently required in order to regulate the status of children already adopted.

The Minister has sought an update on Ethiopia from the AAI and the Irish Embassy in Addis Ababa to assess possible next steps *vis-à-vis* that jurisdiction. However, further action must have regard to the wider work programme of the AAI and its agreed priorities.

Deputy Michael McCarthy: I thank the Minister, Deputy Burton, for taking this topical issue.

It is clear from her reply that there is a legislative framework which will allow the inter-country adoptions to take place, leaving aside the difficulties Ethiopia may be experiencing in ratifying the Hague Convention. There is a legislative framework and provision to allow us proceed with a bilateral agreement.

We have an embassy in Addis Ababa. I am happy to see that the Minister has sought an update, both from it and from the adoption authority but I have two specific requests. First, I urge the Minister concerned, Deputy Fitzgerald, to meet the Irish Ethiopian Adoption Association and resolve the remaining issues. Second, I urge her, as is only right and proper, to allow the bilateral agreement to take place so that we can promote families coming together and allow people in this country who want to adopt an Ethiopian baby the joy and happiness that such adoption will bring to their lives. It will also allow those who have already adopted children from that country to expand and develop their family unit.

We are living in difficult times but this is a good news story. It is a good story for children and for families. It is something that the Government needs to pursue with a considerable degree of enthusiasm, compassion and speed. The apparatus and legislative framework are in place. What we need is a political push. We have an embassy in Addis Ababa.

The Minister, Deputy Burton, spent a significant period of her life in the continent of Africa. She will be aware of the difficult social and economic issues challenging the livelihood of people in Ethiopia. I ask her to urge the Government and her colleague to pursue this issue.

I would respectfully ask that the Minister, Deputy Fitzgerald, would get back to me following the update that she has sought from the Irish Embassy in Ethiopia and having considered the possible next step. The framework is in place and we need to push it in that direction.

Deputy Joan Burton: I will ask my colleague, the Minister, Deputy Fitzgerald, to give urgent consideration to the meeting Deputy McCarthy suggests with the Irish people interested in adopting from Ethiopia. As I stated in the detailed reply, there is much work ongoing arising from the entering into force of the 2010 Adoption Act. Also, Ireland has finally, after long years of discussion, signed up to the Hague Convention. That is very helpful.

I have been in Ethiopia where there are, unfortunately, a number of children in orphanages. Deputy McCarthy mentioned the figure of 3,000. Where a child would otherwise spend his or her childhood in an orphanage, there is a strong case for facilitating a good quality home to adoptive parents who would love and look after that child.

I, myself, was adopted. Of course, Ireland has a long history of adoption. In the 1950s, we had children going to America to be adopted in the period after the Second World War. We are not without our own history, including those children coming back subsequently to Ireland to look for their birth roots. It is important in this instance that we look at the interests of everybody, foremost of which are those of the child, including, as I stated, the issue of a child being in an institution such as an orphanage for all of his or her childhood as opposed to finding a loving home. The fact that we have an embassy in Ethiopia is helpful. I will ask the Minister, Deputy Fitzgerald to send Deputy McCarthy a report on the briefing that she gets from the embassy.

The Minister has done much positive work since she took up office. As a matter of interest, I received a table from officials from her Department outlining the numbers of registrations of

[Deputy Joan Burton.]

adoptions from Ethiopia as follows: in 2011, 41; in 2010, 75; in 2009, 21; and in 2008, 26. There is a history. I am sure the Department will furnish Deputy McCarthy with the details of the non-Hague Convention adoptions from abroad. The total of non-Hague Convention adoptions, according to this table, were: so far in 2011, 135; and in 2010, 168.

Clearly, now that we have signed up to Hague Convention, adoption is still continuing. It is merely that the framework must meet the requirements of that convention and the sending country also must establish and meet fairly stringent requirements on its side. That is in the best interest of the child.

I will raise what Deputy McCarthy has said with the Minister.

Employment Support Services

Deputy Caoimhghín Ó Caoláin: The website of the JobBridge scheme lists the following eligibility criteria: one must be unemployed and actively seeking work, and one must be on the live register and currently in receipt of jobseeker's benefit, jobseeker's allowance or signing for social insurance contribution credits for three of the past six months. This appears fairly straightforward. Unfortunately, it is not so. Only when one reads the fine print of the scheme is it revealed that a person can meet these criteria and still be excluded, on the basis that the person is also in receipt of one parent family payment. For the record, one can be in receipt of one parent payment and a reduced jobseeker's benefit payment.

Therefore, single parents are obliged to give up their one parent payment if they wish to avail of the scheme. This is unfair, discriminatory and detrimental, not only to the parent but to his or her child or children. It must be remembered that the purpose of the one parent payment is to help the recipient provide for his or her child in the absence of income from a partner. It is not a payment made solely for the benefit of the adult in the family.

When my colleague, Deputy Ó Snodaigh, raised this matter with the Minister by way of parliamentary question, Deputy Burton's response was to state that "Individuals in receipt of One Parent Family Payment may access a wide range of activation supports including the FÁS Work Placement Programme". However, the FÁS work placement programme is, according to the scheme's own website, "unpaid and voluntary". In fact, participation in such a scheme may entail a net cost to the participant, particularly in rural areas such as my constituency where travel is likely to be involved, and costs such as lunches and child care. The weekly JobBridge payment, €50, may be a pittance to some but at least it would go some way towards the costs of a person's involvement in the scheme. The FÁS programme is not an adequate substitute.

The problems this exclusion is causing are not hypothetical. I received the following correspondence from a constituent in receipt of lone parent family payment and already participating in a work placement programme. She writes:

It is beginning to get disheartening going into a job every day not getting paid. I am struggling to get by. I have not been able to pay my mortgage for months, I can't afford to tax my car at the moment, I have no oil for my house and it is starting to get colder. I am at my wits end trying to figure out how I am meant to pay my bills, raise my two teenage sons, celebrate Christmas and put my son through college next year when all I am in receipt of is €247 a week from One Parent Family payments. I get nothing from their dad and no other help. My parents are unable to help me anymore as my dad is struggling to find work himself and I took up this work placement as a way to try and make a future for myself and my boys. I am fighting back the tears typing this because I have always been such a self-sufficient person and I feel that I am now such a failure because I can't provide for my children. I feel totally trapped and at a loss of what to do next. If I leave my work placement, I blow any

chance of getting a job in the future here but it is costing me money I don't have, to come to work every day.

I ask the Minister to consider sincerely the words I have read. This constituent, who is well known to me and whose integrity I can confidently vouch for, is not only suffering financially because of her inability to access even the meagre payment available under the JobBridge scheme, it is also clearly causing her enormous emotional distress. She is not alone. I have no doubt that any Member in this House who talks to constituents will know of cases similar to that I have outlined. In the face of an economic crisis, the Government's policies are leading — I do not believe this in any way stretches the situation — to mental health issues for people. That is a fact of life, very sadly, from the cohort and profile of cases that are coming to my office on a week-on-week basis. I ask the Minister to sympathetically and compassionately respond to the appeal I have made.

Deputy Joan Burton: I thank Deputy Ó Caoláin for raising this important issue in general and in particular for his constituent. Earlier this year, the Government announced its jobs initiative, which was a major step in helping to get Ireland back on the road to recovery. The Government's aim was to begin the process of restoring confidence in Ireland's economy, but also restoring hope and confidence in the huge number of people who currently find themselves out of employment. JobBridge, the national internship scheme, is a key element of the jobs initiative.

Since its launch on 1 July this year, JobBridge has already achieved significant milestones. As of last Friday, there are just under 2,600 internship opportunities being advertised on the JobBridge website, www.jobbridge.ie, and a total of 2,879 interns have actually commenced their internship. These figures show the strong level of interest in JobBridge, both from a host organisation perspective but also, importantly, from prospective interns.

The aim of JobBridge is to assist individuals bridge the gap between unemployment and the world of work. JobBridge provides those seeking employment with the opportunity to undertake a six or nine month internship in a host organisation. The scheme aims to offer individuals of all skill levels, ranging from those who left school early to highly qualified graduates and postgraduates, a unique opportunity to develop new skills to complement their existing skills and earn valuable experience. Upon completing their internship, participants will have improved their prospects of securing employment.

In the current labour market environment, JobBridge also provides individuals with a unique opportunity to secure work experience in a new field. These could be people coming from the construction industry who no longer have employment and need to get into a new field. The scheme enables people to break the cycle whereby unemployed people are unable to get a job without experience and cannot gain experience without a job, either as new entrants to the labour market after education or training or as unemployed workers, like construction workers, whose existing skills need to be enhanced to ensure they stand the best possible chance of securing work.

In order to be eligible for the scheme, individuals must be in receipt of a live claim on the live register and have been receiving jobseeker's benefit or jobseeker's allowance, or signing for social insurance contribution credits, for at least 78 days in the last six months. The purpose of these eligibility criteria for the JobBridge scheme is to provide a pathway to appropriate employment, training and education opportunities for those on the live register so that, as employment opportunities become available, they are taken up by those on the live register. Given the scale of the unemployment crisis, it is imperative to keep those on the live register close to the labour market and to try to prevent the drift into long-term unemployment. For

[Deputy Joan Burton.]

these reasons, the eligibility for the scheme is confined to those on the live register and in receipt of unemployment payments or signing for credits for at least 78 days of the last six months. In so designing the scheme, the policy objective is to prioritise scarce resources on those on the live register so as to increase their chances of leaving it and ensure a reduction in Exchequer costs over time.

The Department continues to monitor and review the operation of the JobBridge scheme, including its eligibility criteria, on an ongoing basis. However, for the reasons outlined, there are no plans to amend the participant eligibility criteria. I assure the Deputy we keep it constantly under review. I have taken many queries and questions from Deputies in the House. We have changed the scheme on an ongoing basis and we will have an evaluation system in place. This has already gone to tender and it is a first in regard to social welfare that we would evaluate results as close as possible to people actually undertaking various activation programmes. This is something people have spoken about over a long period.

JobBridge is the first initiative operated under the new national employment and entitlements service, which was a commitment contained in the programme for Government. The implementation of this new service under the management of the Department of Social Protection is a crucial element of improved targeting of the resources applied to work placement, training and education for unemployed people and will provide the framework within which the reinvigorated national employment action plan will deliver activation policies and priorities.

Individuals in receipt of one-parent family payment have access to a wide range of activation supports. The Deputy referred to the FÁS work placement programme, specifically in regard to his constituent. The problem with the work placement programme is, as the Deputy pointed out, that there is no top-up payment and many people on that programme have opted, where they qualify, to transfer over to JobBridge. I am continuing to keep all of this under review.

We are constrained by the circumstances in which I got the go-ahead in Government to proceed with this scheme in the context of the discussions with the people from the troika, who want to see the activation of people on the live register. Initially, we are confining it to such people because those are the terms and conditions. However, I am keeping this constantly under personal review, as are the people on the steering group. We meet very frequently to, as it were, gather all the experience of what works and what does not work. I appreciate the Deputy's concern in this area.

Deputy Caoimhghín Ó Caoláin: I outlined a previous reply by the Minister to my colleague, Deputy Aengus Ó Snodaigh. It was the Minister's reply that made reference to the FÁS work placement programme in the first instance. Sadly, it has brought no benefit other than the experience itself in the particular case I cite. With respect, although the Minister gave a lengthy, nine paragraph reply, it is only in the last paragraph that any reference is made to the situation in regard to one-parent family payment, which is the focus of my question.

There should be no mistake. We were not, by any means, enthusiasts for the JobBridge scheme when it was first introduced. We believed it was poorly designed and aimed at camouflaging the real situation in regard to the unemployment rate. We argued it was not a substitute for a programme of job creation, which we do not believe the Government has seriously brought forward.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry to interrupt. The Minister must reply before we conclude.

Deputy Caoimhghín Ó Caoláin: As long as the JobBridge scheme is all that is on offer, I will of course make the case that lone parents and non-parents alike should be treated similarly. In this instance, if the Minister is to undertake any review, I urge her to hear and heed the cry of this woman, who is representative of a number. It is not going to break the bank but it will make a huge difference. They are very eager and anxious to take it up.

Deputy Joan Burton: I will bear in mind what the Deputy has said. We got the go-ahead for the scheme under the very stringent conditionality that it related to people on the live register, for reasons I am sure the Deputy appreciates and understands. JobBridge is not for everybody, and I never claimed it was. It is a specific initiative providing 5,000 places over a two year period. It is very heavily subscribed, as the Deputy knows, and the feedback from it is quite positive. An evaluation mechanism to be put in place has gone to tender.

I am keeping the scheme under constant review. I am aware that some members of the Deputy's party are immensely critical of it, but it has a valuable role for people who are caught in the catch-22 situation of being unable to get a job because they do not have experience and being unable to acquire experience because they cannot get a job.

Message from Seanad

Acting Chairman (Deputy Bernard J. Durkan): Seanad Éireann has accepted the National Tourism Development Authority (Amendment) Bill 2011 without recommendation.

Message from Select Committee

Acting Chairman (Deputy Bernard J. Durkan): The Select Committee on Justice, Defence and Equality has completed its consideration of the following Supplementary Estimates for Public Services for the service of the year ending 31 December 2011 — Votes 19, 20 and 22.

Ceisteanna — Questions

Priority Questions

Departmental Expenditure

1. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will confirm reports that he has been unable to secure the agreement of the Department of Public Expenditure and Reform to allocate the additional €16 million necessary to cover garda costs in relation to the visit of Queen Elizabeth II and President Obama; the effect that this lack of a refund is having on garda activities; the information he provided to the Department of Public Expenditure and Reform; and if he will make a statement on the matter. [38144/11]

Minister for Justice and Equality (Deputy Alan Shatter): It is starting to feel a little like Groundhog Day, as Deputy Dara Calleary, Deputy Jonathan O'Brien and I addressed this issue earlier this morning when we discussed the Supplementary Estimates.

Arrangements have been made for the provision of additional funding for the Garda Vote in 2011 by way of the Supplementary Estimate which we dealt with earlier. One of the main reasons for the Supplementary Estimate is to provide for an overrun on expenditure that has arisen in connection with the policing of the State visits of Queen Elizabeth II and President Obama. This situation has arisen because the visits had not been planned by the time the Garda Estimates for 2011 were finalised and the Supplementary Estimate will resolve the funding issue.

[Deputy Alan Shatter.]

At this stage the Supplementary Estimate has been considered by the Select Committee on Justice, Defence and Equality and I look forward to its early adoption. Additionally, in the lead up to the Supplementary Estimate I have engaged very actively with my Government colleague, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, regarding the costs of the State visits. This has been an ongoing process and I am very pleased that it has been brought to a successful conclusion and that the funding required has been made available.

Deputy Dara Calleary: I put the question down in light of remarks the Minister made publicly last week, and we dealt with the issue this morning. However, I am anxious to ensure that the allocation approved by the committee this morning will cover the exact cost of the visits. The Minister referred to Garda efficiencies. What are those efficiencies? Do they include a cutback in policing programmes? I realise that we went through the figures this morning, but will the Minister comment on Operation Freeflow and whether there will be one in Dublin this year? Has it been curtailed as one of the Garda efficiencies? Will any other programme be curtailed?

Deputy Alan Shatter: Additional costs of €36 million were incurred for the visits of Queen Elizabeth II and President Obama. The original estimate was that the cost would be approximately €20 million. The Queen's visit turned out to be a good deal longer than was originally anticipated and was most successful. Efficiencies have been effected across the Garda Vote, as they have been effected across other parts of the justice Vote within the Department so matters could be dealt with in a more efficient and effective way. I assure the Deputy that whatever outstanding funding the Garda requires arising from the visits is being provided.

The Garda has operated with great efficiency and effectiveness this year. There has been a series of operations in which the Garda has targeted drug gangs and those engaged, for example, in the sale and smuggling of illegal fuel in this country. The force will continue to work to the highest level of efficiency. With regard to Operation Freeflow, this is a matter for the Garda Commissioner. Usually there is an announcement in December about it and I anticipate that the Garda will take such action this year as is necessary to ensure that our roads are safe. As I said earlier today, there has been a substantial reduction in the number of lives lost on our roads this year and in the number of road traffic accidents. That is partly contributed to by the vigilance of An Garda Síochána.

Deputy Dara Calleary: The Garda Commissioner appeared before the committee this morning and we all took the opportunity to pay tribute to the Garda. Will the Minister confirm that the €36 million cost of the two visits, and everybody agrees on the benefits of those visits, has been provided in full to the Garda and that no other Garda programme has been affected by that cost?

Deputy Alan Shatter: There was €36 million excess expenditure incurred within the Garda Vote because it was not anticipated that either visit would take place. During the course of the year the Garda has effected efficiencies in the manner in which it has delivered its services. The Garda has fully maintained all necessary front line services and has been particularly effective. The additional sum of €27.4 million that has been allocated was discussed earlier today. Approximately €15 million of that is directly in respect of the visits and the remaining sums were not required by the Garda because of the efficiencies that have been effected during the year. It is not my purpose as Minister to provide the Garda with funding it does not require. The funding it requires is being provided and front line services have been fully and properly maintained. Efficiencies have been effected, which is in the interests of the taxpayers and of the Garda fulfilling its obligations to use resources in the most efficient and effective way.

As I said at the meeting of the justice committee, I pay tribute to the Garda Commissioner, the officers and all the members of the force for the manner in which they have dealt with a range of issues this year in a cost-effective way. That is the way to proceed into the future.

Prison Accommodation

2. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if his attention has been drawn to the fact that on 21 November 2011 open prisons Loughan House, County Cavan and Shelton Abbey, County Wicklow, were both under capacity; the reason overcrowding persists in prisons such as Mountjoy, Dublin, due to the imprisonment of large numbers of persons for minor offences who could be placed in open prison arrangements, while open prisons are generally under-utilised; and if he will make a statement on the matter. [38142/11]

Deputy Alan Shatter: As I advised the Deputy in my answer to a parliamentary question on 22 November, we currently have two open centres in the prison estate and on 21 November 2011 Loughan House had 110 prisoners, filling approximately 70% of the bed capacity of 160, while Shelton Abbey had 97 prisoners, filling nearly 90% of the bed capacity of 110. These figures do not include prisoners on temporary release that day; for example, six prisoners in Shelton Abbey were on weekend temporary release and were due back in custody later that day and 23 prisoners were on temporary release from Loughan House.

The average occupancy rates for Shelton Abbey for 2010 was 94% so it cannot be described as being under-utilised. The occupancy rates for Loughan House would normally be in the region of 80%, for example, yesterday it was 83%. Neither centre is a committal centre and, as open centres, they are only suitable for a limited category of prisoners, that is, low risk offenders serving short sentences or offenders nearing the end of longer sentences. There is limited use for each of these prisons. Many prisoners prefer to be in prisons close to their families and will simply abscond from open centres. Open centres are not appropriate to them.

While it is my policy to encourage the maximum use of open centres as appropriate, I recognise that they are not suitable for every prisoner and that their bed capacity only represents 6% of the total prison capacity. As such, further maximising their use does not have the potential to have any significant effect on the pressures in the rest of the prison system. However, open centres have a useful role to play and we need to make the most effective use of them.

It is simply not true to say that prison overcrowding is due to the imprisonment of large numbers of persons for minor offences who could be placed in open centres. An analysis of prisoner population and trends for the years 2005 to 2010 shows that the proportion of prisoners in custody on any one day serving sentences of less than 12 months has actually gone down over that period, from approximately 20% to 15%, while there has been a significant increase in the numbers serving sentences of three years or more. We anticipate that the new arrangements made in respect of community service orders will further reduce the numbers of prisoners serving short-term sentences of less than 12 months.

Deputy Jonathan O'Brien: One of the reasons I put down the question was because the figures we got from the parliamentary question were startling in terms of the bed capacity and the current population. Now that the Minister has clarified that it did not include those on temporary release I can understand the reason the figures were so low on that day.

As the Minister stated in his reply, open centres are the type of facility that foster training and education, help develop personal skills and help people make that transition. Under the new five year capital strategy for the Irish Prison Service which is being developed, there will be greater focus on step-down facilities and possibly the greater use of open centres. If the Minister has any information on that I would appreciate it.

[Deputy Jonathan O'Brien.]

The other reason I put down the question is that when representatives of the Prison Officers Association came before a recent meeting of the Sub-Committee on Penal Reform they outlined in their submission that overcrowding could be addressed in a number of ways, one of which was greater use of open prisons, but they also stated that even within the closed prison system there is great scope to address some of the overcrowding. The example given was Wheatfield Prison where there is a new prison block sitting idle. There is a row of offices which are not being used and for a small amount of capital funding they could be converted and made suitable for some low-risk prisoners.

Deputy Alan Shatter: That particular construction was built for offices as opposed to prison spaces but I am aware of it and it is something we are looking into. As the Deputy may be aware, a review group is being established arising out of the Thornton Hall report to examine alternative ways of dealing with convicted offenders who do not pose a risk to the community and do an overall further review of non-custodial sentencing, and I expect that will be advanced in the new year. I hope shortly to announce the names of the individuals who will conduct the review.

Regarding Loughan House, one of the difficulties is its distance. A substantial number of prisoners are in Dublin or Cork and there is an issue of prison visits and access for family members of those convicted. Deputy Calleary is looking somewhat sceptical but that is an issue. Open prisons have an important role to play but, unfortunately, a substantial number of prisoners are not appropriate to be serving their time in such prisons.

Deputy Jonathan O'Brien: To be clear, will part of the remit of the new policy review group the Minister is establishing be to examine existing prison structures and the possibility of expanding within those confines even, for instance, in terms of Castlerea Prison where there is a good deal of open space? We could examine the possibility of doing something similar to what was done in the Six Counties where they put in temporary accommodation for low risk offenders. Will that be part of its remit?

Deputy Alan Shatter: The Thornton Hall review committee group looked beyond simply the question of the construction of Thornton Hall and addressing the problems arising out of Kilworth, in Cork. It also examined some of the other means of dealing with prisoners but the review group will go beyond that and I hope shortly will be in a position to clarify its terms of reference. I am anxious we deal with this in an open and constructive way and when that group is formed in the new year I invite Deputy O'Brien and Deputy Calleary to consider making their own submissions to it because I want us to examine the most constructive way of dealing with convicted offenders in a manner that is to the benefit of the community, ensures that taxpayers do not incur unnecessary cost and tries to reduce the level of recidivism. I very much welcome the Deputy's contribution to that process.

3. **Deputy Clare Daly** asked the Minister for Justice and Equality if he will consider halting the prison building plans at Dóchas and instead divert resources to provision of community based residential and therapeutic alternatives to prison for women, which are proven to be cheaper, more effective and more capable of addressing the complex needs of women offenders; and if he will make a statement on the matter. [38141/11]

Deputy Alan Shatter: On Tuesday, 29 November 2011, there were 127 prisoners in custody in the Dóchas Centre against a bed capacity of 105. Since it opened in 1999, it has consistently had the highest level of overcrowding in the Irish prison system. For that reason measures were taken to expand its capacity.

Work commenced in April 2011 on the conversion of an administrative building on the Dóchas Centre site into an accommodation block to provide an additional 70 spaces. The building work has now been completed and it is expected that the spaces will be fully operational in early 2012.

Women account for less than 4% of the prison population. A review of the figures for October 2011 show an average of 155 female prisoners in custody in the Dóchas Centre and Limerick Prison. Thirty-five of these women were on remand by the courts, a matter which falls wholly within the power of the Judiciary. A further 85 women were serving sentences of one year or more for offences including a number serving life sentences for murder.

It is my policy to maximise the non-custodial options for those found to have committed offences but only where a significant custodial sentence is not warranted. This applies equally to men and women. However, the remit of my Department is limited to offenders and we cannot duplicate or replace the supports that should be available to all in need of care.

The Probation of Offenders Act allows courts to discharge an offender subject to conditions rather than imposing a custodial sanction. Conditions in such orders might include a requirement to be subject to supervision by the Probation Service and to participate in an appropriate treatment or rehabilitation course. The Probation Service in co-operation with 48 community based organisations are currently spending in the region of €10 million providing services to adult offenders in the community some of which include residential courses. Temporary release also allows suitable prisoners to be released from prison subject to conditions to participate in appropriate programmes.

I should say that in line with the recommendations in the Report of the Thornton Hall Project Review Group, I am establishing a group to carry out a strategic review of penal policy which will include specifically the issue of female prisoners.

Deputy Clare Daly: I thank the Minister for the reply. Overcrowding is a serious issue in all of the prisons and, as the Minister stated, especially in the Dóchas Centre but what has arisen out of this crisis is a shift in the ethos around which that facility was built, namely, the idea of a more open and rehabilitative process. A consequence of the overcrowding is that it has been replaced by a somewhat more punitive regime which is hugely detrimental. The Minister stated that over 85 of the women are serving sentences of one year or more but an analysis of the crimes that led them into that situation would reveal that most of them occurred as a consequence of drug use or abuse, poverty and so on. Unless we tackle those issues building more spaces is the wrong way around that problem. The idea of providing dormitory spaces for women prisoners, given the problems that have already arisen in the prison, is a recipe for disaster. I note the Minister has said the building is built but is there any way we could alter that to have more single unit provisions because it will be a nightmare for the women and the staff?

Deputy Alan Shatter: All I can say to the Deputy is that I inherited the legacy of a prison that was inadequate in the context of the space provision available for women prisoners. Very early action was taken to provide additional space, and that additional space should relieve the overcrowding and address what is the current difficulty in a manner that is manageable within the funding available to me. The works started in April. We expect those facilities will be in full use by early 2012. It would have been impossible to have done anything quicker than that, and to have constructed a larger facility would not have been possible because of the absence of funding. This is a measure designed to relieve the difficulties created by overcrowding, and I have confidence that the governor of the prison will ensure that those spaces are adequately allocated and utilised. I agree with the Deputy that we need to take a large number of other

[Deputy Alan Shatter.]

measures with regard to adults — both men and women — who are imprisoned but it must be remembered that people are in prison for committing serious offences. There are many people who come from difficult social backgrounds who do not engage in offending and assaults, who do not burglarise or commit theft, and to take it to its extreme, who do not murder people. Prison has a role to play, but it is important we take a balanced and considered approach. I am looking forward to the work that will be done by this new review group to see what other options we can also deploy in addition to the current non-custodial options that are being deployed.

Deputy Clare Daly: Are the extra 70 dormitory spaces replacing the bunking up situation in the single cells? A previous governor resigned over the totally inadequate nature of that provision. Will that be discontinued as a result of these spaces?

Has the Minister obtained any information on how many current prisoners are reoffenders? In my experience, many of the same people come back again. If moneys were invested while they were in there to deal with some of the other problems, this would lessen the risk of reoffending and provide a considerable benefit.

Deputy Alan Shatter: We all agree that the maximum possible needs to be done to ensure that those who are in prison for committing offences do not reoffend. There will always be a significant segment of individuals who, no matter what services are available in the prison system, will still reoffend. That is the lesson in every country in the world, no matter what type of sentencing regime they have. However, the objective of prison must be to ensure that facilities are available to reduce the level of reoffending.

The opening of these facilities should reduce the level of overcrowding within the Dóchas centre and I hope it will ameliorate the necessity for additional prisoners to be held in a prison cell which may have been originally designed for one individual.

Garda Stations

4. **Deputy Dara Calleary** asked the Minister for Justice and Equality the names of each garda station that will close or will have its opening hours restricted during the years 2012, 2013 or 2014 on a county basis; and if he will make a statement on the matter. [38145/11]

Deputy Alan Shatter: A final decision on whether station closures will take place, and if so, what stations, will be taken in the context of the Commissioner's draft policing plan for 2012 and will be announced shortly. The policing plan will also be laid before each House of the Oireachtas.

As with every other public sector organisation, the Garda Síochána is going to have to manage with reduced resources. The Garda Commissioner has, therefore, quite properly been reviewing all aspects of the Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. The purpose of the review is to ensure that Garda resources are managed and deployed in the most appropriate manner to meet existing and emerging policing requirements and to maintain Garda front line services to the greatest extent possible, which is consistent with Government policy.

I can confirm to the Deputy that I have received the Commissioner's draft policing report. There are proposals on Garda stations which I hope to bring before my Cabinet colleagues early next week, and I expect announcements on the matter to be made next week.

Deputy Dara Calleary: We knew the Minister had the report as the Commissioner was with us this morning. The one thing he did say is that there are not 240 stations recommended. Can the Minister give us the overall amount?

Many local communities have the information. They seem to know that their station is on the list, for whatever reason. There is much genuine concern within rural communities, although the Commissioner made the point that he has not just targeted rural stations. There is also an issue in respect of the visibility and presence of a Garda station and what it does to deter crime.

The Minister made the point this morning at the committee that some stations on the list have been closed for 30 years, but they are in the minority. There are many viable stations on that list which are currently providing a service. In view of the way in which the criminal model is changing, the way in which they have greater access to different parts of the country, I would like the Minister to be very considerate of the impact of closing Garda stations in certain areas.

The OPW owns the properties to some extent, but the money for investing in these properties comes from the budget of the Department of Justice and Equality. No savings will be made to the Department if these stations are closed, but the OPW will make the savings. Why are we dismantling a Garda service to serve another Department's budgetary wants?

Deputy Alan Shatter: I know the Deputy does not expect me to announce this afternoon which stations will close. We have the Garda Commissioner's report and this has to go to the Cabinet before we make a final decision. I am not being misleading in any way when I say to the Deputy that I am not in a position to make announcements until Cabinet colleagues have been made aware of the content of the report and a final decision has been made. That decision will be announced next week.

There is no reason for any community anywhere in the country to be alarmed. The proposals for closures do not apply to the very large numbers that some media outlets have been predicting. The proposals are designed to ensure greater policing effectiveness and not less. They are designed to ensure that members of the Garda Síochána are available for front line services and not engaged in administrative functions behind the desk at Garda stations that have very little footfall, or in circumstances where they would be better off out on patrol or engaging in investigation work. The proposals also apply to stations that are in such close proximity to other stations that it simply makes no sense to have two stations so close to each other. The major savings in this will be in more effective and efficient use of Garda time.

If Garda stations close, they are held by the OPW as they are the property of the State. I am dependent on a decision being made by Cabinet colleagues on the use of funds that may arise from the disposal of buildings consequent on the closure of stations. We have to address that issue.

Deputy Dara Calleary: I welcome the fact that the Minister has confirmed the Cabinet will make the decision on the report. Given that it is a Cabinet decision, perhaps it is time we looked at this across all Departments. There are public buildings in every part of the country and every Department jealously protects those public buildings. This issue came up this morning at the committee. Why do we not look at those public buildings and use available space in them for a Garda presence? Equally, we could look at using space in Garda stations for the presence of other organisations, such as Leader companies in offices held by the Department of Agriculture, Food and the Marine in rural areas. If everybody gets out of this silo mentality in respect of State property, we can maintain services and a presence in a much more cost effective way.

Deputy Alan Shatter: I have a general view that silos are a bad thing, unless something is being stored in them. Much to my surprise, I discovered in the review that some stations have not been opened for many years but have never been officially closed. A formal announcement was never made about the consolidation of some Garda stations. For example, I am aware of one station that has never officially been closed, but has not been open either since 1986. It has had no Garda presence since then. There are a small number of stations that are clearly not being used for policing purposes for a significant period of time. It is a complete mystery to me why previous Governments did not dispose of those buildings at a time when funding could have been realised, or at least used for other purposes. I hope to be in a position to address these issues when matters are decided early next week and announcements made.

Departmental Agencies

5. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the reason he has discontinued funding for an organisation (details supplied); if he will reinstate this funding to allow them to continue their activities; and if he will make a statement on the matter.
[38143/11]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch) (Deputy Kathleen Lynch): It has been decided that funding to People with Disabilities in Ireland must cease at the end of 2011. I would like to thank the members of PWDI and their staff for their efforts over the years, but in common with all aspects of Government spending, everything has to be examined with a view to preserving, so far as possible, front line services. 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 and could not be allowed to continue as people with disabilities were benefiting little from the allocation in real terms. However, there is no reason that the local People with Disabilities in Ireland, PwDI, networks throughout the country should not continue to be active as volunteer bodies or should continue their work with people with disabilities.

It is my wish to ensure that people with disabilities benefit directly 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 established and I will chair a new national disability strategy implementation group to develop and progress disability strategy. The new group will include representatives from several disability stakeholder organisations and also several people with disabilities who will be able to bring their lived experience to bear directly on the 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.

5 o'clock

Additional information not given on the floor of the House

The Government must ensure that in 2012 and continuing thereafter funding is allocated for maximum provision of services for people with disabilities, having regard to overall resource constraints which affect all sectors at this time. As can be seen from the following table, due to a general decline in network activity around the country, PwDI as an organisation was unable to spend its allocation in recent years. More than €1 million allocated to PwDI since

2007 has been returned to the Exchequer. Government funding for the years 2007 to September 2011, inclusive, is set out in the following table.

Year	Allocation	Drawdown
2007	€1,400,000	€1,400,000
2008	€1,465,000	€1,465,000
2009	€1,465,000	€1,088,423
2010	€1,465,000	€895,290
2011	€900,000	€577,403
Totals	€6,695,000	€5,426,116

An Leas-Cheann Comhairle: I wish to interrupt the Minister of State. The remainder of the reply will be in the Official Report.

Deputy Kathleen Lynch: I am keen to put something else on the record which is important. Some of the statements made in the past week may have inadvertently indicated that fees were paid to board members. They were not paid and they have never been paid and we are all aware of that.

Deputy Jonathan O'Brien: I assure the Minister of State that we submitted the question last Thursday before I spoke to her on Friday. It was not done to put her on the spot; it was simply that the question was submitted before I spoke to her. I wish to know more about the reasoning behind it. The Minister of State suggested that the majority of money was spent on administration and headquarters costs. Is it possible to get some indication of what percentage of the funding was spent in these areas and what percentage was spent providing services?

As the Minister of State is aware, most disability policy flows from the old commission report on the status of people with disabilities, produced 15 years ago. The commission identified the need for a national body to represent people with disabilities in that report. Is it the intention of the Minister of State that the new strategy group she intends to establish will become such a national body to represent people with disabilities?

Deputy Kathleen Lynch: I will provide Deputy O'Brien with a complete breakdown of the allocation later on. It was disproportionate. I understand it was of the order of 60% or more in terms of the national headquarters.

I met the board members of People with Disabilities in Ireland this afternoon to discuss how their voice can continue to be heard. I intend that it will be heard nationally through the disability stakeholders group which is central to all of Government. Other issue must be considered as well. I see no reason that their voice cannot be heard through partnership or Leader programmes or through local authorities, in other words, where decisions are made and where people with disabilities can have a useful input. We are considering such a structure. I intend to invite more people with a particular view in respect of disability to join the disability stakeholders group at national level within the Department of the Taoiseach.

Deputy Jonathan O'Brien: I thank the Minister of State for her reply. The groups affiliated to the PwDI remain at work. The Minister of State suggested there is no reason they cannot continue in a volunteering capacity but this is simply not practical for all the groups. Is there any possibility that these groups could apply for funding in other areas within the Department or through the HSE to enable them to continue to operate? The Minister of State knows the

[Deputy Jonathan O'Brien.]

work of some of these groups as well as I do. They carry out great work and they should not be penalised for whatever took place at headquarters or at administrative level.

Deputy Kathleen Lynch: There are always areas open to such groups either through lottery funding or through the HSE. I know exactly the groups to which Deputy O'Brien is referring. We intend to consider some suitable form or structure either through partnership, Leader programmes, local authorities or the health forums. Avenues of funding are always available. The difficulty was that although the challenge was put up to PwDI earlier this year in terms of how it could give better value for money for the people it represents, this did not materialise and we must find another vehicle to make their voice heard.

Other Questions

An Leas-Cheann Comhairle: Six minutes are allocated for each question.

Prison Visiting Committees

6. **Deputy Sandra McLellan** asked the Minister for Justice and Equality the number of unannounced visits which were made by the prison visiting committees to each of the prisons, including St. Patrick's Institution during each of the past five years; and if he will make a statement on the matter. [37927/11]

Deputy Alan Shatter: A visiting committee is appointed by the Minister for Justice and Equality to each prison under the Prisons (Visiting Committees) Act 1925 and Prisons (Visiting Committees) Order 1925. There are currently 14 visiting committees, one for each institution.

The function of visiting committees is to visit at frequent intervals the prison to which they are appointed and to hear any complaints which may be made to them by any prisoner. They report to me any abuses observed or found by them in the prison and any repairs which they believe may be urgently required. The visiting committee members have free access either collectively or individually to every part of their prison.

Details of visits, including announced and unannounced visits, along with the arrangements generally made by committees are for the most part contained in the prison visiting committee annual reports for 2010 which I published on 18 November 2011. These reports along with reports from previous years are available on my Department's website. In the case of St Patrick's Institution, the committee reported that they met monthly and carried out 48 random unannounced visits in 2010.

I have previously stated my intention to strengthen the independent oversight of our prisons. Under new legislation to be prepared, I intend to make visiting committees more effective while they continue their role of visiting prisoners and prisons and liaising on their behalf with prison authorities. The arrangements for membership of the committees will be changed and a link will be established between the visiting committees and the Inspector of Prisons in Ireland. I believe this will provide for a more integrated approach generally and will enhance independent oversight of our prison system.

Deputy Jonathan O'Brien: With regard to St. Patrick's Institution, I have the report before me and it makes for great reading. However, let us consider some of the figures we have obtained since its publication. In a recent report by the Inspector of Prisons in Ireland, it was noted that 25% of the juvenile population in St. Patrick's Institution asked to be held on detention for their own safety. Given the number of complaints made in the recent prison report — I understand there were 19 in total — the figures do not appear to match up. There

appears to be few complaints but a high percentage of juvenile prisoners seek special protection within the institution. What is the reason for this?

Deputy Alan Shatter: The reason for that is nothing to do with the prison staff. It is to do with young people being members of gangs and being afraid of other members of other gangs. This is a problem within the prison estate dealing with those in their late teens and early 20s in the context of gangs engaged in criminality. Some of these are engaged in violent criminality and the drugs trade where real rivalries exist. Some entering prison make the request that they be treated in the manner as stated by the Deputy. It is not as a result of a disciplinary problem that someone is placed in such a prison cell; it is because they fear for their safety upon admittance to the prison. This is something which must be catered for and it is part and parcel of the difficulties that arise from young people engaged in serious criminality or in a rivalry that produces substantial violence. Such violence translates itself from open society and communities to the prison system. That is the primary reason for the difficulty the Deputy described.

Deputy Jonathan O'Brien: I again refer to complaints. The report states 44 requests for complaint forms were made, yet only 19 were submitted. That suggests for whatever reason people do not feel comfortable making complaints after receiving forms. Is there any reason why the remit of the Ombudsman for Children cannot be extended to cover that?

Deputy Alan Shatter: In the context of young people under 18 who are still accommodated in St. Patrick's, as the Deputy knows it is Government policy to bring that to an end and that requires the building of the new facility in Oberstown in Lusk. The planning for that will continue into 2012 and plans are being drawn up. From 1 January it will fall into the remit of the Minister for Children, which is where it should be.

As matters stand, at present St Patrick's Institution, because it is a prison primarily for adults over 18, does not fall within the general remit of the Ombudsman for Children. Should a prisoner in that prison wish to consult the ombudsman or the ombudsman wish to visit the prison, I can assure the Deputy that facility will be made available and no obstacle will be put in the way.

I do not know why there are occasions when people request complaint forms and do not lodge complaints. It may be on occasions they do not have a real complaint to make. As I have drawn to the Deputy's attention, we are going to do everything possible to ensure that there is independent oversight. The visiting committee, from reading its report relating to St Patrick's institution, was a very dedicated committee which engaged in its work very diligently and produced a report in which it set out its views.

I want to move from a situation where what happens in practice is that visiting committees, although they can contact the Minister during the year, tend to produce annual reports. I want direct communication between those appointed to prison visiting committees and the inspector of prisons. During the course of a year if there is a particular issue and they want to draw it to the inspector's attention they can do so and we will formalise in law an arrangement between members of the visiting committees and the inspector of prisons. That will produce better independent oversight and I hope we will be in a position to publish that legislation during the course of 2012.

Deputy Jonathan O'Brien: Is it possible to inform prisoners that the option of communicating with the Ombudsman for Children is available?

Deputy Alan Shatter: If the Ombudsman for Children wishes to visit St. Patrick's Institution or talk to young people under 18 who are held there, she will have the fullest co-operation.

Cross-Border Projects

7. **Deputy Dara Calleary** asked the Minister for Justice and Equality his response to the view of the Garda Commissioner and the Chief Constable of the PSNI, that the threat of dissident republican activity was severe; the steps he is taking to tackle this issue; and if he will make a statement on the matter. [38011/11]

Deputy Alan Shatter: I know that all Members of the House will join me in condemning all subversive groups and their activities. These groups may be called, as the Deputy refers to them, "dissident republicans", but such a label lends them an historical respectability they do not deserve. We should be clear that these people are no more than criminal terrorists using violence in pursuit of their own, sometimes personal, ends and using violence, frequently, for their own personal benefit. They have no support in the wider community, North and South, for either their criminal aims or for their violent methods.

Since early 2009 the threat level in Northern Ireland has been classified as severe. In particular, these groups have targeted PSNI officers and staff, most recently with the brutal murder of PSNI Constable Ronan Kerr in April of this year whose funeral I attended. The threat faced on this island from these subversives is a shared threat and I can assure the House that the Garda continues to co-operate seamlessly with the PSNI in actively pursuing and targeting these groups.

Operational policing co-operation is the responsibility of the Commissioner and the Chief Constable and their respective forces. Both police chiefs have emphasised the close nature and the high quality of the ongoing co-operation between their forces and it has been instrumental in preventing attacks, combating criminality and saving lives. The two police forces operate a cross-Border policing strategy, which covers areas including cross-Border investigations and operations, intelligence-sharing and security, ICT and emergency planning.

Combating the subversive threat has always been an absolute priority for the Garda authorities and it will remain so, even in the current climate of financial constraint. I can assure the Deputy and the House that the Government is committed to maintaining that high level of co-operation between the Garda and the PSNI. There is also close co-operation and regular contact between my Department, the Northern Ireland Department of Justice and the Northern Ireland Office. By working together on matters of mutual concern and interest we can improve community safety for all the people on this island.

I can advise the Deputy I met with the Northern Ireland Justice Minister, David Ford, twice last week and on both occasions we reviewed the various aspects of cross-Border co-operation between our Departments and related agencies, including the ongoing measures being taken to counteract subversive crime.

Deputy Dara Calleary: I thank the Minister for his response. I agree with the phrases he used. The matter came up in the context of reports from the meeting of the Chief Constable and the Commissioner last Friday. Are other agencies and Ministers involved in working with the Minister, such as the Revenue Commissioners or customs? Do they have the similar strength of relationship the two police forces clearly have with their equivalents in the Six Counties? Do they have joint measures? Fuel smuggling and, I suspect, social welfare fraud could be issues. Is there a cross-governmental approach? Is the strength of the relationship between the police forces on the island equal, if not stronger, to that of other agencies?

Deputy Alan Shatter: There is very substantial co-operation and there have been joint operations involving the PSNI and Garda and Her Majesty's Revenue Services and the Revenue Commissioners. Those operations have been particularly successful in the context of dealing, not simply with subversion but with criminal gangs who have been engaged in fuel smuggling, drug trafficking and in bringing large amounts of tobacco products and cigarettes across the border into the Republic to evade revenue obligations that would otherwise arise.

It would be fair to say that the Minister, David Ford, MLA, and myself agree that the level of co-operation is as good as it could be. There is substantial interaction between agencies across the Border on both sides to ensure the maximum co-operation in tackling not just subversives but organised crime. I would maintain regular contact with Minister Ford, as he does with me, on occasion by telephone without formal meetings, where issues arise.

There is a close relationship between the Chief Constable Matt Baggott and the Garda Commissioner, and that will continue to be the case. I had the pleasure, with Minister Ford, of opening a joint police conference which was held a few days ago between the PSNI and the Garda Síochána in which they looked overall at policy and where we now stand, and future policy development in the tackling of organised crime and subversive crime on all parts of the island.

Deputy Dara Calleary: In terms of future policy development, would the Minister consider a cross-Border version of the CAB? He is putting a lot of work into establishing it on a European wide basis. It strikes me that some of the individuals involved in crime need such attention. Perhaps under the auspices of the Good Friday Agreement we would be able to come up with some sort of body that would have CAB-style powers to go after these people in the only way that we can hit them.

Deputy Alan Shatter: As the Deputy may know there is already that type of co-operation between this State and the United Kingdom that has operated reasonably well and, in so far as we can put in place new measures in co-operation with Northern Ireland now that the area of justice has been devolved, we are continuing to explore those.

I should say to the Deputy that in dealing with this area I also met last week with Hugo Swire, MLA, the Minister of State in the Northern Ireland Office, who deals with matters in this area, and I have also maintained contact with the Secretary of State, Owen Paterson, MP. There is an ongoing flow of information and interaction between officials on both sides of the Border. A number of working groups have been established in the criminal justice area and joint working groups North and South are developing policies across a broad range of areas.

Departmental Funding

8. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality the capital projects he will undertake in 2012. [38037/11]

Deputy Alan Shatter: Under the recently published Infrastructure and Capital Investment programme 2012-2016, the justice sector allocation for 2012 is €56 million. This represents a 30% reduction on the current year's allocation of €80 million. While detailed planning for 2012 is in the process of being finalised, it is important that this allocation is utilised in such a manner as to drive the maximum value possible and have the greatest impact.

Our key priority for 2012 is to address the issue of overcrowding and conditions in prisons. The lion's share of the 2012 allocation, €24.1million, is therefore targeted at addressing these issues within the Prison Service and will result in several major projects being undertaken or completed during 2012. Work will continue on the completion of a new wing in the Midlands

[Deputy Alan Shatter.]

Prison, which will result in an additional 300 spaces becoming available. In addition, renovations will be undertaken on B wing in Mountjoy Prison with the result that by the end of the year, almost 60% of cells will have in-cell sanitation. Other general infrastructural projects to be undertaken by the Prison Service in 2012 include the upgrading and enhancement of fire detection and CCTV systems and the development of key information technology systems.

Within the Courts Service Vote, building renovation and upgrading projects will commence at Wexford, Waterford, Mullingar, Portlaoise and Dundalk. There will be additional project work undertaken on information technology systems in order to facilitate the implementation of the Fines Act 2010, which will allow for fines to be paid by instalment.

In respect of the Justice Vote for 2012, I intend to continue with the development of a DNA database by the Forensic Science Laboratory. I also intend to explore how best the completion of the building of the new laboratory and office accommodation for the Office of the State Pathologist, which is a partnership project with Dublin City Council, can be progressed having regard to the limited capital sum available. The current works are suspended due to the original developer being placed in receivership and the project will need to be re-tendered in order to proceed.

On the Garda Síochána and Property Registration Authority Votes, the focus is on the efficient and effective delivery of services. In keeping with this aim, the majority of expenditure on these Votes will be on the development and maintenance of information technology and communications systems.

Deputy Dara Calleary: The Oireachtas Committee on Justice, Defence and Equality visited St. Patrick's Institution and Mountjoy Prison at the end of October. I take this opportunity to pay tribute to the governor of Mountjoy, Mr. Edward Whelan, and his staff for the transformation they have overseen in recent years. I am pleased this work will continue.

However, there is a missed opportunity in the postponement of the construction of Thornton Hall. The Minister has indicated that the project may be considered in the future. While several large-scale capital projects under the remit of the Department of Health, for example, have been given the go ahead, this flagship prison accommodation project did not escape the cull. A great chance has thereby been lost to reform the prison system. Is the project dead or does the Minister envisage it commencing in the next three to four years? Is any review planned in this regard?

Deputy Alan Shatter: I agree that the governor of Mountjoy Prison, Mr. Whelan, has done an extraordinary job in a very short time. He has transformed the facility and put in place effective measures to reduce the amount of drugs and mobile telephones getting into the prison. He has made a very substantial difference and it is right that we acknowledge it.

The Thornton Hall project is not dead. I greatly regret that having spent a very large sum of money, in excess of €30 million, on the acquisition of lands for the prison in 2006, the previous Government, when it was flaithiúlach with money, did not use some of it to progress the project. It attempted to put in place a public private partnership but was not successful. We now find ourselves in a position of very limited funding.

The Government has accepted in principle the recommendations of the Thornton Hall review group that a new prison should ultimately be built at that site. I should also mention Kilworth Prison in Cork, about which I have substantial concerns in regard to its capacity. That is not to take away from the governor of that facility, who is also doing an extraordinary job. When we get to the autumn of next year and examine what capital is available in real terms to the Department for 2013, I hope we will have an opportunity at least to progress either the

Kilworth or the Mountjoy project. The fact that we are now able to provide in-cell sanitation at Mountjoy is relieving some of the pressures, something which was considered impossible a few years ago. It may be that providing a facility to replace that at Kilworth will have a greater priority than addressing Thornton Hall. However, on a policy level, we are committed to both projects. Progress simply depends on whether the necessary funding is available.

Deputy Dara Calleary: Most of us are still thinking about 2012, never mind 2013. What the governor, Mr. Whelan, has done in Mountjoy shows what can be achieved with a modest expenditure, particularly in terms of simple measures relating to drugs and so on.

The Minister mentioned in his reply that information technology upgrades will be necessary in order to implement the provisions of the Fines Act. When we were discussing the Estimates this morning, moneys were reallocated from the Courts Service's information technology Vote to another area. Given the need for the upgrade project to be done as quickly as possible, why is there an underspend in respect of the Courts Service's information technology allocation?

Deputy Jonathan O'Brien: I welcome the Minister's comment in regard to Kilworth Prison. In regard to the construction of new Garda stations, I presume this comes under the remit of the Department of Justice and Equality. We have just had a debate on the proposed closure of some existing stations. However, a planning application was recently submitted in respect of a new Garda station in Cork. Where will the capital funding come from to progress that project?

Deputy Alan Shatter: I understand the capital funding for Garda stations, fortunately, comes from the OPW. If I am wrong in that I will notify the Deputy in writing of the correction. It is my understanding that there are some plans within the OPW, in accordance with the limited financial envelope available to it, to progress the project to which the Deputy referred. However, whether it will progress in 2012 or perhaps go through a planning change I do not know. I will inquire into it further for the Deputy.

Regarding the information technology underspend to which Deputy Calleary referred, some of this can simply be due to timing. We dealt largely with current expenditure today, including maintenance issues and so on, whereas the putting in place of new software systems for the implementation of the provisions of the Fines Act is a capital project. Unfortunately, the Estimates produced by the previous Government in December 2010 did not include an allocation for funding for the new software. We now have that funding for next year and I will ensure it is secured in order to allow us to develop the system. That is why it is part of the programme to which I referred.

Judicial Appointments

9. **Deputy John McGuinness** asked the Minister for Justice and Equality his plans and an associated timescale for the reform of the manner in which members of the judiciary are appointed. [38034/11]

Deputy Alan Shatter: Under the Constitution, members of the Judiciary are appointed by the President on the advice of the Government. Applications for judicial appointments are dealt with by the Judicial Appointments Advisory Board, which was established pursuant to the Court and Courts Officers Act 1995. The board consists of the Chief Justice, the Presidents of the High Court, Circuit Court and District Court, the Attorney General, nominated representatives of the Bar Council and the Law Society and three persons nominated by the Minister for Justice and Equality.

[Deputy Alan Shatter.]

Under section 16 of the Act, where a judicial office stands vacant or before a vacancy in a judicial office arises, the advisory board submits the names of all persons who have informed it of their wish to be considered for appointment to that vacancy and the names of at least seven persons whom it recommends for appointment. Section 17 of the Act provides that these procedures shall not apply where the Government proposes to advise the President to appoint a serving judge. The Act further provides that the Government, when advising the President in regard to the appointment of a person to a judicial office, must first consider persons who have been recommended by the board. It is important to note that the board can neither submit nor recommend the name of a person unless he or she meets the eligibility requirements currently set out in law in respect of the post in question.

At an early stage following my appointment, I requested my officials to conduct an examination of the current judicial appointments procedure with particular reference to the practice in other jurisdictions. This review is wide-ranging and includes consideration of the following issues: the need to ensure and protect the principle of judicial independence; eligibility for appointment; composition of the Judicial Appointments Advisory Board; the appointments process; accountability in respect of its functioning; and promoting equality and diversity. I expect to be in a position to give further consideration to the matter when the review is completed in the first quarter of next year. I will bring any proposals for change before the Government in the usual manner. The Act further provides for the Government, when advising the President on the appointment of a person to a judicial office, must first consider persons who have been recommended by the board. It is important to note that the board can neither submit nor recommend the name of a person unless that person meets the eligibility requirements currently set out in law for the post in question.

At an early stage following my appointment, I requested my officials to conduct an examination of the current judicial appointments procedure with particular reference to the practice in other jurisdictions. This review is wide-ranging and includes consideration of the following issues: the need to ensure and protect the principle of judicial independence, eligibility for appointment, composition of the Judicial Appointments Advisory Board, the appointments process, accountability in respect of its functioning and promoting equality and diversity.

The review is ongoing and I expect to be in a position to give further consideration to this matter when the review is completed in the first quarter of next year. I will bring any proposals for change before the Government in the usual manner.

Deputy Dara Calleary: I preface my remarks by saying that we are very fortunate in our Judiciary whose members are independent minded and independent in spirit. As I said on Tuesday evening when speaking on the Financial Emergency Measures in the Public Interest (Amendment) Bill, the Judiciary provides the checks and balances which both this House and any Government needs. However, there is undoubtedly a perception that one needs to have political connections to be appointed to the Bench. This is the perception, whether true or not. The appointments made by this Government and by Governments in which my party participated, have always emphasised this perception and the most recent appointments reinforce it.

Dearbhail McDonald, a fine journalist with the *Irish Independent*, produced research recently which showed there had been 6,000 applications for judicial appointments — an extraordinary figure — and yet, those selected in the most recent round were people with political connections. The Minister's review is urgently required as some form of checks and balances is required in the system so those applicants without political connections would be confident of having as equal a chance as anybody else to serve on the Bench. There is a danger that the longer we leave the system as it is, that confidence will not be there.

Deputy Alan Shatter: It is unfortunate that there should be a perception in any circumstances that any form of political connection is required in order to be appointed to the Judiciary. In the case of every appointment made by this Government, the persons were appointed because of their legal expertise, their reputation as lawyers and in all but two of the appointments made, were appointments made on foot of a recommendation from the Judicial Appointments Advisory Board. The two appointments made that were not on foot of a recommendation from the board included the appointment of the Chief Justice, Susan Denham, who was an Ordinary Judge of the Supreme Court. The appointment of a Chief Justice is an appointment made by the Government and the Judicial Appointments Advisory Board has no role in this appointment. The other appointment was the promotion of Judge Thomas O'Donnell, a District Court Judge, to the Circuit Court. This was the promotion of a judge, as has happened in many instances and in which the Judicial Appointments Advisory Board plays no role.

What is particularly unfortunate is the presentation being made in the media to suggest that those who have ever engaged in political activity or those who have ever contributed to a political party, should first be ineligible to be appointed to the Judiciary and in my view it is also unfortunate that individuals who seek such appointment, who are recommended by the Judicial Appointments Advisory Board and who are appointed because of their expertise, now find themselves with regularity pilloried by some sections of the media as being unworthy of the appointments. It is very important that this House does not add to that perception. It is important to send out the message that such appointments will be made based on expertise. There is a very dangerous road now being travelled. This is a democracy and we have an interest in encouraging people of ability to engage in the democratic process, to engage in politics, to support one or other political party or to be independent in their political views. It would be most unfortunate if we created a system whereby because someone had been politically engaged, he or she was deemed ineligible and, indeed, would fear that if they seek judicial appointment, they will suffer the type of pillorying that has been experienced recently.

Although I think some sections of the media would not believe this, following some of the appointments made by this Government which were based on merit and recommendation from the Judicial Appointments Advisory Board, I have opened my newspaper the following morning to read some allegation that someone has contributed to a candidate's election campaign or someone was engaged in politics in years gone by or have an aunt or an uncle, cousin or someone associated with a political party and the perception is presented that this is the reason he or she was appointed. On occasions, I have not known of any particular political commitments, engagements or relations. In the case of one of the recent appointments we seem to have arrived at the point where because someone was the sister-in-law of a TD, it was suggested an appointment had been made when in fact that individual was appointed because of the person's excellence and because the person was one of the names recommended by the Judicial Appointments Advisory Board.

An Leas-Cheann Comhairle: We are over time so I must move on to Question No. 10.

Fines Legislation

10. **Deputy Gerry Adams** asked the Minister for Justice and Equality the level of funding required for full implementation of the remaining sections of the Fines Act 2010. [37921/11]

Deputy Alan Shatter: As I previously advised the House, the Fines Act 2010 is being commenced on a phased basis. This question is part of the Groundhog Day, I think. Does the Deputy wish me to move on and we will formally distribute the response and it might give us an opportunity to deal with a different issue?

Deputy Jonathan O'Brien: Yes, I agree as we dealt with this matter earlier.

An Leas-Cheann Comhairle: I thank all Deputies.

Prison Service

11. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality if his attention has been drawn to the fact that Ireland is the only Council of Europe member State in which work undertaken by prisoners is unpaid; his plans to address this; and if he will make a statement on the matter. [37923/11]

Deputy Alan Shatter: I can advise the Deputy it is not factually correct that work undertaken by prisoners in Irish prisons is unpaid. All prisoners are eligible for a daily gratuity whether or not they carry out prison work, which is not the case in many other countries, and prisoners in most prisons may earn additional gratuities by carrying out certain types of work. The current rate of the daily gratuity is €2.35. The additional gratuity for prison work is typically paid in the form of vouchers which can be used to purchase goods in the prison tuck shop. The levels of additional gratuity are set by the governor in each institution. The current rate averages approximately €10 per week. I should point out also that most forms of work in Irish prisons offer an opportunity to avail of accredited training.

A review of the gratuity payments and allowances system has recently been completed by the Irish Prison Service. I am currently considering the recommendations arising from this review.

Deputy Jonathan O'Brien: Is it correct to say that every prisoner receives a daily gratuity and those who undertake additional work are paid in vouchers?

Deputy Alan Shatter: Yes.

Deputy Jonathan O'Brien: Is it proposed to change that practice? I refer to the Irish Prison Service recommendation. For example, I am not paid in vouchers for my work as a TD and I am sure the Minister is not paid in vouchers for his work. I do not think it is fair to say that prisoners are being paid when they are given vouchers to spend in the tuck shop or whatever. I would not regard this as the same as being paid for work undertaken.

Deputy Alan Shatter: The moneys which prisoners receive go into a fund and it is available for them to use in prison if they wish by way of the tuck shop or other expenditure. It is also open to them to have it transmitted to family members if they wish.

People are in prison for a particular reason. It is a privilege that in return for work done they receive some small additional benefit, if I could put it that way. Certainly, the State is not in a position — I do not believe there would be any public support of any nature — for large sums of money to be paid to persons convicted of offences and sentenced to terms of imprisonment. It is extremely costly to the taxpayer to keep prisoners in prison and in that context, some people would be of the view that prisoners should contribute to that cost by work they carry out in prison. What prisoners receive is a nominal gratuity on a daily basis which ensures that prisoners can avail of certain benefits or purchase certain items in the tuck shop which may not otherwise be available to them and which, in particular, impecunious prisoners would not be able to afford otherwise. Arrangements can be made and are made on occasions for family members to furnish funds to prisoners to assist them in that regard. There is no question of any nature whatever of this State putting in place, during the lifetime of this Government, any substantial payments to prisoners in return for work done. These are extra gratuities to allow prisoners to avail of certain basic items in prison that are additional to the food provided or to purchase cigarettes or whatever. There is no question of going beyond that.

Deputy Jonathan O'Brien: No one is suggesting we pay prisoners large sums for work they do in the prison system. I am sure the Minister is well aware that is not what I meant. Will consideration be given to moving from giving vouchers to those who engage in work in prison to giving them the value of the vouchers? As the Minister noted, some prisoners send money to family members outside the prison system. No one is suggesting prisoners be paid the same wage as employees outside the prison system. I simply ask that consideration be given to giving prisoners the monetary value of the vouchers.

Deputy Alan Shatter: I am giving consideration to the review that has been undertaken. In so far as there are changes to be made, they will be made appropriately. However, I do not envisage major changes and certainly not any changes that will result in any additional expense to taxpayers at a time when the funding available to the Government is extremely limited.

Prison Accommodation

12. **Deputy Dessie Ellis** asked the Minister for Justice and Equality the number of times he has met with the Department of Public Expenditure and Reform to discuss the funding of the construction of the National Children's Detention Facility, Oberstown, Lusk, County Dublin; if he will provide an update on these discussions; and if he will make a statement on the matter. [37918/11]

29. **Deputy Brian Stanley** asked the Minister for Justice and Equality the date on which he will end completely the practice of imprisoning 16 and 17 years olds in St. Patrick's Institution Dublin. [37916/11]

43. **Deputy Dessie Ellis** asked the Minister for Justice and Equality the date on which construction work will begin on construction of the National Children's Detention Facility, Oberstown, Lusk, County Dublin; the date on which the facility will open; and if he will make a statement on the matter. [37917/11]

Deputy Alan Shatter: I propose to take Questions Nos. 12, 29 and 43 together.

The reply covers some of the ground we covered in an earlier question. As the Deputy may be aware, responsibility for the children detention schools under Part 10 of the Children Act 2001 will shortly transfer to my colleague, the Minister for Children and Youth Affairs. Accordingly, both I and the Minister for Children and Youth Affairs participated in a number of discussions at Cabinet level and bilaterally with the Minister for Public Expenditure and Reform on the capital expenditure proposals for our respective areas, including the proposed national children detention facility at Oberstown, in advance of the recent announcement of the Government's capital investment framework for the period 2012 to 2016. Ongoing contact also takes place at senior official level between our Departments on financial and budgetary matters, including the funding requirements for capital expenditure.

It was not, unfortunately, possible to include the Oberstown project in the recent list of projects covered by the Government capital investment framework. However, the Government remains committed to ending the use of St. Patrick's Institution for the detention of 16 and 17 year old males. To this end, the Irish Youth Justice Service has been tasked with progressing to completion during 2012 the design work and tender documentation for the Oberstown project. An assessment is being carried out of what financial and technical resources would be needed during 2012 to carry out this work.

The Minister for Children and Youth Affairs and I are in consultations with the Minister for Public Expenditure and Reform on the funding of the subsequent construction stage of the project. I do not propose to comment further on these consultations, except to say the Deputy

[Deputy Alan Shatter.]

can be assured that both the Minister for Children and Youth Affairs and I will continue to make the case at Government level on the priority that should be given to the Oberstown project.

Deputy Jonathan O'Brien: I am aware that responsibility for this matter is being transferred. Will the proposed new facilities include a unit to help treat children with severe behavioural problems?

Deputy Alan Shatter: This is one of the issues in relation to the design of the prison. It is a matter for consideration by the Minister for Children and Youth Affairs in the work she is doing. I will certainly bring to the Minister's attention the Deputy's concerns in that regard.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Irish Film Board (Amendment) Bill 2011, without amendment.

The Dáil adjourned at 5.45 p.m. until 10.30 a.m. on Friday, 2 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 12, inclusive, answered orally.

Prison Accommodation

13. **Deputy Clare Daly** asked the Minister for Justice and Equality the categories of female offenders that will be housed in the new dormitory-style accommodation at the Dóchas Centre; his views on whether dormitory accommodation may prove more problematic than traditional cell-based accommodation due to drug use and possession of other prohibited items; and if he will make a statement on the matter. [38009/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to advise the Deputy that an administrative building on the Dóchas Centre site has been converted into a new accommodation block which will provide an additional 70 spaces. It is expected that this block will be ready for occupation in early 2012. The opening of the new spaces at the Dóchas Centre will assist in alleviating the overcrowding issue.

The ethos upon which the Dóchas Centre was built was that the women prisoners should live together in a community style setting. Women prisoners serving short sentences can be housed in the same areas as women serving longer sentences. The Governor of the Dóchas Centre has the responsibility to determine who resides where within the female prison. This responsibility will remain with prison management when the dormitory style accommodation becomes available. However it is likely that the new accommodation will be used in particular for remand and short term prisoners.

The Irish Prison Service has informed me that there has been a significant reduction in the supply of contraband into the Dóchas Centre since netting was installed over the prison yards earlier this year. Other initiatives introduced in the Dóchas Centre, as well as the male prisons, have significantly reduced the availability of contraband in prisons, including:

- tighter control and monitoring of prison visits;
- airport style security screening of all staff and visitors coming into the prison;
- x-ray scanners to scan all coats and bags/briefcases;
- the establishment of the Canine Unit;
- increased random searches of prisoner accommodation and its occupants;

[Deputy Alan Shatter.]

- stricter searching of those committed to custody and of those returning to the prison after temporary release, court and after visits.

I am satisfied that significant progress is being made in order to reduce the flow of contraband into the prisons. I do not foresee a difficulty with continuing this good work whatever the style of accommodation.

Mental Illness in Prisons

14. **Deputy David Stanton** asked the Minister for Justice and Equality the number of persons in Irish prisons who suffer from mental illness; the types of condition from which they suffer; if he is satisfied that prisons are an appropriate location for such persons; and if he will make a statement on the matter. [38066/11]

Minister for Justice and Equality (Deputy Alan Shatter): The prevalence of mental illness is significantly higher among prisoners compared to the general population and that the mental health problems suffered by prisoners range from mild to severe. There is a strong argument that persons with severe mental illnesses who are involved in minor offences should be diverted away from the criminal justice system and measures have been undertaken to progress such an approach. However if a serious crime such as a homicide is involved, the issue has to be addressed by the criminal justice system. Furthermore, we also have prisoners properly convicted and imprisoned for serious offences who may develop mental illness after their imprisonment. Depending on the nature and severity of that illness the question has to be determined, as with any illness, whether it can be appropriately treated in a prison environment or whether a transfer to a designated centre is required.

A study undertaken in 2003 by the National Forensic Mental Health Service found that there is an excess of those with severe mental illness in all parts of the Irish prison population. The report estimated that 3.7% of male committals, 7.5% of males on remand, 2.7% of sentenced males and 5.4% of female prisoners should be diverted to psychiatric services, while as many as 20% of male committals and 32% of female committals needed to be seen by a psychiatrist.

In 2006 the Expert Group on Mental Health Policy published its report “Vision for Change”. That report recognised the pivotal role of primary care in addressing the mental health needs of the population and noted that it is widely recognised that 90% of mental health problems can be dealt with in primary care without referral to a specialist mental health service. In each prison primary care is the model of care through which health care is delivered; it is the linchpin of the prison health care system and where a prisoner experiences a mental health issue the prison doctor is usually the first point of contact. The Central Mental Hospital National Forensic Mental Health Service provides 20 consultant led in-reach sessions weekly by arrangement at all Dublin prisons and also at Portlaoise and the Midlands Prisons. Specialist in-reach services are in place for consultant led mental health sessions in the remaining prisons.

The World Health Organisation has awarded a “Health in Prisons Best Practice Award 2011” to the recently opened High Support Unit in Mountjoy Prison. The High Support Unit is a 9 bed facility opened in the Medical Unit of Mountjoy Prison in December 2010. It provides expert, supportive, short term input for prisoners who are in an acutely disturbed phase of a mental illness or require increased observation for a physical ailment, which has attendant increased risks. It provides a more controlled and supportive environment for a vulnerable prisoner as a short term intervention. The Irish Prison Service are exploring the possibility of expanding on this initiative by opening similar Units in other prison institutions.

There are prisoners who should more properly be treated in some form of therapeutic environment. The Criminal Law (Insanity) Acts 2006 and 2010 provides for the transfer of prisoners to the Central Mental Hospital.

The existing arrangements do give rise to problems. An interdepartmental group has been designated to examine the issue of people with mental illness coming into the criminal justice system and this is in line with the recommendations of the Thornton Hall Review Group which were approved by Government last July. My officials are consulting with the Department of Health on the arrangements involved including the terms of reference and an announcement will be made shortly.

National Women's Strategy

15. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the outstanding elements of the national women's strategy to be implemented; and if he will make a statement on the matter. [37933/11]

Minister for Justice and Equality (Deputy Alan Shatter): The National Women's Strategy 2007-2016 was published by the previous Government in 2007. The aims of the strategy are largely in line with the policies of the present Government. Its actions are being implemented by a wide range of Government Departments and Agencies. It goes without saying that the constraints of the public financial situation apply to some extent. This is a ten-year strategy containing 20 objectives and over 200 actions. Its full implementation cannot be expected after just four years. I was happy to note that considerable progress is being made in the implementation of the strategy and an annual report is published on my Department's website. To highlight some of the key achievements, women's employment has been less adversely affected to date in the recession and the gender pay gap has narrowed further. Significant advances have been made in relation to cancer screening services for women. In my own Department, Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, and the Anti Human Trafficking Unit have been set up. The Minister of State is actively leading work on women in politics and other decision making roles. Among the issues which will need further development are a couple of complex social welfare issues; enhanced caring; a number of health and well-being actions such as the mental health of women in the peri-natal period and also the issue of bullying. My Department is undertaking a review of the strategy. This will explore the changed environment, achievements to date, steps to implement outstanding issues and may make recommendations for amendments which the Government will consider.

Domestic Violence

16. **Deputy David Stanton** asked the Minister for Justice and Equality if he is satisfied that members of An Garda Síochána have received adequate training to deal with cases of domestic abuse; and if he will make a statement on the matter. [38065/11]

Minister for Justice and Equality (Deputy Alan Shatter): The National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014, includes an action to promote and develop understanding and recognition of domestic, sexual and gender-based violence across the State sector. Work in relation to relevant domestic and sexual violence training programmes for the justice sector, including An Garda Síochána, is being progressed by a committee led by Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, an executive office within my Department. The committee expects to finalise its report shortly. During their initial training, all members of An Garda Síochána receive instructions in the handling and investigation of incidents relating to domestic violence. This training includes procedures to be followed when recording reports of domestic violence, first aid training, diver-

[Deputy Alan Shatter.]

sity training and training on safety and barring orders. Additional training is given in the Garda College through a number of outside agencies which include Focus Point, the Rape Crisis Centre, Women's Aid, MOVE and AMEN.

The Garda Síochána Policy on Domestic Violence Intervention has been reviewed in recent years. Revised instructions were issued in 2007 which outlined procedures to be adopted in investigating such incidents. The recently amended Children First — National Guidance for the Protection and Welfare of Children (2011) has also been adopted as Garda policy. The Domestic Violence and Sexual Assault Investigation Unit within the National Bureau of Criminal Investigation, under Assistant Commissioner, National Support Services, has national responsibility for the monitoring and implementation of Garda Policy on Domestic Violence within the State. Members of this unit are available to provide expert assistance to District and Divisional officers and there are monitoring mechanisms in place, with a Garda Inspector appointed in every Garda Division, to ensure uniform enforcement countrywide. Members of An Garda Síochána have also attended at international training courses and seminars relative to issues of domestic violence and sexual abuse, with up-to-date information, legislation, guidance and best practice available to all members of An Garda Síochána, through internal mechanisms, to assist in the investigation of such incidents.

Proposed Legislation

17. **Deputy Gerry Adams** asked the Minister for Justice and Equality the date on which he will publish legislation to consolidate and update the law on bail; the date on which he will provide guidance to the courts on bail in order to reduce the numbers of remand committals; and if he will make a statement on the matter. [37922/11]

Minister for Justice and Equality (Deputy Alan Shatter): A decision to grant bail in a particular case is a matter for the court, which is, subject only to the Constitution and the law, independent in the exercise of its judicial functions. There is a constitutional presumption in favour of bail, since, in the eyes of the law, a person is innocent until proven guilty. The provisions of the European Convention on Human Rights also restrict the extent to which the right to bail can be limited. Prior to the Sixteenth Amendment of the Constitution, bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses. The Bail Act 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person. I am conscious of public concern about the extent to which offences continue to be committed by people on bail. I share that concern. I believe the bail law must be continually reviewed to ensure all possible avenues are taken to protect the public against the commission of crime, particularly serious crime, by people on bail. Accordingly, my Department has been engaged in work to consolidate and update the bail law with a view to presenting a clear, accessible and modern statement of the law. The proposed legislation is being drawn up to operate within the Constitution and European Convention on Human Rights. It will also have a focus on the protection of the individual and of the public. My intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I am also taking the opportunity to introduce some general improvements to bail law to improve the overall working of the bail system. I will bring proposals to the Government on the matter shortly.

Coroners Service

18. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if he will reintro-

duce the Coroners Bill 2007 to enable an overhaul of the Coroners Service, allowing the modernisation of death investigation, post-mortem and inquest procedures, and ensuring that Ireland complies with European jurisprudence and our obligations under Article 2 of the European Convention on Human Rights in order that those who die in the care or custody of the State are guaranteed in law a public inquiry; and if he will make a statement on the matter. [37880/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Coroners Bill 2007 is before the Seanad having been restored to the Order Paper on my initiative. The Bill is in the course of being reviewed in my Department with a view, among other matters, to making it as cost-effective as possible. The Bill, as published, provides for the comprehensive reform of the existing legislation and structures relating to coroners and provides for the establishment of a new Coroner Service. The Bill incorporates many of the recommendations made by the Coroners Review Group in 2000 and the Coroners Rules Committee in 2003 and it aims to fulfil various obligations placed on the State by the European Convention on Human Rights and, particularly, the Article 2 requirement in relation to the investigation of deaths of people involving the State. The Civil Law (Miscellaneous Provisions) Act 2011 provides for some early reforms in coronial matters, including an amalgamation of the Dublin County and City coronial districts.

The Deputy will appreciate that the inquest is the main means by which the State fulfils its obligations under Article 2 of the Convention to investigate objectively and publicly any death that involves State authorities. At present, all deaths in prison custody are the subject of a Garda investigation and an inquest held by a coroner. The cause of death is determined by a jury on the basis of the information presented to the coroner. The circumstances of each death in prison custody are also examined by a multi-disciplinary group in each institution. The objective is to identify, where possible, measures which might be implemented to contribute to a reduction in the risk of deaths in the future. The Prison Rules 2007 are also being amended to reflect the recommendations of Inspector of Prisons in his report “Guidance on Best Practice relating to the Investigation of Deaths in Prison Custody”. The effect of the amendment proposed will provide for an investigation which will be robust, independent and transparent. Investigations will be conducted by independent persons who will undertake an investigation into all deaths in prison. In the interim, the Irish Prison Service has, on an administrative basis, put in place an independent process for the investigation of deaths in prison in advance of the matter being placed on a statutory footing. This independent investigative system has been in place since March 2011.

Deaths in Garda custody, widely defined, are also the subject of distinct independent investigations. A death in Garda custody is defined as a death which takes place in the period after a person comes into the custody and control of a member of the Garda Síochána and before they leave Garda custody and control. It includes, for example, not only a death at the time of arrest, or in a Garda station, but the death of a person in hospital for treatment while still in Garda custody. Such deaths are the subject of an inquest but, in addition, under section 102(1) of the Garda Síochána Act 2005, the Garda Commissioner is required to refer to the Garda Síochána Ombudsman Commission any matter that appears to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of or serious harm to a person, and the Ombudsman Commission must immediately conduct its own independent investigation into the matter. As matters stand under the Human Rights Act 2003, our courts are required to interpret Irish legislation in so far as possible in a manner compatible with the State’s obligations under the European Convention provisions. It means that coroner law is enabled to be interpreted in a manner compatible with Convention law and jurisprudence. It is my intention to progress the Coroners Bill as soon as possible in the New Year.

Legal Aid Service

19. **Deputy Timmy Dooley** asked the Minister for Justice and Equality his plans for the legal aid system in 2012; if he is planning to reduce the fees paid to participating professionals; the budget cuts envisaged for the scheme; and if he will make a statement on the matter. [38019/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to advise the Deputy that legal aid in Ireland falls under two separate categories, i.e civil legal aid and criminal legal aid and I will deal with these separately as follows.

Civil legal aid in Ireland is delivered by the Legal Aid Board, which is a statutory independent body. Legal services are delivered through the Board's 29 law centres and a small number of specialist units. The service is complemented through the use of private practitioners.

In the last four years there has been a considerable increase in demand to the Board for legal services and this coincides with the downturn in the economy. In 2007 10,164 persons sought legal services from the Board in relation to general civil (non asylum) matters. This figure increased to 17,175 in 2010 and is likely to be greater again this year. Inevitably, this has created huge pressures for the Board and its capacity to deliver legal services within a reasonable period of time. As of the 1 November 2011, there were just under 4,800 persons waiting for a first appointment with a solicitor. This compares to 1,681 on the 1 January 2009. It is worth pointing out, though, that certain types of priority cases, domestic violence for example, receive an immediate or near immediate service and these account for about 15% of all legal aid cases.

The challenge for the Board in 2012 will be to continue to provide services in view of the significant increase in demand coupled with the fact that increasing the funding for the service is not currently a viable option. The Board's grant-in-aid, which accounts for the vast majority of its funding, has fallen from almost €27 million in 2008 to just over €24 million this year. Funding allocations for the Board for 2012 will of course be announced next week.

The Legal Aid Board has already taken a number of steps in order to try to optimise the service in view of the pressures it is under. I am aware that the Board's Chief Executive has been working on options to further respond to the situation in respect of the demand for the service. One approach which will be considered is a pilot 'triage' service early in 2012. The objective of the triage service will be to ensure that every applicant for services gets to see a solicitor for the purpose of getting early legal advice within a short period of time.

The House will be aware that since the 1 November the Board has assumed responsibility for the Family Mediation Service. I took the decision to integrate the Family Mediation Service into the Board because it is my view that mediation in many family law cases offers a better route and outcome for the parties than the adversarial environment of the courts. I am informed that the Board is currently reviewing the operation of the State funded mediation service with a view to achieving synergies with its legal services and better options in terms of resolving family disputes.

The Board keeps under review the arrangements on which it retains professionals (primarily solicitors and barristers). The arrangements of foot of which barristers are retained have been in place since 1998 and are currently under review. There will be a level of restructuring of the current arrangements which will involve a reduction in the fees payable in most case types. The Board considers that the proposed revised arrangements will not significantly impact on the availability of barristers to take cases. It is not anticipated that there will be a significant reduction in the overall amount the Board pays to barristers — what is anticipated is that there will be more cases done for the same amount of money.

As the Deputy will be aware, the nature of Criminal Legal Aid is that it is demand led and is driven by the incidence of crime, detection rates and prosecution of cases through the courts system. It is therefore, difficult to control costs but in the current circumstances it is essential to do everything possible to control and reduce expenditure across all areas of the criminal justice system, including criminal legal aid.

A range of cost reduction measures were implemented this year including a 10% reduction in the fees and rates payable to legal practitioners under the Criminal Legal Aid Scheme. As these reductions were introduced in the third and fourth quarters of this year, their full impact on expenditure will not be apparent until 2012.

I am aware of the impact on the legal profession of these reductions and have been concerned to ensure that legal representation can continue to be provided to those who need it. As with other sectors of the economy, the cumulative effect of reductions in fee rates paid has been a source of deep concern amongst practitioners about the level of cuts and the financial implications for firms and their employees. However, as the Deputy will appreciate, at this point there is no area of our society that is not feeling the effects of reduced incomes and the difficult economic climate.

I am not prepared to give an absolute commitment that there will be no reduction in the rates of fees paid under the scheme in 2012. This would be irresponsible given that I cannot know with certainty how economic matters will progress in the very volatile climate in which we find ourselves. However, what I can say is that every effort is being made to avoid that possibility. In that regard, the Task Force which I established to identify any structural changes necessary within the Courts system to achieve cost reductions in the medium to longer term, has identified a number of measures which have the potential to reduce costs and increase efficiencies, not just on criminal legal aid, but for other parts of the Justice sector such as An Garda Síochána and the Irish Prison Service. I have instructed my officials to move to implement these initiatives, where possible, by end 2012 and to ensure that any measures that require, for example, legislative change are prioritised.

I am fully committed, as are my colleagues, to delivering savings and meeting the public expenditure targets for 2012 which will become known after the Budget to be announced next week.

The Deputy should also be aware that in addition to the cost reduction measures, I intend to publish in 2012 a new Criminal Justice (Legal Aid) Amendment Bill which will, amongst other measures, include a provision to transfer responsibility for the management and administration of criminal legal aid from the Department to the Legal Aid Board.

Prison Visiting Committees

20. **Deputy Micheál Martin** asked the Minister for Justice and Equality the specific actions he has taken in response to the reports of prison visiting committees laid before the Houses of the Oireachtas by him; and if he will make a statement on the matter. [38027/11]

Minister for Justice and Equality (Deputy Alan Shatter): The reports highlighted a number of issues across the prison system but there was also an acknowledgement of the efforts made by the Irish Prison Service to address the issues despite limited resources.

As I outlined in the House last week, several issues have been addressed. These include, for example, increased Library access in the Dóchas Centre; consideration to increasing the number of dedicated phone lines and call queuing to make it easier to pre-book visits in the Midlands Prison; efforts to reduce the number of prisoners on 23 hour lock up in Mountjoy Prison and more structured access to the Library there.

[Deputy Alan Shatter.]

I fully accept that further improvements are needed. This Government remains committed to tackling overcrowding, poor physical conditions in our prisons, and to eliminate where possible the problem of slopping out. An extensive project to upgrade and provide in-cell sanitation to more than 100 cells in Mountjoy Prison will be completed shortly. The Inspector of Prisons, Judge Michael Reilly, recently wrote to me congratulating my Department and the Irish Prison Service on the work carried out.

A similar renovation of B Division will result in 317 cells in Mountjoy Prison having in-cell sanitation by the end of next year, almost 60% of the total prison. The completion of the Midlands Prison extension and the provision of 70 extra dormitory style spaces in the Dóchas Centre will mean that approximately 80% of the prisons estate will have in-cell sanitation by mid 2012.

The World Health Organisation has awarded a “Health in Prisons Best Practice Award 2011” to the recently opened High Support Unit in Mountjoy Prison; and to the Red Cross Project which has been rolled out in Wheatfield, Cloverhill, Shelton Abbey and Mountjoy Prisons.

As regards the specific issues highlighted in the Dóchas Centre in 2010, I am informed that procedures are now in place which respect the dignity of the prisoner and ensure that searches are conducted in a professional manner by the staff involved and I expect those procedures to be fully complied with. A working group has also been established to oversee the implementation of guidelines on prisoner releases to ensure such a situation as that reported by the Committee does not arise in the future.

Finally, I announced plans some time ago to strengthen the independent oversight of our prisons. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role of visiting prisons, meeting with prisoners, and liaising on their behalf with prison authorities. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons.

Human Trafficking

21. **Deputy Seán Crowe** asked the Minister for Justice and Equality the number of victims of human trafficking under 18 years of age who have been identified during each of the past five years; the number of times during each of the past five years that his administrative immigration arrangements for the protection of victims of human trafficking provided for a period of recovery and reflection of longer than 60 days; the length of time allocated in each case; and if he will make a statement on the matter. [37910/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Criminal Law (Human Trafficking) Act, 2008 came into effect on 7 June 2008. I am informed by the Garda authorities that since then An Garda Síochána have undertaken human trafficking investigations involving 49 suspected victims under the age of eighteen as follows:

Year	Number
June to December 2008	6
2009	17
2010	19
2011 (to date)	7

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, which included provisions for granting a 60-day recovery and reflection period, if required, and a 6 month temporary residence permission for persons who wish to cooperate with the investigation or prosecution of the trafficking offence were also put in place with effect from 7 June 2008. The Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking were amended on 9 March 2011 to include a provision that where a person below the age of 18 years who is not the holder of a valid permission to be in the State is identified as a suspected victim of trafficking, a recovery and reflection period of a duration greater than 60 days may be granted having regard to the arrangements in place for the care and welfare of the child.

To date, a recovery and reflection period of a duration greater than 60 days has not been granted where a person below the age of 18 years who is not the holder of a valid permission to be in the State is identified as a suspected victim of trafficking. 60 days recovery and reflection periods have been granted to two persons below the age of 18 years who were not the holders of a valid permission to be in the State to date, one in 2009 and one in 2010.

Irish Prison Service

22. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the date on which the five-year capital strategy for the Irish Prison Service will be completed and published. [37920/11]

Minister for Justice and Equality (Deputy Alan Shatter): A new Five Year Prison Capital Programme from 2012-2016 is currently being drafted by the Irish Prison Service in the context of the revised capital allocations which I announced recently. I am advised by the Irish Prison Service that it has not been the practice in the past to formally publish Prison Capital Programmes. However, the one currently being drafted can be made available to the Deputy when it is finalised in early 2012.

Departmental Funding

23. **Deputy Brendan Smith** asked the Minister for Justice and Equality the reason funds provided to an organisation (details supplied) to support the community alert scheme have been cut; and if he will review the decision in view of the impending closure of many rural Garda stations. [38042/11]

Minister for Justice and Equality (Deputy Alan Shatter): In the context of the fiscal difficulties being experienced in the economy and in keeping with the budgetary cutbacks which are consequently necessary, it is regrettably necessary to reduce the level of support which my Department is in a position to provide to Community Alert in 2011. Funding totalling €137,000 has been provided to Community Alert in 2011. I would like to emphasise that this reduction in funding is due to the current position in the public finances and that the work of Community Alert continues to be highly valued.

The position regarding my Department's funding of Community Alert will be kept under ongoing review.

Prison Accommodation

24. **Deputy Brian Stanley** asked the Minister for Justice and Equality his plans to reduce overcrowding in Cork prison; the timeframe he will use to achieve this reduction; and the date on which the practice of slopping out will end completely in Cork prison. [37915/11]

Minister for Justice and Equality (Deputy Alan Shatter): As I announced recently, the Government remains very much committed to addressing the twin problems of overcrowding and poor physical conditions, particularly in Mountjoy and Cork prisons.

Since my announcement of its 2012 Capital Allocation (€24.1 million), the Irish Prison Service has commenced work on developing a five year strategy for the continued enhancement of the prison estate including the provision of in-cell sanitation. While it is not possible at this time to be specific on the funding for use in respect of Cork prison, I can assure the Deputy that the need to improve conditions there will form a significant element of the Prison Service's strategy.

Citizenship Applications

25. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality his plans to introduce legislation to allow the conferral of citizenship on children of Irish parents born through surrogacy in other countries; and if he will make a statement on the matter. [37879/11]

Minister for Justice and Equality (Deputy Alan Shatter): The law as it stands allows children born through surrogacy arrangements to acquire Irish citizenship, provided the commissioning father is the biological father of the child. Such a father may apply to court for a declaration of paternity under section 35 of the Status of Children Act 1987. Once paternity is established the child can be determined to be an Irish citizen.

Given the complex way in which existing law, domestic and international, applies to surrogacy matters, a guidance document for people who are considering arranging for a surrogate mother to give birth to a child outside the State is being prepared by an interdepartmental group coordinated by the Office of the Attorney General. I expect that the guidance document will be finalised for publication shortly.

I have already indicated that I intend in due course to develop proposals for legislation on surrogacy.

Probation Service Staff

26. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality the number of persons employed by the Probation Service as probation officers during each of the years since 2005; and if he will make a statement on the matter. [37907/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised that the number of staff in whole-time equivalent terms in the Probation Service who are Probation Officers including Senior Probation Officers and Assistant Principal Probation Officers for each of the years is as follows:

Year end	Number
2005	280
2006	280
2007	285
2008	332
2009	296
2010	286

The Deputy will note that the current number of Probation Officers approximates to the number at the end of 2007.

Legal Services Bill

27. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the new regulatory arrangements recommended by the Competition Authority regarding the Legal Services Bill; if it commented on the importance of maintaining the independence of the regulatory arrangements; and if he will make a statement on the matter. [37934/11]

37. **Deputy Catherine Murphy** asked the Minister for Justice and Equality, in view of the extensive regulatory regime associated with the Legal Services Bill, if a regulatory impact assessment was carried out; if he will provide a copy of that assessment or outline its findings; if no impact assessment has been carried out, whether he intends to arrange to have one done; and if he will make a statement on the matter. [37935/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 27 and 37 together.

In the Programme for National Recovery 2011-16, the Government has undertaken to “establish independent regulation of the legal professions to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints”. The Legal Services Regulation Bill 2011, published on 12 October, provides the statutory framework for delivering these commitments.

By the same token, the Bill supports the urgent objectives of structural reform, national competitiveness and economic recovery contained in the EU-IMF-ECB Memorandum of Understanding, while taking account of relevant recommendations made by the Legal Costs Working Group in 2005 and by the Competition Authority in 2006. The intervening and unprecedented developments which necessitated the EU-IMF-ECB Memorandum continue to shape the Government’s determination of appropriate policy responses, including in relation to legal services and legal costs.

On 17th October, I briefed the EU-IMF-ECB Troika on the provisions of the new Legal Services Regulation Bill. The Troika considered the Bill to have met both the spirit and the letter of the Government’s relevant undertakings. I am confident that the new Legal Services Regulation Bill will contribute to better regulation and competitiveness in the provision of legal services in the State. There will be greater transparency and accountability in relation to legal costs for the benefit of all concerned. Officials of my Department have recently met with the Competition Authority which has been welcoming of the Bill and its key provisions — including that of establishing an independent regulator. Under the Bill -

- there will be a new and independent Legal Services Regulatory Authority with responsibility for oversight of both solicitors and barristers with a lay majority in its membership and a lay chair; the Bill contains a number of provisions to ensure that the Legal Services Regulatory Authority and the legal professions are free from government interference or control in the discharge of their functions
- there will be an independent complaints mechanism within the new regulatory authority to deal with allegations of professional misconduct against solicitors and barristers. This will be supported by a new independent Legal Practitioners’ Disciplinary Tribunal which will be independent of the Regulatory Authority and of the professional bodies
- the Office of the Legal Costs Adjudicator will assume the role of the existing Office of the Taxing- Master. The new Office will have enhanced transparency in its functions and publish its determinations. The legal costs regime will be brought into the open with supporting guidelines and greater public entitlement to legal costs information.

[Deputy Alan Shatter.]

The Second Stage debate on the Bill is expected to commence in the coming weeks and I will be outlining my intentions in relation to Committee Stage amendments at the appropriate time. I am, of course, open to further discussion on ways in which we might strengthen aspects of the Bill. I believe that, with the constructive engagement of all concerned, the Bill provides a framework within which we can achieve an appropriate balance of the principles of professional independence and of independent regulation and make them mutually reinforcing.

While a preliminary regulatory impact assessment had been in preparation it did not prove possible to complete it for publication at the same time as the Bill due to the exceptionally demanding EU/IMF deadline that applied. However, I am happy to say that work on a regulatory impact assessment for the Bill is near completion and that it will be made available in the near future.

Criminal Assets Bureau

28. **Deputy Sandra McLellan** asked the Minister for Justice and Equality his plans to amend the powers of the Criminal Assets Bureau; and if he will make a statement on the matter. [37928/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Programme for Government includes a commitment to strengthen the powers of the Criminal Assets Bureau in relation to the forfeiture of the proceeds of crime.

An Expert Group, established under the auspices of my Department, is currently reviewing the Proceeds of Crime legislation with a view to identifying possible improvements which would serve to enhance the powers of the Bureau.

The Expert Group is engaged in a comprehensive review of the operation of the legislation with particular regard to the experience of the Bureau to date.

I can inform the Deputy that the Group is reviewing a number of matters including decreasing the amount of time which must elapse before criminal assets which have been frozen become the property of the State; increasing the powers of receivers over properties so as to immediately deprive criminals of the use of those properties; short term seizure of assets believed to be the proceeds of crime pending determination by the courts and further improving measures supporting international cooperation.

When that work concludes I will bring forward my proposals in the normal way.

Related to the issue of further improvements to international cooperation in this area, the Deputy may wish to be aware that at European level I am currently engaged in the promotion of a European wide regime for the confiscation of proceeds of crime, based on the model currently operated in this jurisdiction by the Criminal Assets Bureau. I am strongly of the view that such a regime would strengthen cooperation between the asset recovery agencies of the European Union and provide for a more effective European response to the proceeds of crime.

Question No. 29 answered with Question No. 12.

Residency Permits

30. **Deputy Michael Colreavy** asked the Minister for Justice and Equality the number of migrant women with dependant immigration status who have experienced domestic violence and applied for independent status; and the number of these women who were granted independent status and were facilitated with access to the labour market or social welfare system. [37913/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service that applications from non-EEA women in the situation outlined by the Deputy are dealt with on a case by case basis and independent status is granted where the known circumstances of the case warrant it. In considering the circumstances of each such application every effort is made to ensure that the most appropriate permission stamp is granted consistent with overall public policy and the requirement to ensure that the integrity of the immigration system is upheld.

I am advised that very few non-EEA women who have experienced domestic violence have applied to my Department for independent status. However, where applications were made and the persons concerned were able to substantiate their claim with third party reports an immigration status was granted which allowed them to access the labour force and to apply for State aid where required.

Juvenile Offenders

31. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the reason he will not expand the remit of the Ombudsman for Children to cover St. Patrick's Institution; and if he will make a statement on the matter. [37924/11]

Minister for Justice and Equality (Deputy Alan Shatter): The powers of the Ombudsman for Children are determined by the Ombudsman for Children Act 2002. Section 11 (1) (e) (iii) of that Act limits the power of investigation as regards actions taken in the administration of prisons and places of detention. However, if an individual detained in the Irish prison system and who is less than eighteen years of age wishes to see the Ombudsman for Children, then the authorities will facilitate access to that person.

The Prisons (Visiting Committees) Act 1925 provides for a visiting committee to be constituted for every prison in the State and one of the statutory duties of such committees is to hear any complaints which may be made to them by a prisoner. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons.

The Inspector of Prisons also makes announced and unannounced visits to all prisons including St. Patrick's Institution throughout the year. He has shown a particular interest in juvenile prisons systems and has published inspection standards for juvenile offenders in St. Patrick's as a supplement to his general inspection standards.

Prisoner Complaints Procedures

32. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality his plans to amend the 2007 prison rules to introduce independence to the investigation of prisoner complaints; the date on which these changes will occur; and if he will make a statement on the matter. [37929/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Prisons (Visiting Committees) Act 1925 provides for a Visiting Committee to be constituted for every prison in the State and one of the statutory duties of such committees is to hear any complaints which may be made to them by a prisoner. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons.

[Deputy Alan Shatter.]

There are also procedures within the Irish Prison Service (IPS) for the investigation of complaints by prisoners. I am not satisfied that the existing IPS procedures are sufficiently robust and independent of the local staff to meet best practice for the investigation of serious complaints. It is my intention to bring forward amendments to the Prison Rules 2007 which will introduce an independent element to the investigation. I have recently asked the Inspector of Prisons to give consideration to this matter and to advise me as to the most appropriate approach to be taken in an Irish context so as to ensure compliance with best practice. The Inspector's views will then be taken into account in relation to the framing of the amended Rules in this regard.

The Deputy can be assured that every effort will be made to finalise this work as soon as possible.

Prison Visiting Committees

33. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the date on which he will publish new legislation covering prison visiting committees; and if he will make a statement on the matter. [37926/11]

Minister for Justice and Equality (Deputy Alan Shatter): On 17 May last, the Government approved my proposals for preparation of the General Scheme of a Bill which will include provisions concerning the future role, composition and reporting arrangements of Prison Visiting Committees. These provisions are aimed at maximising the effectiveness and efficiency of the committees.

The proposed legislation will also provide a statutory framework to enable ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and put the current arrangements for periodic visits to the State by the Council of Europe Committee on the Prevention of Torture (CPT) on a statutory footing. The UN protocol provides for a system of inspections of places of detention at both UN and national level.

When work on preparation of the General Scheme is completed, I will be seeking Government approval for its publication to facilitate a consultation process in advance of drafting and publication of the Bill.

Traveller Community

34. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the date on which a decision will be made regarding the granting of ethnicity status to members of the Traveller community. [37931/11]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): During the course of the examination by a working group of the UN Human Rights Council of Ireland's report to that Council, prepared under the Universal Periodic Review procedures of the Council, my colleague, Minister Shatter, was asked, among many other matters, about the position of Travellers in Irish society.

One delegation specifically recommended that Ireland should recognise Travellers as an ethnic minority while other interventions were of a more general nature. Minister Shatter replied that serious consideration is being given to granting such recognition.

I am aware of the long standing wish of some Travellers that such status be granted but equally that there is no unanimity among Travellers about this issue. The previous Government was of the view that Travellers are not an ethnic minority.

I am also aware that dialogue between staff of my Department and representatives of Traveller organisations has taken place on the issue, most recently on 11 November 2010, during the course of a seminar on the third State report under the Council of Europe Convention on National Minorities.

Consideration is ongoing and it is intended that the question will be before the Government for decision as soon as possible.

Prisoner Releases

35. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality his plans to expand the numbers of prisoners participating in the pilot project on early temporary release; his plans to continue this pilot project beyond the current six-month lifespan; and if he will make a statement on the matter. [37919/11]

Minister for Justice and Equality (Deputy Alan Shatter): A number of key recommendations contained in the Thornton Hall Review Group Report are receiving priority attention in my Department and many are in the process of being implemented, most notably the introduction of an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In this regard, a six month pilot project commenced in October 2011 in which it is envisaged that a total of 130 prisoners will participate. I am informed by the Irish Prison Service that 39 prisoners have been released under the scheme to date with 5 more due for release this week, and a further 13 the following week. An evaluation of the pilot project will be undertaken after six months following which a decision will be made regarding any future plans.

Garda Vetting Service

36. **Deputy Martin Ferris** asked the Minister for Justice and Equality if his attention has been drawn to the fact that 225 CAO courses require Garda vetting for applicants; if his further attention has been drawn to the fact that this means persons who committed very minor offences unrelated to education are prevented from applying to these courses in the absence of spent convictions legislation; the date on which he will introduce spent convictions legislation; and if he will make a statement on the matter. [37912/11]

Minister for Justice and Equality (Deputy Alan Shatter): Certain courses offered by the Higher Education Institutions through the Central Applications Office (CAO) require students to undertake placements that bring them into contact with children or vulnerable adults. Before a student can undertake such a placement, he or she must be vetted by the Garda Central Vetting Unit. This is a standard requirement that applies to all employment involving children and vulnerable adults and one that I will be putting on a statutory footing in the Vetting Bill. Details of the courses that are subject to vetting and disclosure requirements are set out on the CAO website www.cao.ie.

As the Deputy will be aware, section 258 of the Children Act 2001 provides for the non-disclosure of convictions acquired by persons while under the age of 18, subject to certain conditions, including that the person has not been convicted of another offence during the 3 years following his or her conviction. This non-disclosure provision applies to all offences other than those that fall to be tried by the Central Criminal Court (e.g. murder).

[Deputy Alan Shatter.]

My Department is currently completing the drafting of the Criminal Justice (Spent Convictions) Bill which I expect to publish in the New Year. The Bill will provide for the non-disclosure of certain convictions after a number of years has elapsed, where a person is seeking employment. However, anyone wishing to work with children or vulnerable adults will still be required to disclose all prior convictions, and the Gardaí will be permitted to disclose all convictions in these cases. It will be for an employer to decide if those convictions are such as to call into question the suitability of the person to work with children or vulnerable adults.

Finally, the Criminal Justice (Spent Convictions) Bill is intended to assist the reintegration of offenders by smoothing their path to employment. I would expect that responsible employers, including those providing placements to students on the courses referred to by the Deputy, would only take into account those convictions that are relevant to the employment.

Question No. 37 answered with Question No. 27.

Human Rights Issues

38. **Deputy Michael Colreavy** asked the Minister for Justice and Equality if his attention has been drawn to the fact that under the UN Paris Principles the Irish Human Rights Commission holds an A status rating, meaning it must be appropriately mandated and financially secure; and his plans for how the proposed merged body of the IHRC and the Equality Authority would work effectively with less resources. [37914/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to draw the Deputy's attention to my statement when I announced the Government's plan to merge the Human Rights Commission and Equality Authority earlier this year. At that time I stated that the new Human Rights and Equality Commission will unequivocally keep faith with the UN Paris Principles on national human rights institutions. The position has not changed since I made that statement.

Prison Accommodation

39. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of prisoners currently incarcerated at all locations throughout the country; the number in high-security or other forms of prison, including open prisons; the extent to which rehabilitative or training programmes are available throughout; the total number of prisoners eligible for such schemes; the number currently receiving training or education; the number of any applicants for such programme; the extent to which an examination has been carried out as to the importance of such programmes when prisoners are eventually released into the community; and if he will make a statement on the matter. [38008/11]

Minister for Justice and Equality (Deputy Alan Shatter): The numbers and locations of prisoners as at 28 November 2011 are outlined in the following table.

Institution	Number in custody
Mountjoy	591
Dóchas	128
St Patrick's	188
Cork	287
Limerick	328
Castlerea	360
Cloverhill	411

Institution	Number in custody
Wheatfield	656
Portlaoise	267
Arbour Hill	151
Midlands	582
Training Unit	106
Loughan House	128
Shelton Abbey	105
Total	4,288

Portlaoise is maximum security prison in the state, Shelton Abbey and Loughan House are the two open centres and the Training Unit is a semi-open facility.

The Irish Prison Service provides a range of rehabilitative programmes which have the dual purpose of providing prisoners with purposeful activity while serving their sentences and encouraging and equipping them to lead productive lives on release. Programmes provided include health care, psychiatric, psychological, educational, work and training, vocational, counselling, welfare and spiritual services. These interventions are important in addressing offending behaviour, drug and alcohol addiction, missed educational and vocational opportunities, anger management, and self management in the interest of encouraging positive personal development in prisoners, and preparing them for re-integration and resettlement on release from custody. These programmes are available in all prisons and all prisoners are eligible to use the services.

Following a recommendation by the Inspector Of Prisons in his 2010 Annual Report, an independent education audit has been commissioned by the Irish prison Service on the adequacy, efficiency and relevance of the prison education system. The Psychology Service offers group and individual interventions to all prisoners. A particular emphasis has been put on the development of programmes for prisoners convicted of sex offences and violent offences. Significant progress is also being made in the development of programmes based on risk assessment and rehabilitation needs.

The Irish Prison Service will continue to seek to improve the services available to prisoners insofar as resources allow. In this regard, a number of projects are currently underway which will improve the facilities available. A significant programme of works is nearing completion in the Dóchas Centre where, in addition to improving the overall standard of the Centre, it will provide for additional training workshops and a new training kitchen. At the Midlands prison, as part of the new accommodation block, additional work training and educational facilities are being provided. It is planned to have the block fully commissioned by mid 2012. It will also include a new fully fitted kitchen which will provide enhanced training opportunities for prisoners.

UN Conventions

40. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the date on which he will ratify the UN Convention on the Rights of Persons with Disabilities; and if he will make a statement on the matter. [37932/11]

Minister for Justice and Equality (Deputy Alan Shatter): It is the Government's intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may be aware, Ireland does not

[Deputy Alan Shatter.]

become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable ratification. At the Committee's request, the National Disability Authority, the lead statutory agency for the sector, has independently assessed the remaining requirements for ratification so as to ensure conclusively that all such issues will be addressed.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme as announced on 14 September 2011, indicates that the Mental Capacity Bill is expected to be published in early 2012. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

Prisoner Releases

41. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the number of prisoners who were rearrested within three months of release, six months of release and one year of release. [37925/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Prison Service facilitated a major study of prisoner re-offending by the UCD Institute of Criminology, the findings of which were published in the May 2008 edition of the academic journal, *Criminology & Criminal Justice*. The recidivism rate was found by this study to be under 50% after 4 years which is in the mid to lower range of recidivism rates when compared to similar countries internationally.

I am pleased to be able to inform the Deputy that the Probation Service is in the process of conducting initial research in order to measure the recidivism rates of offenders under their management. Preliminary findings from the work done to-date indicate that the percentage of offenders who did not commit an offence in the 12 and 24 month periods after their initial conviction is high. However, this is a complex area of study and this research needs to be validated further before exact figures and findings can be published.

Organised Crime

42. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if, in the course of the current appraisal of Garda stations and staffing levels throughout the country, he will ensure that adequate resources remain to provide for the maximum possible level of Garda cover in all areas throughout the country, with particular reference to the need to continue relentless pursuit of the activity of criminal gangs; if he will have regard for the known areas in which such gangs have previously concentrated, notwithstanding current or expected financial constraints; and if he will make a statement on the matter. [38007/11]

149. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he is satisfied that adequate resources are available to him to enable the Garda to continue in its actions against organised crime; if all of the necessary legislation is now in operation; if further legislation is needed in this regard; and if he will make a statement on the matter. [38233/11]

151. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he is satisfied that sufficient resources are available to An Garda Síochána to facilitate the maximum level

of activity, including surveillance, intelligence and prosecution, against criminal gangs with a view to a maximum level of attrition; and if he will make a statement on the matter. [38235/11]

154. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which the necessary resources remain available to the Garda to ensure the maximum level of activity against drug gangs; if such resources will remain available as required in the future; and if he will make a statement on the matter. [38238/11]

156. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he is in a position to ensure the highest possible level of Garda activity remains directed against criminal gangs operating in urban and rural environments, regardless of any budgetary constraints; and if he will make a statement on the matter. [38240/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 42, 149, 151, 154 and 156 together.

It is the case that, as with every other public sector organisation, the Garda Síochána is going to have to manage with reduced resources and I have been informed by the Garda Commissioner that the personnel strength of An Garda Síochána on 31 October 2011, on the latest date for which figures are readily available was 14,099. Responsibility for the allocation of resources, including personnel, within the Force rests with the Garda Commissioner, in consultation with his senior management team. Resource levels are constantly monitored, in conjunction with crime trends and the situation is kept under continuing review to ensure optimum use is made of all resources and the best possible Garda service is provided to the public.

An Garda Síochána pro-actively targets groups and individuals engaged in organised criminal activities. To this end, An Garda Síochána is committed to the use of intelligence-led operations and tactics, including those of specialist national units. As a result of these operations a number of individuals (including members of criminal groups) are before the Courts charged with serious offences. The monitoring of such groups is ongoing and kept under constant review. Members of An Garda Síochána continue to utilise all available legislation, including the additional legislative provisions introduced by the Oireachtas in 2009 which amended the Criminal Justice Act, 2006 relating to organised crime. Multi-disciplinary approaches, such as the Criminal Assets Bureau, are also utilised to ensure the activities of individuals and groups involved in criminal enterprise are effectively targeted.

Question No. 43 answered with Question No. 12.

Garda Training

44. **Deputy Seán Crowe** asked the Minister for Justice and Equality the recommendations of the Garda Síochána training and development review group report that have been implemented and those which are outstanding; the date on which he expects all the recommendations to have been implemented; and if he will make a statement on the matter. [37909/11]

Minister for Justice and Equality (Deputy Alan Shatter): The information requested is not immediately available and as soon as I receive it from the Commissioner, I will get in contact directly with the Deputy.

Departmental Bodies

45. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the details of both of the groups he has appointed to conduct a strategic review of penal policy and to examine the issue of persons with mental illness in the criminal justice system; the names of persons on both

[Deputy Peadar Tóibín.]

of these groups; the terms of reference of each group; the criteria used to select the appointees; the length of time they will take to review these areas; and the dates on which they will publish their recommendations. [37930/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that I established the Thornton Hall Review Group in April, 2011. They reported to me in July 2011 and one of their recommendations was the establishment of an all encompassing strategic review of penal policy which would incorporate an examination and analysis of all aspects of penal policy including prevention, sentencing policies, alternatives to custody, accommodation and regimes, support for reintegration and rehabilitation, the issue of female prisoners and 16 and 17 year olds within the system. On foot of another of its recommendations, an inter-departmental group is being designated to examine the issue of people with mental illness coming into the criminal justice system. I hope to announce details on membership and terms of reference for both groups shortly.

Domestic Violence

46. **Deputy Martin Ferris** asked the Minister for Justice and Equality the date on which he will introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence as set out in the programme for Government; and if he will make a statement on the matter. [37911/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Questions Nos. 164 to 166, inclusive, of 30 November 2011.

Human Rights Issues

47. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade the representations he has made to the relevant authorities regarding the human rights of those at Camp Ashraf; and if he will make a statement on the matter. [38189/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I have made clear in answer to previous questions my deep concern about the residents of Camp Ashraf in Iraq, in light of the serious violence which took place in the camp last April and the Iraqi Government's clear insistence that it wishes the camp to be closed by the end of 2011.

Ireland and its EU partners are determined to seek a long-term and peaceful solution to the predicament of the residents of Camp Ashraf and EU Foreign Ministers are scheduled to discuss the question of Camp Ashraf at today's Foreign Affairs Council. I welcome the fact that the High Representative has appointed a Special Envoy, Ambassador Jean de Ruyt of Belgium, to work with the Iraqi authorities, the camp residents and other concerned international actors, including the UN and US, to achieve a peaceful resolution of this situation fully in line with international humanitarian and human rights principles.

A process to manage the closure of the camp, led by the UN, is now getting underway. The UNHCR is undertaking this process to register and determine the status of those in the camp, including whether residents hold nationality of third countries. I fully support the efforts of UN envoy Martin Kobler to mediate between the government of Iraq and Camp Ashraf residents, and urge the Iraqi authorities to extend the deadline for the closure of Camp Ashraf to provide sufficient time to enable the UNHCR to explore resettlement options for camp residents that do not wish to return to Iran and do not have another nationality. It is also impera-

tive that there should be no attempt at forced repatriation of any of those camp residents who do not wish to return to Iran.

Ireland fully recognises Iraqi sovereignty over the whole of its territory, including Camp Ashraf, but this sovereignty also carries with it responsibilities. The Iraqi Government has primary responsibility for the protection of all persons resident on its territory, including Camp Ashraf residents. Ireland, along with our EU partners, strongly condemned the violence which took place in Camp Ashraf last April and I call on the Iraqi government to refrain from the use of violence and to show full respect for the human rights of Camp Ashraf's residents in the period ahead while the UNHCR explores resettlement options.

Passport Applications

48. **Deputy Willie Penrose** asked the Tánaiste and Minister for Foreign Affairs and Trade if a passport may be issued to a person who is applying for a passport for the first time and has no alternative identification other than the photograph furnished with the application, which was duly authenticated by a relevant member of An Garda Síochána; and if he will make a statement on the matter. [38248/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Passports Act, 2008 provides, *inter alia*, that the Minister for Foreign Affairs shall be satisfied as to the identity of each applicant for before a passport is issued to him/her. Proofs of identity are required in respect of all passport applications. These requirements, which are outlined both in the passport application form notes that accompany each application form and on the Department's website *www.passport.ie*, enhance existing procedures to combat passport and identity fraud. They are also intended to increase public awareness of the importance of a passport in terms of a person's identity and the need to ensure that people take great care in protecting their passports.

In January this year, a series of changes to passport application procedures for first time adult applicants and those reporting passports lost or stolen was introduced. The changes, which were introduced to combat passport fraud and identity theft, required that applicants in these categories submit additional documentary evidence to establish identity and entitlement to an Irish passport. Particularly in the light of recent high profile international incidents relating to passport fraud, the measures were introduced to protect the integrity and international reputation of the Irish passport. Among the requirements for first-time applicants or for those persons, whose passports have been lost or stolen, is the need to provide an additional form of photo-identification such as a copy of driver's licence, work ID, student card, social club membership or a passport from another country.

In those exceptional cases where an applicant is unable provide any general photographic ID, the Passport Service will require that the applicant complete and have witnessed a certificate of identity. The certificate includes preprinted details, including the application photograph, and must be witnessed by one from a list of persons, who are acceptable to the Passport Service for this purpose, and who also personally know the applicant. The certificate of identity will be sent to the applicant upon receipt of the original passport application.

Tax Yield

49. **Deputy Joe Higgins** asked the Minister for Finance the total amount of universal social charge paid by pensioners in receipt of the State pension since the charge was first introduced. [38087/11]

Minister for Finance (Deputy Michael Noonan): The Universal Social Charge (USC) was introduced on 1 January 2011 and replaced the Income and Health Levies. The USC is not charged on State Pensions paid by the Department of Social Protection.

Tax Code

50. **Deputy Joe Higgins** asked the Minister for Finance the reason the threshold for qualification to pay the universal social charge was set at €4,004.00 per annum; and if he will raise this figure considerably in budget 2012. [38088/11]

Minister for Finance (Deputy Michael Noonan): The Universal Social Charge is designed to apply on a wide base with no special exemptions. However, an exemption threshold at €4,004 per annum is included for administrative reasons. It is a long-standing practice of the Minister for Finance not to comment in advance of the Budget on any tax matters that might be the subject of Budget decisions.

Mortgage Arrears

51. **Deputy Finian McGrath** asked the Minister for Finance the position regarding schemes to assist mortgage holders in negative equity; and if he is open to other solutions that assist the customer, the banks and the taxpayer. [38093/11]

Minister for Finance (Deputy Michael Noonan): There is no scheme in place to assist mortgage holders who are in negative equity but who can meet their repayments and do not wish to move house. Trade down mortgages were recommended in the recently published report of the Inter-Departmental Mortgage Arrears Working Group in appropriate circumstances. In order to ensure that proposals in relation to such mortgages are consistent with the Central Bank's consumer protection and prudential policy objectives, a maximum loan to value ratio and other parameters would need to be agreed between mortgage lenders and the Central Bank.

The Central Bank has advised me that they wrote to all mortgage lenders to ascertain whether they were offering, or intended to offer, a mortgage product that would allow home owners to sell their existing home and transfer the negative equity portion of the original loan to the new loan. In response to the Central Bank's letter, only a small number of mortgage lenders said that they would consider offering such a facility. A trial period commenced in mid-2011 and was due to be assessed by the Central Bank and the institutions involved before the end of the year. However the low level of activity makes it difficult to conduct a meaningful review at this time and the proposed review will not take place until the first half of 2012. Any institution offering such a facility may only do so in accordance with criteria agreed in advance with the Central Bank and subject to a trial period. The Central Bank is concerned as to whether such products are in the long term interest of consumers as it could lead to indebtedness at a time when there is no certainty over the direction of future property values.

Tax Reliefs

52. **Deputy Robert Dowds** asked the Minister for Finance if he will give serious consideration in budget 2012 to abolishing the tax write-off to which Ministers are entitled for the cost of having their clothing dry cleaned; and if he will make a statement on the matter. [38121/11]

Minister for Finance (Deputy Michael Noonan): It is long-standing practice of the Minister for Finance not to comment in advance of the Budget on any tax matters that might be the subject of Budget decisions.

Tax Code

53. **Deputy Paschal Donohoe** asked the Minister for Finance the position regarding a matter (details supplied) regarding widowers; and if he will make a statement on the matter. [38122/11]

Minister for Finance (Deputy Michael Noonan): Individuals in receipt of payments from the Department of Social Protection such as Widow/er's Contributory Pension, Widow/er's Non-Contributory Pension, Deserted Wife's Benefit, Deserted Wife's Allowance or the One Parent Family Payment were exempt from the Health Levy on non-Department of Social Protection income but are not exempt from the Universal Social Charge (USC) on this income. All Department of Social Protection payments, including those mentioned above, are exempt from the USC. Therefore, only non-Social Protection income, if there is any, is subject to the USC.

Medical Card holders pay a concessionary higher rate of USC of 4%. This is a transitional measure and will cease at the end of 2014.

It should be noted that individuals in receipt of a Widow/er's (Contributory) Pension pay less tax than other individuals on the same gross income. This is particularly true of the lower paid widows/ widowers, who have an effective tax rate 7.5 percentage points below other income earners on the same income.

At all income levels the widows/widowers pay less taxes and charges. This is because (i) the Widow/er's (Contributory) Pension is not subject to the USC or PRSI and (ii) Widows/widowers receive a higher personal tax credit of €2,190 per annum (€540 greater than the personal tax credit).

Tax Yield

54. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will confirm that €520 million revenue would be raised per annum through the application of a 5% levy on the gross income of earners earning more than €120,000 per year; and if he will make a statement on the matter. [38133/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the estimated full year yield to the Exchequer, estimated by reference to 2012 incomes, of the application of a 5% levy to the total gross income of income earners earning in excess of €120,000 per annum would be of the order of €520 million. It should be noted that gross income is as defined in Revenue Statistical Report, 2009.

These figures are estimates from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends for the year 2012. They are, therefore, provisional and likely to be revised.

55. **Deputy Robert Dowds** asked the Minister for Finance the estimated increase in revenue to the Exchequer if a third rate of income tax of 55% was imposed on all income above €100,000; and if he has given consideration to establishing such a rate. [38139/11]

Minister for Finance (Deputy Michael Noonan): It is assumed that the threshold for the proposed new tax band mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples. I am advised by the Revenue Commissioners that the estimated full year yield to the Exchequer, estimated by reference to 2012 incomes, of the introduction of a new 55% rate would be of the order of €760 million. However, given the current band structures, major issues would need

[Deputy Michael Noonan.]

to be resolved as to how in practice such a new rate could be integrated into the current system and how this would affect the relative position of different types of income earners.

This figure is an estimate from the Revenue tax-forecasting model using latest actual data for the year 2009, adjusted as necessary for income and employment trends for the year 2012. It is, therefore, provisional and subject to revision.

It is a long-standing practice of the Minister for Finance not to comment in advance of the Budget on any tax matters that might be the subject of Budget decisions.

56. **Deputy Joanna Tuffy** asked the Minister for Finance his views on a matter (details supplied) regarding tax units; and if he will make a statement on the matter. [38154/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the information requested, estimated by reference to the income tax year 2011, is set out in the following table:

All income earners for Income Tax Year 2011 (provisional)

Gross Income Range	Gross Income	Numbers	Income Tax Liability
€	€		€
0-50,000	36,479,003,462	1,663,341	2,255,222,703
50,001-100,000	25,835,893,121	380,204	4,407,923,026
100,001-150,000	8,437,490,248	70,892	1,959,539,562
Over 150,000	11,800,226,968	40,162	3,245,170,995
Total	82,552,613,799	2,154,599	11,867,856,286

It should be noted that the income ranges shown in the above table relate to Gross Income as defined in Revenue Statistical Report 2009.

The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends in the interim. These are, therefore, provisional and likely to be revised. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Income Statistics

57. **Deputy Joanna Tuffy** asked the Minister for Finance the median gross income earned in 2009 (details supplied); and if he will make a statement on the matter. [38159/11]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that based on the incomes of income earners on the income tax record for the tax year 2009 the median gross income is €27,479. It should be noted that gross income is as defined in Revenue Statistical Report, 2009.

The information on incomes is based on income returns on Revenue records at the time the data were compiled for analytical purposes, representing about 98% of all returns expected. A married couple who have elected or have been deemed to have elected for joint assessment are counted as one tax unit.

Housing Policy

58. **Deputy Brendan Griffin** asked the Minister for Finance his views on a proposal regarding

the revival of the property market (details supplied); and if he will make a statement on the matter. [38182/11]

Minister for Finance (Deputy Michael Noonan): I am aware of the proposal to introduce a residential value protection scheme. The scheme as proposed would allow purchasers of new and second hand houses and apartments under €350,000 to insure against the risk of their property falling in value by up to 15 per cent over three years from the date of purchase. The risk would be shared in different proportions by government, financial institutions, the vendor and the purchaser. The proposed scheme would be limited to the first 20,000 applicants. The proposed scheme is a housing policy issue which is a matter for my colleague Mr Phil Hogan TD, Minister for Environment, Community and Local Government and I have asked that the details of the scheme would be forwarded to him for consideration.

Tax Code

59. **Deputy Michael Healy-Rae** asked the Minister for Finance if an estimate has been provided for the loss of revenue to the State due to cross-Border shopping in each of the years from 2009 to date in 2011; his views on whether retail businesses along the Border will suffer severely as a result of the increase in VAT rate; and if he will make a statement on the matter. [38198/11]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that a number of studies have been undertaken in the last few years to determine the level of cross-Border shopping and how much this affects Exchequer revenue. The Report on the Implications of Cross Border Shopping, which was undertaken on behalf of the Minister for Finance by the Revenue Commissioners and the Central Statistics Office, was published in March 2009. This was followed on 4 December 2009 by the results of a survey of cross-Border shopping as part of the CSO Quarterly National Household Survey (QNHS) conducted in Quarter 2, 2009. On 12 November 2010, the results of the QNHS cross-Border shopping survey for the year to Quarter 2, 2010 were released. The report undertaken by Revenue and the CSO estimates the value of cross-Border shopping in 2008 in the range of €350m to €550m and the potential loss in VAT and excise revenues at between €58m and €90m (for reference, the higher estimate represents 0.4% of the total VAT and 0.6% of excise revenue in 2008). In addition to the VAT and excise loss, there is a possible corporation tax revenue loss that is tentatively estimated to be in the range of €15m to €24m. However, it should be noted that all estimates for corporation tax revenue should only be considered as indicative of the potential loss given the difficulties in calculating a figure for the direct impact of cross-Border shopping on such activities.

Total household expenditure on cross border shopping in Northern Ireland between Quarter 2 2008 and Quarter 2 2009 is estimated at €435 million. The combined VAT and excise revenue loss is estimated at €63m and a possible corporation tax revenue loss in the range of €19m.

The results of the report for Q2 2010 indicate that 14% of households in the Republic made a shopping trip to Northern Ireland in the twelve months to Q2 2010, compared to 16% in the previous year. While there was an increase in cross-Border shopping in the Border area from 41% to 43% over the year; there was a marked decrease in shopping activity by people from Dublin, where 15% made a shopping trip in 2010, compared with 21% in 2009.

The QNHS also showed that the majority of trips involved purchases of groceries, alcohol, clothing and durables, similar to the previous year. The report estimated that the total expenditure in the year to Q2 2010 on cross-Border shopping trips at €418 million, reduced slightly from €435 million in the previous year. Based on the data contained in the survey, Revenue

[Deputy Michael Noonan.]

has estimated that the VAT, Excise and Corporation Tax losses in this period due to cross-Border shopping was in the region of €80 million, a similar level to the €81 million the previous year and suggesting that the level of cross-Border shopping had stabilised.

The statistics in the QNHS Reports were broadly in line with the results of the March 2009 Report on the Implications of Cross Border Shopping, which noted that the main causes of price differentials between goods in Northern Ireland and the Republic were operating costs, profit margin (mark-up), taxes and a significant depreciation of Sterling against the Euro. While variations in the VAT rates widened some price differentials, their impact remained small compared to the significance of the change in the exchange rate.

In the 2010 Budget excise duty on alcohol was reduced by around 20%. In addition, with the increase in the UK standard VAT rate from 15% to 17.5% in 2010 and to 20% on 4 January 2011, there is currently only one percentage point difference between the standard VAT rate in Ireland and the UK, having reduced from 6.5 percentage points in 2009. With the proposed increase in the Irish standard VAT rate to 23% that differential will increase to 3 percentage points. However, it must be pointed out that for most of the last two decades there was a differential of 3.5 percentage points between the VAT rates of both jurisdictions (with Ireland at 21% and the UK at 17.5%).

However, as the CSO and Revenue studies indicates, fluctuations in the exchange rate between Sterling and the Euro represent the most significant influence in relation to cross-Border prices. In this respect, the current exchange rate between Sterling and the Euro should provide less incentive for people to shop outside the State, despite proposed increase in the Irish VAT rate.

School Transport

60. **Deputy Michael Creed** asked the Minister for Education and Skills if he will provide details of the contractual arrangement between him and Bus Éireann regarding the operation of the school transport scheme; the cost of this contract; when it is up for review; and if he will make a statement on the matter. [38077/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The School Transport Scheme has, since its inception, been operated by Bus Eireann (formerly CIÉ) on behalf of the Department, and this remains the position.

The 2011 allocation to my Department for the provision of School Transport is almost €180m. This allocation provides for all aspects of school transport provision including the disbursement of grants for eligible recipients.

61. **Deputy Jack Wall** asked the Minister for Education and Skills, further to Parliamentary Question No. 192 of 22 November 2011, if the matter will be reinvestigated; and if he will make a statement on the matter. [38078/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The planning and organising of school bus routes is an operational matter for Bus Éireann which operates the School Transport Schemes on behalf of my Department. Bus routes are planned in such a way as to ensure that, as far as possible, eligible pupils have a reasonable level of service while at the same time ensuring that school transport vehicles are utilised in an efficient and cost effective manner.

Bus Éireann has advised that the child in question has a morning pick up time of 8.00am (previously this was 8.15am) and a set down time of 9.10am; school commences at 9.20am. The

bus service in question provides transport for ten other children and two escorts who travel with the children to and from school.

It is considered to be a reasonable level of service in the context of the general operation of the scheme.

Schools Building Projects

62. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding an extension for a school (details supplied) in County Cork. [38079/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The building project for the school referred to by the Deputy is currently at an early stage of architectural planning. Officials from the Planning and Building Unit of my Department have requested a meeting with the school and the Design Team to expedite the preliminary design process. When completed, the Stage 1 submission which incorporates the preliminary design will be submitted to my Department for technical review.

Thereafter, the next stages for the project will be the completion of stage 2(a) — Developed Sketch Design and stage 2(b) which will include applications for planning permission and other statutory approvals.

I recently announced that a construction programme for 2012 will be published in early December and that a further 5 year construction programme will be announced early in 2012. This school building project will be considered in the context of these construction programmes.

Higher Education Grants

63. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a decision has been made on an appeal in respect of persons (details supplied) in County Kerry; and if he will make a statement on the matter. [38116/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Only one of the students in question has appealed the decision of her grant awarding authority appeals officer to my Department and a decision will issue on this shortly.

While the second student has indicated by a letter attached to a representation from the Deputy that she wishes to appeal the decision of her grant awarding authority, she has not actually made an appeal to the grant awarding authority appeals officer.

In terms of procedure, the applicant must first appeal the decision of the grant awarding authority to its appeals officer.

Where the appeals officer rejects the appeal, the applicant may appeal this decision to my Department or the independent appeals board, as appropriate.

The relevant grant awarding authority has confirmed that it has not received an appeal from the applicant in question. My Department will be informing the applicant of the correct appeals procedure.

Departmental Bodies

64. **Deputy Charles Flanagan** asked the Minister for Education and Skills the rent paid by FÁS on a lease (details supplied); and if he will make a statement on the matter. [38125/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The amount paid by FÁS in respect of rent for the Birr Technology Building, Birr, Co. Offaly, is €99,000 per annum plus VAT.

Schools Building Projects

65. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the progress being made in relation to a proposed school (details supplied) in County Galway; and if he will make a statement on the matter. [38146/11]

Minister for Education and Skills (Deputy Ruairí Quinn): A building project for the school referred to by the Deputy was included in the School Building Work Programme for 2011 which was announced on 24th January 2011. The project is one of a number of projects which were authorised to complete tender documents in 2011.

The Design Team have recently informed my Department that they are working on finalising the Stage 2b report, which includes the detailed design and tender documentation, for submission to my Department.

When the stage 2(b) submission is received it will be reviewed by my Department and my officials will then contact the school with regard to the further progression of the project.

Special Educational Needs

66. **Deputy Pat Deering** asked the Minister for Education and Skills the number of special needs assistants in schools in County Carlow, and how this compares to the last school year. [38155/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has advised all mainstream schools of their SNA allocations for the 2011/12 school year and has recently published statistical information in relation to the allocation of SNA posts and resource teaching hours to Primary Special and Post Primary Schools. The information is provided on a county by county and school by school basis on its website at www.ncse.ie.

The information requested by the Deputy in relation to the number of SNAs allocated to schools in County Carlow for the current school year is therefore available on the NCSE website. However, as this is the first year that the NCSE has published statistical information in this format, the information requested by the Deputy in relation to the number of SNAs employed by schools in County Carlow for last year is not readily available.

Departmental Expenditure

67. **Deputy Barry Cowen** asked the Minister for Education and Skills the amount of money spent on capital investment in schools in County Kildare from 2000 to 2011, broken down by scheme and school. [38174/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Officials in my Department are examining the Deputy's request and will be in contact regarding the matter.

Special Educational Needs

68. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if he will indicate whether any assistance will be given to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [38205/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has now advised all mainstream schools, including the school referred to by the Deputy, of their SNA allocation for the current school year, taking into account the care needs of qualifying pupils attending the school. The NCSE recently published statistical information on SNA allocations on a county by county and school by school basis on its website www.ncse.ie.

I have arranged for Deputy's question regarding an individual application for SNA support to be forwarded to the NCSE for their attention and direct reply.

School Transport

69. **Deputy Brendan Smith** asked the Minister for Education and Skills the total financial allocation for school transport for 2011; the allocation for the primary sector; the allocation for the second level sector; the total expenditure under the scheme up to the 15 November 2011; the likely expenditure for the full year; and if he will make a statement on the matter. [38220/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The allocation for school transport for 2011 is almost €180m. In general, expenditure for the Primary Sector is in excess of 65% of the annual allocation. Payments made to the end of November will be in the region of €155m with an estimated year end outturn of approximately €172m.

Higher Education Grants

70. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of students in receipt of grants under the higher education grant scheme for the 2011-12 academic year; the number in receipt of the non-adjacent rate of grant; the number in receipt of the adjacent rate of grant; and if he will make a statement on the matter. [38221/11]

Minister for Education and Skills (Deputy Ruairí Quinn): From the information made available to my Department by the 66 grant awarding authorities, 43,082 students have been awarded a grant so far this year under the student grant scheme. This includes both new applications and renewals.

The information from 33 grant awarding authorities in this regard refers to the week ended 11 November 2011. The information from the remaining 33 awarding authorities refers to the week ended 23 September 2011.

The statistical breakdown on the number of students awarded the adjacent rate of grant and the non-adjacent rate of grant will not be made available to my Department by the grant awarding authorities until the end of the academic year.

71. **Deputy Brendan Smith** asked the Minister for Education and Skills the total allocation for higher education grants for 2011; the expenditure for 2011 up to 15 November last; the likely expenditure by the end of December; and if he will make a statement on the matter. [38222/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The allocation for the student grant scheme for the 2011 financial year — which covers both further and higher education — is some €386m.

The expenditure up to the end of November is some €286m. The actual outturn on the student grant scheme will not be known until end of year claims, which are now due, from the 66 grant awarding authorities have been received and processed.

Site Acquisitions

72. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he has given any consideration to the possibility of developing educational facilities on lands in the ownership of the Department of Defence at Magee Barracks, Kildare town; if he has had any approaches from the Department of Defence in relation to these lands; and if he will make a statement on the matter. [38251/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm to the Deputy that following an assessment of demographic data and the enrolment trends of primary schools in the Kildare Town area, I announced in June of this year that a new primary school will be required for the area in the coming years.

In this regard, my Department is currently considering a number of accommodation options including the possible acquisition of lands at Magee Barracks in the ownership of the Department of Defence. I can confirm that discussions have taken place with Department of Defence officials and a technical inspection of the lands at Magee Barracks has been carried out.

The acquisition of a suitable site and the delivery of a new school building will be considered in the context of existing commitments and other competing demands on my Department's capital budget.

Public Service Reform

73. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform if there will be any retirement packages for public servants after February 2011 if more persons are interested in voluntary redundancies. [38085/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): There are no plans at this time for any early retirement or redundancy schemes in the public or civil service post February 2012.

Departmental Properties

74. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the occupancy rate for each building leased by the Office of Public Works for the years 2010 and 2011. [38096/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works leases 337 office buildings, of which three have accommodation which is presently unallocated.

Departmental Expenditure

75. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the rent paid for each building leased by the Office of Public Works, by year, from 2008 to present. [38097/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works is correlating the information requested and this report will issue directly to the Deputy when available.

Public Procurement

76. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform if the Office of Public Works intends to introduce a requirement that State-funded construction contracts specify the use of an imported substitute product instead of indigenously produced cement; and if he will make a statement on the matter. [38177/11]

77. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform if the Office of Public Works has carried out an impact assessment on its proposal to specify the use of imported substitute materials instead of indigenously produced Irish cement in State-funded construction projects. [38178/11]

78. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform if his attention has been drawn to the fact that a proposed requirement being prepared by the Office of Public Works which will require State-funded construction contracts to specify the use of an imported substitute product instead of indigenously produced cement would be without precedent within the EU; if his further attention has been drawn to the detrimental consequences arising for the cement manufacturing sector here, up to and including potential plant closures and significant job losses at a time when the Irish construction sector is struggling to survive; and if he will make a statement on the matter. [38179/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I propose to take Questions Nos. 76 to 78, inclusive, together.

A short introduction to the background of these questions is necessary. The Office of Public Works (OPW) has been tasked with producing a Guidance Document on Construction Procurement which will address the major elements of construction including cement. The Guidance Document will form part of the Green Public Procurement (GPP) Action Plan being developed by the Department of the Environment and Local Government. The GPP Action Plan was approved by government in November and its publication is set to take place in the new year. The legislative basis for Green Public Procurement is established in EU Directives 17 and 18 of 2004.

Green Public Procurement is defined in EU Communication 400 of 2008 as “Public Procurement for a better Environment”. It is defined as “*a process whereby public authorities seek to procure goods, services and works with reduced environmental impact throughout their life-cycle compared to goods, services and works with the same primary function that would otherwise be procured.*”

The Guidance Document will include cement, as the manufacture of this material has one of the most significant environmental impacts of all construction materials. The document recommends the use of alternative cements as a means of reducing this environmental impact. The Guidance Document is produced in reference to the National Concrete Standard IS EN 206, which makes provision for the use of several different alternative cements, including limestone, pulverised fly ash (PVA), slag and pozzelanas. PVA is a recyclable by-product of coal power electricity generation such as is found at Moneypoint, Co. Clare. Slag is a recyclable by-product of steel manufacture and is available from Britain, north west France, Belgium and Holland.

[Deputy Brian Hayes.]

The Guidance Document does not require the use of any particular alternative cement — all are acceptable. Neither does it require a particular percentage use of alternative cement. Decisions on the type and quantity of alternative cements are left to the judgement of the specifying authority and are to be made in the context of the functional and technical requirements of the specific project. In conforming with EU procurement principles the Guidance Document avoids being specific in favour of any particular product or supplier.

The Guidance Document does not make any proposal requiring the use of imported materials. However, the OPW has made a number of assessments into the impact of increasing the use of alternative cements. These assessments have included:

1) Cost abatement data produced by the Sustainable Energy Authority of Ireland (SEAI) demonstrating that the use of alternative cements provides a cost-saving to the economy. (Ireland's Low Carbon Opportunity published in 2009)

2) Consideration of the technical potentials as provided for in the National Concrete Standard IS EN 206 and demonstrated in recent projects using alternative cements e.g. the Jack Lynch tunnel in Cork, the Dundrum Luas Bridge in Dublin, the Shannon tunnel in Limerick and the National Conference Centre in Dublin.

3) Assessment of the non-technical factors influencing the potential use of cements made in relation to critical factors outlined in the 'Cement Technology Roadmap 2009' by the World Business Council for Sustainable Development and the International Energy Agency. These indicate that Ireland has high potential for the use of alternative cements.

4) Analysis of potential changes to carbon foot-printing methodologies and of potential transition to using full Life Cycle Analysis in material impact assessments. Both of these demonstrate that alternative cements reduce the environmental impact of cement. Throughout Europe there is widespread use of alternative cements by reason of sustainability, technical issues and cost benefit. All manufacturing facilities of cement production in Ireland benefit significantly from the European Trading Scheme (ETS) financial subsidy. It is understood this will continue into the future providing employment assurance to manufacturers experiencing production slow down due to economic and other reasons. It is noted that data from CemBureau (the European wide association of cement manufacturers) shows that there has been significant production over-capacity in the Irish cement industry.

Decentralisation Programme

79. **Deputy Clare Daly** asked the Minister for Public Expenditure and Reform the reason a three-acre site was purchased in Thomastown, County Kilkenny, in 2009 for the Health and Safety Authority, although it was clear that the move would not take place and that the price was excessive. [38180/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The decentralisation project to Thomastown, Co. Kilkenny, is currently awaiting review and decision from Government. In this regard the contract was signed for the acquisition of the site in May 2006 at a price in line with the property market at that time.

80. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform the total amount of money spent on property acquisitions and construction costs and rents associated with the decentralisation programme announced in budget 2004, and the amount of money

saved or received from the sale of property or the cessation of leases in Dublin as a result; and if he will make a statement on the matter. [38184/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The 2009 Report of the Comptroller and Auditor General (C&AG) includes an audit of property management under the decentralisation programme. This report identified capital expenditure on the Programme of €289.4 million on property and recurring costs (leases) of €7 million (as at April 2010). Dublin property disposals were €356m and leases with an annual value of €10m over the same period were surrendered.

The figures provided have not been updated since April 2010, due to the deferral for budgetary reasons in October 2008 of the implementation of the elements of the programme remaining to be completed at that time. My Department has asked the OPW and others to provide details to it on the additional property costs in respect of the period from April 2010 up to the cancellation of the programme, as well as details of any additional disposals made. The relevant information will be sent directly to the Deputy when it becomes available.

Departmental Expenditure

81. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the position regarding his negotiations with the Department of Justice and Equality concerning the overspend on Garda security for the visits of Queen Elizabeth II of the UK and President Obama of the USA; if he is in receipt of all requested documentation from the Department of Justice and Equality; when he expects to make a decision on this claim; and if he will make a statement on the matter. [38194/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): My Department has just received a report from the Department of Justice on the security costs associated with the State Visits which my officials will be examining in detail. I have also recommended a supplementary Estimate for the Garda Vote to cover the additional cost to the Vote of the State Visits which could not be met from savings elsewhere on the Vote. This Supplementary will go before the relevant Dáil Select Committee before being returned to the Dáil to be voted on.

Job Creation

82. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation if he will provide an update on practical measures to assist small businesses. [38091/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Some issues impacting on SMEs have already been addressed in the Jobs Initiative which includes the following key initiatives:

- The design of a Temporary, Partial Credit Guarantee Scheme.
- An initiative on a Microfinance Fund;
- The extension of the 15-day prompt payment arrangements across the wider public sector in Ireland for invoices received after 1 July 2011;

In January the Government will publish its first annual Action Plan for Jobs, which will contain a series of measures from across the entire range of Government activity to be implemented during 2012, with quarterly targets to be hit. It will be a whole of Government process, and all Departments will be involved.

[Deputy Richard Bruton.]

Government last week discussed a wide range of initiatives that will be contained in January's Action Plan for Jobs. These include three measures to help combat the problems that businesses at all levels face in accessing credit.

Access to Finance

Access to Finance is a key issue for the small business sector. The latest restructuring of the domestic banking sector creates capacity for the pillar banks to lend in excess of €30 billion over the next three years in SME and other important sectors. Both banks will be required to sanction lending of at least €3 billion this year, €3.5 billion next year and €4 billion in 2013 for new or increased credit facilities to SMEs.

Small Business Advisory Group

The Advisory Group for Small Business was established on 16 June, and is chaired by my colleague in the Department, Minister Perry, as Minister for State for Small Business. Primarily, the Group's remit is to provide policy advice to my Department, for onward reference to Government, on the key issues affecting the SME sector and what initiatives/actions should be prioritised to address these.

Government has approved five key deliverables which have been selected from the Advisory Group report, for early implementation. These initiatives are being pursued to help small companies access the business supports they require, address some of the challenges of the hidden economy, assist their cash flow by promoting prompt payments, and seek ways to reduce administrative burdens.

Enterprise Supports

The Enterprise Agencies under my remit also offer a wide range of business support to start ups and small businesses.

State Agencies

83. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the underspends and savings in Enterprise Ireland programmes in 2010 and 2011. [38099/11]

84. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the spending carried over in Enterprise Ireland programmes in 2010 and 2011. [38100/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 83 and 84 together.

Within the Vote of this Department, programme funding is provided to Enterprise Ireland through two Subheads. Funding under Subhead F covers the cost of Science, Technology and Innovation programmes. This includes significant Research and Development programmes operated by Enterprise Ireland, aimed at providing direct and indirect research development and innovation supports for indigenous companies, supporting collaboration between industry and third level researchers and supporting the commercialisation of State funded research. In 2010 there were no savings or underspends arising in these programmes. While there was no capital carryover in the Enterprise Ireland F subhead in either 2010 or 2011, €2.15m of Own Resource Income generated by Enterprise Ireland in 2009 was profiled for and spent in 2010.

Funding under Subhead D2 provides for direct supports to Irish companies at all stages of development in respect of potential job creation and export growth. It is aimed at supporting companies to scale and grow, building company capability in leadership, management and market skills, supporting companies in exploring new opportunities, and supporting business infrastructure.

Financing is through a mix of grants, equity and seed and venture capital investments, and contributions to third party agencies. In 2010, there were savings of €3.3m under this subhead, which were vired to the County Enterprise Boards to support the micro-enterprise sector. There was no carryover in either 2010 or 2011.

The Temporary Employment Subsidy Scheme (Subhead L2) was introduced to help employees maintain their jobs while at the same time assisting employers to retain their productive capacity. The Scheme was operated as part of an Irish State Aid scheme approved under the European Commission's Temporary Framework on State Aid, introduced in December 2008. The Framework was brought in on a temporary basis to allow Member States increased flexibility to assist companies in the real economy that were facing difficulties in accessing finance as a result of the economic downturn.

In order to qualify for support enterprises had to commit to retaining a multiple of the number of jobs they were in receipt of subsidies for until the end of November 2010. An underspend of €21.14m arose in 2010 under the scheme, due to approved enterprises not maintaining the required number of committed jobs, as defined for the purposes of the scheme, for a given claim period. An amendment to the Temporary Framework by the European Commission in December 2010 meant that it was not possible to secure approval for any prolongation of this scheme.

Outturns under subheads D and F for 2011 are not yet available and will be published in the Revised Estimates Volume 2012.

85. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the underspends and savings in Industrial Development Agency programmes in 2010 and 2011. [38101/11]

86. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the spending carried over by IDA Ireland programmes in 2010 and 2011. [38102/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 85 and 86 together.

The Exchequer allocation to IDA Ireland in 2010, as outlined in the Revised Book of Estimates for 2011, amounted to €130.7m as follows:

Current Expenditure

	€m
Subhead C1	
Pay	€24.530m
Non-Pay	€14.710m
Total Current Expenditure	€39.240m

Capital Expenditure

	€m
Subhead C2 — Grants to Industry	€90.460m (incl €5m carryover from 2009)
Subhead C3 — Grant for Industrial Property	€1m
Total Capital Allocation	€91.460m
Total Exchequer Allocation for 2010	€130.7m

[Deputy Richard Bruton.]

There were no savings arising on foot of these allocations in 2010.

The Exchequer allocation to IDA Ireland for 2011 is €124.577m as follows:

Current Expenditure

	€m
Subhead C1	
Pay	€24.667m
Non-Pay	€13.910m
Total Current Expenditure	€38.577m

Capital Expenditure

	€m
Subhead C2 — Grants to Industry	€85m
Subhead C3 — Grant for Industrial Property	€1m
Total Capital Allocation	€86m
Total Exchequer Allocation for 2011	€124.577m

I have been informed by IDA Ireland that savings of approximately €900,000 will arise in 2011 under Subhead C1, Pay. No savings are envisaged in relation to Capital Expenditure.

Job Losses

87. **Deputy Frank Feighan** asked the Minister for Jobs, Enterprise and Innovation, with regard to the interest by a variety of parties in a company (details supplied) in County Leitrim, if this process has proceeded; whether it is in any way affected by international confidence in the eurozone; if he has been proactive with stakeholders with regard to saving jobs; how last proposal affecting 100 workers played out; and when is it envisaged that a firm announcement will be made. [38249/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My priority from the outset has been that any decision taken by Bank of America should have minimal impact on employees at the Carrick on Shannon operation and ensure that jobs are maintained at the facility. I emphasised this when I met with Senior Bank of America Executives in their Headquarters in Charlotte, North Carolina in September. I am advised that the process regarding the sale of Bank of America's Irish and UK credit card businesses has not been unduly impacted by the ongoing Eurozone difficulties.

There has been considerable interest in both the MBNA Ireland portfolio and the MBNA UK portfolio, which are likely to be sold separately, with negotiations regarding the sale of the MBNA Ireland portfolio considerably advanced.

IDA has met the relevant parties, is monitoring the situation closely and is providing relevant input into the process as it moves forward. IDA is in regular contact with local Bank of America management in Carrick-on-Shannon and Dublin and at corporate level to monitor developments.

On 7 November 2011 Bank of America announced 102 redundancies in the Carrick-on-Shannon centre and a further 150 in its Chester (UK) centre. These roles will go by year end

2011, with the company hoping to achieve these on a voluntary basis. This decision, according to local Bank of America management, had been made in principle several months ago, prior to the group's decision to exit its international credit card business.

Redundancy Payments

88. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive their rebate payment; and if she will make a statement on the matter. [38132/11]

Minister for Social Protection (Deputy Joan Burton): A redundancy rebate claim in respect of the company concerned was received on 28 July 2011. Redundancy rebate claims received at the start of May 2011 are currently being processed.

Pension Provisions

89. **Deputy Dara Calleary** asked the Minister for Social Protection her views on the Labour Court judgment LCR19293; the reason she is refusing to provide funding to assist the implementation of this finding; her further views on whether such refusal is an undermining of the Labour Court by her which sends the wrong signal to other employers; and if she will make a statement on the matter. [38195/11]

99. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if she intends to introduce a pension scheme for community employment scheme supervisors and assistant advisors in line with Labour Court recommendation LCR19293; if she intends to provide the necessary funding to scheme sponsors to fund the pension scheme; and if she will make a statement on the matter. [38186/11]

102. **Deputy Dara Calleary** asked the Minister for Social Protection her views on the Labour Court judgment LCR19293; the steps she is taking to implement this judgement; and if she will make a statement on the matter. [38196/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 89, 99 and 102 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 Welfare Fraud

90. **Deputy Finian McGrath** asked the Minister for Social Protection her plans to deal with

[Deputy Finian McGrath.]

social welfare fraud; if there are any accurate figures on the amount of persons involved in fraud and the amounts involved. [38089/11]

Minister for Social Protection (Deputy Joan Burton): The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of my Department which processes in excess of 2 million claims each year and makes payments to some 1.4 million people every week at a cost of some €21 billion per annum. However, it is important to recognise that the vast majority of people are receiving the entitlement due to them.

For 2011, my Department has a target of reviewing 780,000 individual welfare claims and achieving €540 million in control savings. At the end of October, some €536 million in estimated control savings were reported and over 746,000 reviews have been carried out. For 2012, the target for control savings is provisionally set at €625 million, an increase of €85 million on the 2011 target.

The only fraud that my Department knows about as a fact is, by definition, proven fraud. While there are many perceptions/suspensions of fraud and people knowing ‘for a fact’ that a person is defrauding the social welfare system, these may not stand up to scrutiny. In this regard, it should be noted that some 190,000 people work and legitimately receive a social welfare payment. It can sometimes be perceived by members of the public that these people are defrauding the social welfare system, when in fact they are not.

In 2010, total overpayments amounted to €83.4 million representing 0.41% of total Departmental expenditure. Overpayments arising from suspected fraudulent activity amounted to less than 0.1% of total Departmental expenditure in 2010. It is important to emphasise, therefore, that the vast majority of people are receiving the entitlement due to them each week.

As the Deputy may be aware, I recently launched a Fraud Initiative (2011-2013) which is aimed at putting in place a range of actions to combat fraud and abuse of the social welfare system and at ensuring that public confidence in the system is improved. A key priority for my Department is to ensure that fraudulent activity within the social welfare system is vigorously prevented and combated. Social welfare fraud undermines public confidence in the entire system as well as being unfair to other recipients of social welfare payments and taxpayers

Under the Initiative, there will be greater liaison by my Department at both central and local level and with employers, the business community generally and the groups representing social welfare recipients. This will raise awareness among those interested parties of my Department’s policies and projects in relation to dealing with fraud and abuse. Those stakeholders will be encouraged to pass on specific information and concerns to the Department with a view to tackling social welfare fraud.

As Minister, I am very conscious of the need to protect public money and I am determined to ensure that abuse of the system is prevented and is dealt with effectively when detected.

Employment Support Services

91. **Deputy Finian McGrath** asked the Minister for Social Protection if there are any schemes or benefits for self-employed persons who lose their jobs or businesses due to the recession. [38090/11]

Minister for Social Protection (Deputy Joan Burton): Self-employed persons who lose their jobs or businesses due to the recession may establish entitlement to payments made under social assistance means-tested schemes, including jobseeker’s allowance. They can apply for the jobseeker’s allowance where their business ceases and they become unemployed or in other

circumstances where they are on low income as a result of a downturn in demand for their services. For the purposes of establishing entitlement to assistance-based payments such as jobseeker's allowance, the means of the individual is taken into account.

Community Employment Schemes

92. **Deputy Brendan Griffin** asked the Minister for Social Protection her views on a matter (details supplied) regarding community employment schemes; and if she will make a statement on the matter. [38115/11]

Minister for Social Protection (Deputy Joan Burton): Community Employment is an employment and training programme which helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine. The programme assists by enhancing and developing a person's technical and personal skills which can then be used in the workplace.

The criteria for participating on community employment are based on age and length of time in receipt of various social protection payments. There are two options under which community employment can be accessed. In general, a person must be aged 25 or over to access community employment although some exceptions exist where a person is in receipt of disability-related payments, is a member of the Traveller community, a refugee or a young person recovering from drug misuse.

I have no proposals to amend the criteria until I have had the opportunity to undertake a broader review of community employment which I have already indicated I wish to undertake. Any review of community employment will have to examine the current eligibility and access criteria, including how community employment can be more effectively deployed to tackle youth unemployment.

Social Welfare Appeals

93. **Deputy Sandra McLellan** asked the Minister for Social Protection, further to Parliamentary Question No. 134 of 17 November 2011, if she will expedite and approve the appeal for invalidity pension in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [38135/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 5 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 17 November 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Job Initiative

94. **Deputy Pat Deering** asked the Minister for Social Protection the way she proposes to deal with the anomaly where a person who leaves a FÁS course to take up a JobBridge internship loses their free child care entitlement. [38157/11]

Minister for Social Protection (Deputy Joan Burton): In order for an individual to be eligible to participate in JobBridge, the National Internship Scheme an individual must be:

- currently in receipt of a live claim (Jobseeker's Allowance/Jobseeker's Benefit/Signing for Credits) on the Live Register;
- and have been in receipt of Jobseeker's Benefit, Jobseeker's Allowance or signing for Social Insurance Contribution Credits for a total of 78 days or more in the last 6 months.

An intern participating in JobBridge will continue to receive the social welfare entitlements, including secondary entitlements such as fuel allowance, that they had been receiving immediately prior to commencing the scheme.

The Child care Employment and Training Support Scheme (CETS) supports the child care needs of participants in training and educational courses operated by FÁS and Vocational Educational Committees (VECs). Participants on the JobBridge internship scheme are not trainees and therefore do not qualify under the criteria laid down for CETS. However, participants on JobBridge retain their existing social welfare entitlements and also receive a top up bonus of €50 per week for the duration of their internship.

Question No. 95 withdrawn.

Employment Support Services

96. **Deputy Joanna Tuffy** asked the Minister for Social Protection the schemes that are open to persons on disability payments to enable them to gain experience in a particular career; and if she will make a statement on the matter. [38167/11]

Minister for Social Protection (Deputy Joan Burton): Persons with a disability who meet the entry criteria are able to participate in the full range of FÁS programmes and services. Persons with a disability may call into a FÁS Employment Service Office or Local Employment Service Office to meet with an Employment Services Officer or Mediator who will provide them with full information, advice and guidance in relation to training and employment.

The Supported Employment Programme, operated by FÁS, is an employment and recruitment service to assist people with a disability to secure and maintain a job in the open labour market. The range of supports provided by job coaches under the programme include work experience placements as well as support with the job application process, matching skills with employers needs and assistance with integrating into the workplace.

As well as the Supported Employment Programme, a range of other supports are also available to support the employment of people with disabilities. These include the Disability Awareness Training Support Scheme, the Reasonable Accommodation Fund for the Employment of Disabled People, the Workplace Equipment Adaptation Grant and the Employee Retention Grant Scheme.

Job Initiative

97. **Deputy Joanna Tuffy** asked the Minister for Social Protection her views on the fact that those on disability payments cannot currently apply for vacancies on JobBridge and that this is a barrier to persons who need experience in particular fields of employment (details supplied); and if she will make a statement on the matter. [38168/11]

Minister for Social Protection (Deputy Joan Burton): In order to be eligible to participate in JobBridge, the National Internship Scheme, an individual must:

- currently be on the Live Register; and

- have been in receipt of Jobseeker's Benefit, Jobseeker's Allowance or signing for Social Insurance Contribution Credits for a total of 3 months or more in the last 6 months. Given the scale of the unemployment crisis, it is imperative to keep those on the Live Register close to the labour market and prevent the drift into long-term unemployment. This will ensure that those availing of activation measures such as the National Internship Scheme will gain work experience and so be in a better position to avail of employment opportunities as the economy improves.

For these reasons, eligibility for the scheme is confined to those on the Live Register and in receipt of unemployment payments or signing for credits for 3 months. In so designing the scheme, the policy objective is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it and ensure a reduction in Exchequer costs over time.

Individuals who are in receipt of a disability allowance can access the FÁS Work Placement Programme, which provides participants with a work experience placement of between two and nine months. During this time participants may be able to retain their social welfare entitlements. In addition, people in receipt of a disability allowance can access a range of other specific programmes, such as the Supported Employment Programme and the Wage Subsidy Scheme. Both of these programmes aim to assist people with a disability to secure and maintain a job in the labour market.

Social Welfare Benefits

98. **Deputy Michelle Mulherin** asked the Minister for Social Protection if participants on the rural social scheme can continue to participate on the scheme if the work they are doing ceases due to cutbacks in the budgets of other Departments; and if she will make a statement on the matter. [38170/11]

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 farmer 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 35 Implementing Bodies comprising 34 local development companies and Údarás na Gaeltachta. In general, participants on the RSS are required to work on a range of service provision within an overall framework for the scheme developed and delivered by the Implementing Body. This framework takes account of movements in work requirements, new opportunities, completion of existing tasks, emerging pressures and priorities, weather and other matters that impact on the tasks undertaken. I am confident that the Implementing Bodies for the RSS have the necessary strategies in place to manage any reduction in funding resulting from Budget adjustments by other Government Departments and Agencies. I have no proposals to reduce the numbers supported by the RSS.

Question No. 99 answered with Question No. 89.

Departmental Staff

100. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection the circumstances under which a number of temporary community welfare officers were transferred to the

[Deputy Maureen O'Sullivan.]

Department of Social Protection, after which the Department stated that no temporary CWOs would be transferred; if more temporary CWOs will be transferred or reinstated to the central rents unit from where they originated; and if she will make a statement on the matter. [38188/11]

Minister for Social Protection (Deputy Joan Burton): The transfer of the Community Welfare Service from the HSE to the Department of Social Protection was effective from 1 October 2011. With the exception of one person, all those who transferred from the HSE to this Department are permanent staff members. The employment contract of the one Temporary CWO who transferred is not due to end until December 2011, and the Department has honoured the end date of this contract. The Temporary CWO, in question, is not employed in the Central Rents Unit.

The staffing needs of specific areas in the Department, including the Central Rents Unit, are continuously reviewed, having regards to workloads and the competing demands arising. I can assure the Deputy that the best use will be made of all available resources.

Social Welfare Appeals

101. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive a decision in relation to their disability allowance claim; and if she will make a statement on the matter. [38190/11]

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 1 June 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 14 October 2011 and the appeal was assigned to an Appeals Officer on 15 November 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 102 answered with Question No. 89.

Community Employment Schemes

103. **Deputy Michael Healy-Rae** asked the Minister for Social Protection her views on the possibility of increasing the number of personnel involved in community work through FÁS, Tús, the rural social scheme or any other structure, in view of the fact that there are now almost 440,000 persons unemployed; her views on whether it would not only be in the interests of the participants to have the opportunity to work 19 to 20 hours per week, but would also improve the services available to the elderly, disabled and communities in general; and if she will make a statement on the matter. [38202/11]

Minister for Social Protection (Deputy Joan Burton): The allocation for community employment in 2011 will allow for the engagement of 23,300 people on the various projects throughout the country. The rural social scheme currently employs 2,600 participants and 130 supervisory staff in 34 local development areas and in the Gaeltacht. Tús, the community work placement initiative introduced during 2011, currently employs over 1,800 people and is on course to employ in excess of 2,000 in early December with the aim of achieving full rollout with 5,000

placements in 2012. Additionally, my Department provides funding to some 430 service providers under the community services programme which supports some 2,800 people in work directly and a further 900 indirectly. Consideration of the expansion of these initiatives can only be undertaken in the context of the resources allocated to my Department for 2012.

Social Welfare Benefits

104. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when jobseeker's benefit or allowance will be paid in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [38242/11]

Minister for Social Protection (Deputy Joan Burton): Payment of jobseeker's benefit to the person concerned has been suspended as she is currently attending a full-time course of study. She applied for a back to education allowance but her application was refused as the college she attends is not a FETAC-approved college for the purpose of the back to education scheme.

The person concerned has requested a review of the decision and she will be notified of the outcome as soon as possible.

Social Welfare Appeals

105. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will review the decision to refuse invalidity pension in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [38243/11]

Minister for Social Protection (Deputy Joan Burton): Invalidity pension is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the contribution conditions.

This department received an application for invalidity pension from the person concerned. One of the conditions for receipt of invalidity pension is that a person must be expected to continue to satisfy the medical conditions for at least 12 months forward from the date of the invalidity claim. The person concerned had been examined by a medical assessor on 21 April 2011 who was of the opinion that the person would not satisfy the medical conditions for the next 12 months in accordance with the conditions for receipt of the pension. Accordingly, the application for invalidity pension was disallowed. He was notified of this decision on 22 October 2011 and was advised of his right to request a review of the decision and also of his right to lodge an appeal with the social welfare appeals office.

If the person concerned now wishes to request a review of the decision he may provide further medical evidence in support of his application. This should be sent directly and as soon as possible to invalidity pension section. Any further medical evidence will be evaluated by a medical assessor and a decision on the review will issue to the applicant. The applicant will be notified of his right to appeal this decision if he is still not satisfied.

Social Welfare Benefits

106. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent of entitlement to jobseeker's allowance or benefit or other payment in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [38245/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned should contact her local social welfare office as soon as her VTOS course ends in order to establish her entitlement to jobseeker's payments. She should contact the local DSP office administering supplementary welfare in relation to those entitlements.

Social Welfare Appeals

107. **Deputy Áine Collins** asked the Minister for Social Protection the reason an appeal was originally refused in respect of a person (details supplied) in County Cork, in view of the recent European Court of Justice ruling which found that parents of Irish citizens are entitled to live and work in Ireland and consequently would be entitled to the same benefits as Irish citizens if unemployed. [38254/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that no appeal, by the person concerned, was received by that office. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Enterprise Support Services

108. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding an application by a company (details supplied) in County Kerry for inclusion in Enterprise Ireland's high-potential start-up programme; and if he will make a statement on the matter. [38183/11]

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): My officials have been in contact with both Údarás na Gaeltachta and the Department of Jobs, Enterprise and Innovation in regard to this matter. I understand that the individual referred to by the Deputy has been a client of Údarás na Gaeltachta since 2008. To date, his business has received support from Údarás na Gaeltachta by way of employment grants totalling €17,000. In addition, ten mentoring visits were provided to him under Údarás na Gaeltachta's Mentoring Programme for business development purposes. My officials have been informed by the Department of Jobs, Enterprise and Innovation that, as the individual's business will, in the first instance, be focusing on the domestic market, it does not currently meet the eligibility criteria for participation in Enterprise Ireland's High Potential Start-Up Programme.

Museum Projects

109. **Deputy Kevin Humphreys** asked the Minister for Arts, Heritage and the Gaeltacht when the top two floors of the Natural History Museum will be reopened, in view of the fact that they have been closed for four years for the publicised intention of installing safety barriers and a fire escape; and if a plan exists to expedite delivery of these health and safety measures; and if he will make a statement on the matter. [38203/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department requested the Office of Public Works to examine the feasibility of a more limited development at the Natural History Museum which, at minimum cost, would provide safe access to and circulation around the upper balconies through a new enclosed lift and stairs at the southern end of the building. The examination has been completed and a report has been prepared. In view of the current economic climate it is not possible to state when funding will become available for the works.

Broadcasting Services

110. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if Ireland's Euro 2012 soccer internationals will be available to Irish emigrants to view online worldwide next summer; and if he will make a statement on the matter. [38080/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): RTÉ is an independent national public service broadcaster whose remit and obligations are set out in the Broadcasting Act 2009. Section 114(1) of the Broadcasting Act 2009 states the principal objects and associated powers of RTÉ and Section 98 provides that it shall be independent in the pursuance of these objects, subject to the requirements of the Act. As such I, as Minister, have no function in RTÉ's general day to day matters such as programming. I note, however, that Section 114(1)(f) provides that one of RTÉ's primary objectives is "to establish, maintain and operate a television broadcasting service and a sound broadcasting service...which services shall be made available, in so far as RTÉ considers reasonably practicable, to Irish communities outside the island of Ireland". RTÉ has informed me that it is only licensed to broadcast the relevant Euro 12 international games within the borders of this State because UEFA, as rights holders, licence broadcasters such as RTÉ strictly on a territorial basis. It is for this reason that these internationals will not be available to watch online on RTÉ outside the territory of the State.

Energy Conservation

111. **Deputy Brian Stanley** asked the Minister for Communications, Energy and Natural Resources if he has agreed on a tendering process for the proposed pay-as-you-save contracts to insulate domestic and public buildings. [37550/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Programme for Government includes a commitment to roll out a Pay-As-You-Save (PAYS) energy retrofit scheme after 2013. Such a scheme would substitute Exchequer funding currently being provided to the Better Energy Programme. The PAYS concept is an innovative financing mechanism that would allow consumers to finance upgrades directly through the energy savings generated. My Department has established a project team to undertake the necessary technical and financial analysis of a PAYS model in the Irish context and I will bring forward proposals to Government shortly. There are considerable complexities involved in the development of a Pay-As-You-Save scheme and any tendering process will be developed at the appropriate time in light of comprehensive consultation with all stakeholders.

National Postcode System

112. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources the position regarding the postcode tender process; if same will be finished by the end of the year; and if he will make a statement on the matter. [38163/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The procurement process to select an organisation to implement a National Postcode System was launched in January 2011 with the publication of a pre-qualification Questionnaire on *www.et-enders.gov.ie*. This process is still ongoing. The final decision to proceed with implementation of a national postcode will be one for Government and will be based on appropriate financial, technical and operational considerations.

Exploration Licences

113. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if he will provide details of the legislation that authorises him, as the regulatory body, to issue licences for the exploration phases associated with hydraulic fracturing; if further legislation will be required in this regard; and if he will make a statement on the matter. [38185/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Petroleum exploration in Ireland, in common with most other jurisdictions, is carried out by private enterprise under licence from the State. Petroleum exploration authorisations are issued under the Petroleum and Other Minerals Development Act 1960 and the operational framework is set out in the Licensing Terms for Oil and Gas Exploration, Development & Production 2007.

I am aware that there has been a good deal of public interest recently on the topic of onshore gas exploration with considerable focus on the possibility of hydraulic fracturing technology being used following the award of onshore licensing options in February of this year. The Licensing Options are preliminary authorisations and are designed to allow the companies assess the shale gas potential of the acreage based on studies of existing data from previous exploration activity. This work is largely office/desktop based and does not involve exploration drilling or hydraulic fracturing.

By the end of the licensing option period in February 2013, the companies will have to decide whether to apply for a follow-on exploration licence or relinquish the acreage. In the event any of the companies involved decide to apply for an exploration licence that proposes the use of hydraulic fracturing, their application would be subject to an Environmental Impact Assessment that would include a public consultation phase. My Department would also seek and be guided by the expert advice of other relevant statutory authorities such as the Environmental Protection Agency (EPA), the National Parks and Wildlife Service (NPWS) and the Local Authorities. The outcome of the Environmental Impact Assessment would determine whether or not an exploration licence would be granted.

In the event that at some point in the future a commercial discovery of natural gas is made and an onshore gas extraction project is proposed then there is a comprehensive regulatory framework in place that would apply to any such proposal. The development of such a project would require a number of statutory consents including a planning consent from An Bord Pleanála under the Planning and Development (Strategic Infrastructure Act) 2006, an Integrated Pollution Prevention Control Licence from the Environmental Protection Agency (EPA), along with a Petroleum Lease, a Plan of Development consent and a Gas Pipeline consent from myself as Minister for Communications, Energy and Natural Resources. A core element of these consent processes would be to consider the potential environmental impact of any proposed development.

It is too early to conclude at this point whether or not these licensing options will proceed to the exploration licence stage and much too early to anticipate a commercial discovery that could potentially lead to a natural gas production project. Notwithstanding, this I have asked the EPA to examine the area and advise on the environmental implications of hydraulic fracturing as a means of extracting natural gas. The EPA has commenced research into the environmental considerations and impacts of shale gas exploration and extraction and into the regulatory approaches of other countries, with a view to helping to establish best environmental practice. The EPA proposes to commission a further and more extensive study in 2012 and is liaising with my Department. In the event that future studies on technological developments bring to light new issues, I will be happy to examine such matters and to consider the introduction of statutory measures if necessary.

Alternative Energy Projects

114. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources his plans to improve the structures to encourage farmers and others to utilise small wind generation units or anaerobic digesters at farms in order to minimise problems with slurry; and if he will make a statement on the matter. [38200/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): My Department has recently received State Aid clearance in respect of the REFIT (Renewable Energy Feed in Tariff) for electricity from biomass technologies including Anaerobic Digestion. Government approval is currently being sought to open the scheme and once this has been obtained, the scheme will be formally launched and open for applications.

ESB has been operating a micro-generation feed-in-tariff scheme for the domestic sector for the past number of years, which has 387 customers signed up to date. The available tariff is 19c per Kilowatt hour, made up of a 10 cent per kilowatt hour tariff offered by ESB Networks and a 9 cent per Kilowatt hour tariff offered by ESB Electric Ireland (formerly Customer Supply). No other electricity supply company has introduced a micro-generation programme.

Building Regulations

115. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if building regulations that require all new dwellings to have 10 kWh/m²/annum thermal or 4 kWh/m²/annum of electrical energy are being enforced; and the body with responsibility for enforcement. [38072/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): With effect from 1 July 2008, Part L (Conservation of Fuel and Energy) of the Building Regulations introduced, among other things, the requirement for a new dwelling to source a reasonable proportion of its energy consumption from renewable energy sources. The accompanying Technical Guidance Document (TGD L) outlines how this requirement can be achieved in practice by providing from renewable energy technologies a contribution of 10kWh/m²/annum towards domestic hot water heating, space heating or cooling or 4kWh/m²/annum of electrical energy or a combination of these which would have equivalent effect.

Where a building or development contains more than one dwelling the requirement can be applied to each individual dwelling or as an average contribution from renewable technologies across all dwellings.

Under the Building Control Act, 1990 responsibility for compliance with the building regulations is first and foremost a matter for the owner and builder of a building. 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 can issue enforcement notices in relation to contravention of the building regulations within a period of five years from the completion of the new dwelling. Where necessary and appropriate they can also initiate enforcement proceedings to ensure compliance. The Building Control Act 2007 includes provision for summary prosecution of offences in the District Court.

Motor Taxation

116. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding car tax. [38073/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The correspondence attached to the question includes a proposal for a revised system of motor taxation containing two elements, arising from a perceived unfairness due to different rates of

[Deputy Phil Hogan.]

motor tax applicable to similar cars, depending on the date of first registration — pre-July 2008 cars based on cubic capacity and post-July 2008 cars based on CO₂ emissions.

The first element of the proposal relates to car tax being used for the upkeep of the road network on the basis of the current motor tax system or alternatively related to the value of the vehicle. The latter element is, in effect, already a feature of the taxation system through vehicle registration tax (VRT) where the tax applied is a percentage of the open market selling price. The revenue collected goes to the Exchequer and expenditure derived from it is a matter for the Minister for Public Expenditure and Reform. The proceeds of annual motor tax are applied, via the Local Government Fund, to Local Authorities and the Department of Transport, Tourism and Sport, the bodies with responsibility for the upkeep of roads.

The second element of his proposal for motor tax suggests introducing a separate CO₂ tax based on fuel consumption. The rate of motor tax for private vehicles first registered from July 2008 is linked to fuel consumption rates, as CO₂ emissions relate directly to the carbon content of the fuel consumed. My reply to Question No. 354 of 22 November 2011 addresses the application of the CO₂ system of motor taxation to vehicles registered prior to 01 July 2008.

Mortgage Repayments

117. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he will intervene with the banks in order that they provide breathing space to the residents of a complex (details supplied) who find themselves homeless and having to pay a mortgage for a home which is uninhabitable through no fault of their own; and if he will make a statement on the matter. [38214/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I understand that Dublin City Council, having moved quickly to make arrangements for the provision of temporary accommodation for affected residents who required it, continues to engage with the residents in order to address and advise them in relation to specific family and individual needs. I have no function in relation to this aspect of the matter but I have asked Dublin City Council to do all they can to assist the affected residents and see them through this very stressful and distressing ordeal. I would also urge relevant financial institutions to show similar compassion and understanding in their dealings with affected residents.

Building Regulations

118. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if it contravenes building guidelines for a local authority to build a house in which the toilet is put in the kitchen of the house with a single door opening into the cooking and eating area of the family home. [38128/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Building Regulations set out the legal requirements that must be achieved by new buildings, including dwellings, or by existing buildings which are subject to an extension, a material alteration or a material change of use. The second schedule to the regulations outlines the requirements in 12 parts (classified as Parts A to M) and an accompanying Technical Guidance Document (TGD) is published to demonstrate how compliance with each part can be achieved in practice.

TGD G addresses the requirements in relation to hygiene and at section 2.5 specifically states, in relation to a dwelling, that a room or space containing a water closet should be

separated from a place used for the preparation of food by means of a door. The room arrangement described is therefore permissible.

The room in question, however, would need to comply with the basic ventilation provisions addressed in TGD F in relation to sanitary accommodation (not including a bath or shower). In addition, the guidance in relation to access for persons with a disability under TGD M should also be applied.

Energy Efficiency

119. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if Dublin City Council has applied for funding for 2012 under the retrofit programme to bring residential stock in Dublin city up to an average BER rating of C1; if he will ensure funding will be made available to the city council if any such application is made. [38138/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In line with overall national policy which promotes a reduction in energy use, the enhancement of energy efficiency standards remains a priority within my Department's overall strategy for the improvement of local authority housing.

Under the Department's Social Housing Investment Programme, local authorities are allocated capital funding each year in respect of a range of measures to improve the standard and overall quality of their social housing stock. The programme includes a retrofitting measure aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers. It is a matter for local authorities to select the properties to be upgraded, within the allocation provided, and to determine the nature and the scale of the works to be undertaken in each case.

The capital allocation for the Improvement Works Programme for next year will be determined as soon as possible following the conclusion of the 2012 estimates process. My Department will be writing to local authorities shortly requesting details of the progress achieved in 2011 and an outline of the proposed work programme for 2012.

Unfinished Housing Developments

120. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government the amount of money that has been paid to local authorities for work on unfinished housing estates; and if he will provide a breakdown by county. [38156/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Of the total €2.36m approved under the public safety initiative, €1.075m has been paid to 19 local authorities for safety works on unfinished housing developments. A breakdown by local authority area is set out in the table below.

	Total
CARLOW County Council	54,366.50
CAVAN County Council	106,201.98
CORK County Council	114,067.50
GALWAY County Council	30,262.00
GALWAY City Council	13,153.00
KILKENNY County Council	24,493.30
LAOIS County Council	71,111.00

[Deputy Phil Hogan.]

	Total
LEITRIM County Council	16,500.00
LIMERICK County Council	61,191.92
LONGFORD County Council	235,535.77
MAYO County Council	4,209.50
MONAGHAN County Council	31,182.83
OFFALY County Council	25,517.63
ROSCOMMON County Council	75,618.15
SLIGO County Council	49,148.50
SOUTH TIPPERARY County Council	7,700.00
WATERFORD County Council	21,000.00
WESTMEATH Council	42,765.50
WEXFORD Council	91,356.02
TOTAL	1,075,381.10

Energy Efficiency

121. **Deputy Pat Breen** asked the Minister for the Environment, Community and Local Government his plans to introduce a scheme regarding energy efficiency (details supplied); and if he will make a statement on the matter. [38217/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In line with overall national policy which promotes a reduction in energy use, the enhancement of energy efficiency standards remains a priority within my Department's overall strategy for the improvement of local authority housing.

Under the Department's Social Housing Investment Programme, local authorities are allocated capital funding each year in respect of a range of measures to improve the standard and overall quality of their social housing stock. The programme includes a retrofitting measure aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers.

Since the introduction of the retrofitting initiative in 2009, my Department has provided funding for energy efficiency improvement works to some 3,000 local authority dwellings across the country. In 2011, some €31million is being provided to local authorities in respect of their improvement works programmes. Under this year's programme there is a particular focus on returning vacant properties to productive use. Works to occupied units may also be carried out, within the allocation provided, where the local authority considers this appropriate.

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 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.

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. Any proposal to extend the benefits of these

schemes to include social housing tenants is, in the first instance, a matter for the Department of Communications, Energy and Natural Resources.

Local Authority Charges

122. **Deputy Olivia Mitchell** asked the Minister for the Environment, Community and Local Government when draft guidance for local authorities in respect of development contributions will be issued, particularly with regard to section 49 levies, in view of the fact that uncertainty is inhibiting both sales and investment. [38219/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department is currently preparing draft guidelines on development contributions, which I expect will be available for public consultation by year end. Following such consultation, and consideration of any submissions received, I will issue the guidelines as Ministerial guidelines under section 28 of the Planning and Development Act 2000-2010.

123. **Deputy Áine Collins** asked the Minister for the Environment, Community and Local Government the position of not-for-profit child care community-based organisations in relation to county council rates on their premises. [38246/11]

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 of a local authority.

With regard to the application of rates to child care facilities, local authorities levy rates on commercial establishments. Where child care provision is within a community facility, operating in a non-profit capacity, commercial rates do not generally apply.

Departmental Funding

124. **Deputy Robert Troy** asked the Minister for Justice and Equality his views on the withdrawal of State funding from an organisation (details supplied) with more than 8,000 members which, when closed, will result in the loss of 12 jobs. [38104/11]

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

[Deputy Kathleen Lynch.]

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 chair a new Implementation Group to develop and progress the National Disability Strategy. This new group held its inaugural meeting yesterday, 30 November. It includes representation from a number of disability stakeholder organisations and also a 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.

House Prices

125. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the progress he has made on the development of a national house price database; and the money that has been spent on this project [37758/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Programme for Government contains a commitment to improve the quality of information available on the Irish housing market by requiring that the selling price of all dwellings be recorded in a publicly available national housing price database.

To give effect to this commitment the Property Services (Regulation) Bill 2009, which provides for establishment of the Property Services Regulatory Authority, was amended at Committee Stage to expand the Authority's statutory functions to include the publication of residential property sales prices. This information will be supplied to the Authority on an ongoing basis by the Revenue Commissioners who are in receipt of it for stamp duty purposes. In anticipation of enactment of the Bill the Implementation Group established to put in place the necessary arrangements for the establishment of the Authority has initiated work for establishment of the housing price database. No expenditure on the project has arisen to-date.

The Bill was passed by the House on 22 November 2011. The amendments made in the House will be considered by the Seanad on 9 December.

Garda Civilian Staff

126. **Deputy Finian McGrath** asked the Minister for Justice and Equality if a person (details supplied) may retire early on health grounds. [38084/11]

Minister for Justice and Equality (Deputy Alan Shatter): Civilian staff working in An Garda Síochána come under the remit of the Garda Commissioner. Therefore, such matters are dealt with by An Garda Síochána and I have no function in relation to the matter.

Court Sittings

127. **Deputy Michael McGrath** asked the Minister for Justice and Equality if he will confirm that the required statutory instrument is in place to allow the sitting of the Castletownbere District Court in the Bantry District Court area. [38105/11]

Minister for Justice and Equality (Deputy Alan Shatter): As I indicated to the Deputy in response to Question No. 482 on 22 November 2011, under the provisions of the Courts Service Act 1998, the Courts Service is independent in the performance of its functions which includes management of court venues and designation of court areas and I have no role in the matter.

As the Deputy is aware, the Courts Service informed me that, due to the lack of suitable premises in Castletownbere, the District court sittings were moved to Bantry with effect from 1 October 2010. I was informed that the Court sat six times in 2010 dealing with only 232 matters. Unfortunately, due to current economic conditions, the Courts Service is not in a position to provide a premises or facilities of an appropriate standard in Castletownbere and a proposal about its future is due for consideration at the next meeting of the Courts Service Board. In the meantime, the sittings will continue to be held in Bantry.

The making of Statutory Instruments creating District Court districts and District Court areas is a matter for the Courts Service. I am advised that Castletownbere and Bantry were established as District Court areas under the District Court (Areas) Order, 1961 (S.I. No. 5 of 1961) and both are located in District No. 18 as set out in the District Court (Districts) Order, 2011 (S.I. No. 429 of 2011). In accordance with section 27 of the Courts of Justice Act, 1953, a judge can transfer any business of the District Court in which he has jurisdiction to, inter alia, some other place in his district which is a place appointed for the transaction of business in the District Court. I am informed that this was done in this instance in the absence of a suitable premises in Castletownbere.

Citizenship Applications

128. **Deputy Tom Fleming** asked the Minister for Justice and Equality if he will investigate the delay in the processing of an application for naturalisation in respect of a person (details supplied); and when a decision will issue. [38124/11]

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 May, 2010.

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. I can inform the Deputy that the measures I introduced earlier this year have resulted in a significant increase in the number of cases decided and it is my objective that by the spring of next year, save in exceptional circumstances, persons applying for citizenship will be given a decision on their application within six months.

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.

Probation and Welfare Service

129. **Deputy Seán Ó Fearghaíl** asked the Minister for Justice and Equality if he has issued instructions to the probation and welfare service to close its offices in Athy, County Kildare; if he will indicate the level of service to be provided in the Athy area; if he will indicate the

[Deputy Seán Ó Fearghaíl.]

location at which staff now working in Athy will be based; if he will consider the relocation of these staff; and if he will make a statement on the matter. [38129/11]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Probation Service that the premises in Athy was vacated yesterday, 30 November 2011, on the recommendation of the Office of Public Works. As an interim measure, the Athy team have relocated to Probation Service offices in Portlaoise and will continue to service the Kildare area from there. The Athy team also have access to office space in Carlow, Ballyfermot and Cloverhill Court House. The Service is now working with the Office of Public Works on identifying suitable accommodation within State Offices in the Kildare area.

Garda Stations

130. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if he can take account of the inadequate facilities at the Garda station in Clane, County Kildare, which lacks wheelchair access or any private interview space for victims of personal crime including sexual and domestic incidents, has a unisex toilet which contains the only source of water for hand-washing, drinking and cleaning utensils, and lacks basic changing or shower facilities to support gardaí on duty in inclement weather or on poor terrain; if he will report on the progress of plans to refit the empty adjacent station building which has stood idle for nearly three years; and if he will make a statement on the matter. [38166/11]

Minister for Justice and Equality (Deputy Alan Shatter): The programme of refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. This programme is progressed in close co-operation with the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I am advised by the Garda authorities that proposals in relation to the refurbishment of Clane Garda station are being developed. These proposals will be progressed in the context of An Garda Síochána's identified accommodation priorities and in the light of available resources.

Garda Recruitment

131. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality his plans for Garda recruitment in 2012; and if he will make a statement on the matter. [38169/11]

Minister for Justice and Equality (Deputy Alan Shatter): The moratorium on Public Service Recruitment continues to apply to An Garda Síochána and no date has been fixed for future intakes into the Garda College. A decision on when recruitment will recommence will take into account the rate of retirements in the Garda Síochána and Government targets, set in the context of the agreement with the EU and the IMF, to reduce the numbers of public servants.

Crime Statistics

132. **Deputy Michael McCarthy** asked the Minister for Justice and Equality the number of An Garda Síochána that have been assaulted on duty in 2010 and 2011; the number of members of the public that have been charged with section 19 of the Criminal Justice Public Order Act; and if he will make a statement on the matter. [38172/11]

Minister for Justice and Equality (Deputy Alan Shatter): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from An Garda Síochána. The Garda Síochána Act

2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling, publishing and responding to queries regarding recorded crime statistics.

I have requested the CSO to provide statistics directly to the Deputy.

Estate Management

133. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality the intended meaning of the following wording in the Multi-Unit Developments Act 2011: “the annual services charges shall be calculated on a transparent basis and shall be equitably apportioned between unit owners”; the place where residents may seek clarification as to whether a service charge is equitable or not; and if he will make a statement on the matter. [38173/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will appreciate that I am not in a position as Minister for Justice and Equality to give legal advice in response to Parliamentary Questions. However, I can indicate the following by way of general information.

Section 18 of the Multi-Unit Developments Act 2011 provides that an owners’ management company must establish a scheme for annual service charges to fund expenditure on the maintenance, insurance and repair of common areas and for the provision of common services to unit owners. Subsection (13) provides that the annual service charges shall be calculated on a transparent basis and equitably proportioned between unit owners, which means that the members of the company must be informed of the amount of the intended charge and that the charge should be fair to each unit owner, allowing for differences that may exist, say, in the size of individual units.

I should add that any annual service charge must be approved by a general meeting of the members of the owners’ management company as provided for under section 18(2) and subsection (3) outlines the categories of expenditure which must be itemised in any scheme of annual service charges.

Garda Strength

134. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality the number of gardaí stationed in County Kerry in 2009; the numbers at the present time; if he is satisfied that sufficient personnel are available; and if he will make a statement on the matter. [38201/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities, that as of 31 December 2009 and 31 October 2011 the personnel strength of Kerry Garda Division was 339 and 326 respectively.

Garda Management closely monitors the allocation of resources in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public. Senior Garda Management is satisfied that a full and comprehensive policing service continues to be delivered in Kerry Garda Division and that current structures in place meet the requirement to deliver an effective and efficient policing service to the community. This situation will be kept under review.

Asylum Applications

135. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress

[Deputy Bernard J. Durkan.]

made to date in relation to the determination of residency status in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [38207/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a failed asylum applicant. 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 29th January, 2008, 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. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned initiated Judicial Review proceedings in the High Court, challenging the decision of the Refugee Appeals Tribunal in his case. The Judicial Review proceedings were unsuccessful meaning that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood.

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 a final decision is made. 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 the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

136. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in relation to the determination of an application for naturalisation in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [38208/11]

Minister for Justice and Equality (Deputy Alan Shatter): An application for a certificate of naturalisation from the person concerned was received in the Citizenship Section of my Department in April, 2007. I considered the application in May, 2011 and decided to defer making a final decision in this case until May 2013. The person concerned was notified of this decision in a letter issued on 31 May, 2011.

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.

Asylum Applications

137. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position in respect of an application for residency in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [38209/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my Reply to Parliamentary Question No. 401 of Tuesday, 29th November, 2011. The position is unchanged since then.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Residency Permits

138. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate if a stamp 4 visa will be issued to facilitate employment in the case of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [38210/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my detailed Reply to Parliamentary Question No. 135 of Thursday, 6th October, 2011 in this matter. I reiterated this position in my Reply to Parliamentary Question No. 400 of Tuesday, 29th November, 2011. The position is unchanged since then.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas mail facility which has been specifically established for this purpose. 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 the INIS is, in the Deputy's view, inadequate or too long awaited.

Garda Pay

139. **Deputy Brendan Griffin** asked the Minister for Justice and Equality if he will confirm that gardaí are paid overtime or expenses for court appearances; and if so, if he will quantify the amounts paid for court appearances in 2010. [38213/11]

Minister for Justice and Equality (Deputy Alan Shatter): Overtime and travel/subsistence payments may be made to a Garda member attending court. This will depend on a number of factors, including when the member is rostered for duty and the location at which the court is sitting.

[Deputy Alan Shatter.]

I understand from the Garda authorities that approximately 25% of overtime was expended on court duty in 2010 which equates to approximately €13.5m. I am further informed that it is not possible to quantify the corresponding travel and subsistence expenditure.

Asylum Applications

140. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or likely position and procedure to date in the determination of residency or naturalisation in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [38223/11]

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 9th July, 2008, 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. In addition, he was notified of his entitlement to apply 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 a final decision is made. 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 the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Residency Permits

141. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will review the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [38224/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person referred to by the Deputy is a failed asylum seeker who has been in the State from 19 February 2007. He married an EU citizen on 25 June 2009 and applied for residency on the basis of EU Treaty Rights under the European Communities (Free Movement of Persons) Regulations 2006 and 2008. Permission to reside in the State was granted from the 29 July 2010 on the basis of being married to an EU citizen spouse who was residing and exercising her EU Treaty Rights in the State by being in employment in the State.

Should the person in question wish to make a submission against any other person's deportation, they are free to make any such submission, which should be made in writing and lodged with the Repatriation Unit of the Irish Naturalisation and Immigration Service, 13-14 Burgh Quay, Dublin 2.

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.

142. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and expected position in the matter of determination of residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [38225/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted temporary permission to remain in the State, on Stamp 4 conditions, on 25 June 2010. This permission was renewed subsequently and is currently valid until 26 December 2011. The person concerned was advised in both decision letters that he is required to apply one month before the expiry period if he wishes to renew his permission to remain. To date, INIS have no record of such renewal application having been made and I would recommend that the person concerned should do so as soon as possible.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

143. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate the current position and likely determination date for the conclusion of an application for naturalisation in the case of a person (details supplied) in County Dublin. [38226/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question No. 165 on 20 October, 2011. The position remains unchanged.

Asylum Applications

144. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which circumstances relating to residency in the case of a person (details supplied) in County Galway have been examined in view of the full extent of circumstances prevailing in their homeland including the death of family members; the extent to which such circumstances will be examined in detail; and if he will make a statement on the matter. [38227/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is a failed asylum applicant. 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 15th July, 2010, 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

[Deputy Alan Shatter.]

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. In addition, he was notified of his entitlement to apply 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 a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I am satisfied that the State has a very fair and comprehensive mechanism in place for the consideration of all asylum applications and, as such, I am satisfied that the asylum application made by the person concerned was properly considered before a decision to refuse it was taken. I am equally satisfied that any future decision taken in the context of the case of the person concerned will have regard for all relevant factors.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

145. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will examine the circumstances in the application against refoulement in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [38228/11]

Minister for Justice and Equality (Deputy Alan Shatter): The individual concerned claimed asylum in 2005 and the issue of refoulement was considered in the context of that asylum claim, which was ultimately rejected by the Office of the Refugee Applications Commissioner. The refusal of the asylum claim was upheld on appeal to the Refugee Appeals Tribunal. Following the refusal of her asylum claim, the applicant's legal representatives submitted representations under Section 3 of the Immigration Act 1999 (as amended), which included material in relation to Section 5 of the Refugee Act 1996 on the prohibition of refoulement. I am satisfied that the representations submitted for consideration under Section 5 of the Refugee Act 1996, (as amended) on the prohibition of refoulement, were given the fullest consideration before a Deportation Order was made against this person.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. As this person has not yet complied with the requirements of the Deportation Order and has remained in the State in contravention of the Deportation Order, the enforcement of that Order is now an operational matter for the Garda National Immigration Bureau.

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

146. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the requirements, if any, in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [38230/11]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Irish Naturalisation and Immigration Service that the person mentioned by the Deputy has permission to remain in the state until 2 June 2016 and that this permission allows him to work in the State without the requirement of a work permit.

This person's family members have permission to remain in the State as his dependants. To date no application has been received from any of his dependants for a change in their immigration status.

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 system.

Garda Investigations

147. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which corporate enforcement is likely to become actually enforceable, with particular reference to those who have shown a reluctance to co-operate with the Director of Corporate Enforcement or have placed themselves outside the jurisdiction, thereby making it impossible to obtain an explanation for decisions which may have negatively affected the economic situation and resulted in a liability for the taxpayer; and if he will make a statement on the matter. [38231/11]

148. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if any action has been taken or is likely to be taken against those who took corporate decisions that ultimately led to economic damage and a major liability on the taxpayer; if Garda investigations are under way; and if he will make a statement on the matter. [38232/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 147 and 148 together.

I attach the highest priority to the full investigation of white collar crime and bringing the perpetrators of such crime to justice. I have already expressed my unhappiness at the protracted nature of the investigations underway. This is not a criticism of the investigators and prosecutors, who face tough challenges as a result of the complexities of the matters being investigated. At the same time, I am anxious to ensure that I do not say anything which might jeopardise any prosecutions.

The Programme for Government contains a commitment that rogue bankers and all those that misappropriate or embezzle funds are properly pursued for their crimes and that the full rigours of the law will apply to them. Within eight weeks of taking up office, I moved urgently to draft, and seek Government approval to the introduction of, additional legislation. This new legislation, the Criminal Justice Act 2011, was enacted on 2 August.

[Deputy Alan Shatter.]

The main purpose of the Act is to facilitate the more effective investigation of white collar crime and to reduce associated delays. The Act provides for new procedures to facilitate Garda access to essential information, documentation and electronically held information to assist in current and future investigations of white collar crime. The Act is targeted at specified serious and complex offences attracting a penalty of at least 5 years imprisonment, including offences in the areas of banking and finance, company law, money laundering, fraud and corruption.

The Act provides for a new offence regarding failure to report information to the Gardaí which could prevent the commission of white collar crime or assist An Garda Síochána in an investigation into white collar crime. The Act also contains provisions to protect whistleblowers who disclose information to An Garda Síochána relating to relevant offences.

In addition, it provides for offences committed by persons or witnesses who are unwilling or reluctant to assist with an investigation. The provisions of the Act include a new power for the Garda Síochána to apply to court for an order to require any person with relevant information to produce documents, answer questions and provide information for the purposes of the investigation of relevant offences. Failure to comply with such an order will be an offence, punishable by way of a term of imprisonment or a fine or both. This is a central provision of the Act.

It is expected that the Act will provide vital assistance to An Garda Síochána in the completion of current investigations as well as providing assistance to them in investigations undertaken in the future.

The decision to seek the extradition of a person charged with a criminal offence rests with the DPP and arises only where the Director has decided that a person should be prosecuted in the first instance. As the Deputy will appreciate, the Director is independent in the exercise of her functions and, as Minister, I have no function in deciding whether a person should be charged with an offence or whether a person's extradition should be sought.

With regard to the investigations into Anglo Irish Bank, I am informed by the Garda authorities that three investigation files and a supplementary file have to date been submitted to the Law Officers. Directions are awaited. The investigations by An Garda Síochána and the Office of the Director of Corporate Enforcement are ongoing.

Any allegations of criminality against any persons or business reported or made known to An Garda Síochána will be fully investigated.

Question No. 149 answered with Question No. 42.

Organised Crime

150. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the number of known criminal gang members currently in prison; the number likely to be released over the next 12 months; and if he will make a statement on the matter. [38234/11]

Minister for Justice and Equality (Deputy Alan Shatter): The emergence in recent years of criminal gangs has had significant implications for the management of Irish prisons. Rivalries and feuds which develop on the outside continue inside of prison. Prison management have to ensure that the various factions are kept apart and, as far as possible, that gang members do not have influence over other inmates or criminal activities outside the prisons. Gang members are being managed on a daily basis through segregation and separation throughout the prison system. Membership/allegiance to these criminal gangs fluctuates on a continuous basis with some persons breaking links and others becoming affiliated. Intelligence on the ground would

suggest that at any given time between 30% and 40% of the prison population has links to a criminal gang.

A number of initiatives have been introduced with a view to preventing identified gang leaders from conducting criminal activities while in custody and also to prevent them exerting inappropriate influence over other persons. For example, the security initiatives undertaken by the Operational Security Group have made it more difficult for prisoners to engage in illegal activities while in prison. These initiatives include the introduction of passive and active drug detection dogs and the installation of airport style security including scanners and x-ray machines. Core functions of this group include gathering and collating intelligence information on criminal gang members in Irish prisons, carrying out intelligence led searches and preventing the flow of contraband (including mobile phones) into the prisons.

I can advise the Deputy it is not possible to provide the number of prisoners in this category who are due to be released in the next 12 months without the manual examination of prisoner files. Such an examination would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources. However, I can inform the Deputy that there is regular contact between the Prison Service and An Garda Síochána to discuss security issues including the operation of criminal gangs. Gardaí are also provided with reports detailing the release dates of this category of prisoner.

Question No. 151 answered with Question No. 42.

Prison Accommodation

152. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which it is expected that sufficient prison spaces will be provided to meet prison accommodation requirements and achieve a reduction in cell multi-occupancy; and if he will make a statement on the matter. [38236/11]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, there has been a consistent increase in the total prisoner population in Ireland over recent years. The problem of prison overcrowding therefore remains a challenging issue which unfortunately cannot be resolved overnight.

I share the view of the Thornton Hall Review Group that decisive action is required on a number of fronts in order to address the problem of overcrowding and poor physical conditions particularly in Mountjoy and Cork Prisons. Whilst the reduced capital envelope this year will not allow the Prison Service to proceed with the construction of Thornton Hall or Kilworth prisons, this does not signal a reversal of the Government's decision earlier this year to approve in principle the recommendations contained in the Thornton Hall Review Group Report. It has been necessary to defer the commencement of these projects but the Deputy can be assured that it is my strong intention to revisit the timeframe for their delivery in 12 months time.

Despite a reduction in the capital allocation available to the Prison Service in 2012, work will continue on the completion of a new 300 space prison wing in the Midlands Prison and it is expected that these spaces will be fully commissioned by mid 2012. I can also advise the Deputy that an administrative building on the Dóchas Centre site has been converted into a new accommodation block which will provide an additional 70 spaces. It is expected that this block will be ready for occupation in early 2012. The opening of the new spaces at the Dóchas Centre will assist in alleviating the overcrowding issue. It is expected that the new accommodation, which is dormitory style, will accommodate prisoners who are being held on remand and those serving short sentences.

[Deputy Alan Shatter.]

I am also continuing to pursue alternatives to custody and progress is being made. The recently enacted Criminal Justice (Community Service) (Amendment) Act 2011 requires the sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered. A number of key recommendations contained in the Thornton Hall Review Group Report are also receiving priority attention in my Department and many are in the process of being implemented, most notably the introduction of an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In this regard, a six month pilot project commenced in October 2011 in which it is envisaged that a total of 130 prisoners will participate. To date, 39 prisoners have been released under the scheme with a further 18 due for release in the near future.

The Fines Act 2010 introduced measures to prevent the automatic imprisonment of fine defaulters. I intend to bring forward new legislative proposals to introduce a system of “attachment orders” allowing a small amount of money to be taken from wages or social welfare facilitating the payment of the debt or fine over time. The concept of restorative justice also has a place in the range of non-custodial options which are available for use by the courts. The Deputy can be assured that my focus is to encourage the use of such options to the greatest extent possible.

Prison Committals

153. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the total number of prisoners at all prisons serving sentences for serious crime; the extent to which such numbers have fluctuated in recent years; and if he will make a statement on the matter. [38237/11]

Minister for Justice and Equality (Deputy Alan Shatter): The statistics requested by the Deputy are provided in the following tables. In 2010 the Irish Prison Service recategorised the offence groups under which prisoners’ convictions are recorded. Statistics are now compiled using the same groups as those used by An Garda Síochána, the Central Statistics Office, the Courts Service and the Probation Service.

On 28th October, 2011 there were 4,249 persons in custody, 3,611 of which were sentenced prisoners. The offence profile for those prisoners is provided in the following table as well as the profile for the sentenced prisoner population on 30 November 2010. About 85% of sentenced prisoners are serving sentences of one year or more.

Offence	28.10.11	30.11.10
Homicide Offences	375	368
Sexual Offences	305	310
Attempts/Threat to Murder, Assaults, Related Offences	422	455
Dangerous or Negligent Acts	90	110
Kidnapping and Related Offences	38	34
Robbery, Extortion and Hijacking Offences	94	90
Burglary and Related Offences	321	334
Theft and Related Offences	646	651
Fraud, Deception and Related Offences	38	37
Controlled Drug Offences	777	852
Weapons and Explosives Offences	197	209
Damage to Property and to the Environment	106	96

Offence	28.10.11	30.11.10
Public Order and Other Social Code Offences	61	49
Road and Traffic Offences	56	71
Offences against Govt., Justice Procedures and Org. Crime	58	47
Offences Not Elsewhere Classified	27	8
Total	3,611	3,721

The profile for the years 2007 to 2009 is included in the following table.

Offence	4.12.09	5.12.08	5.12.07
Murder	264	251	228
Manslaughter	71	72	84
Sexual Offences	292	275	237
Other Offences against the person	526	433	405
Offences against property with violence	102	96	86
Offences against property without violence	941	749	696
Drug Offences	760	567	472
Road Traffic Offences	170	184	190
Other Offences	292	317	298
Total	3,418	2,944	2,696

Question No. 154 answered with Question No. 42.

Jury Intimidation

155. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which incidents of witness intimidation or interference with juries has been identified over the past five years; the extent of any action taken; and if he will make a statement on the matter. [38239/11]

Minister for Justice and Equality (Deputy Alan Shatter): Section 41 of the Criminal Justice Act 1999 makes it an offence to harm or threaten, menace or in any other way intimidate or put in fear a person who is assisting in the investigation by An Garda Síochána of an offence or a witness or potential witness or a juror or potential juror in proceedings for an offence or a member of his or her family, intending to obstruct, pervert or interfere with an investigation or the course of justice.

The original penalty provided for in the 1999 Act upon being found guilty under this section was 10 years. In view of the gravity with which this type of criminal activity is viewed, the penalty was increased to 15 years by the Criminal Justice (Amendment) Act 2009.

I am informed by the Garda authorities that separate records are not maintained of offences under section 41 as between those directed against witnesses and those directed against jurors. Accordingly, the information available from the Gardaí covers both categories of individuals. The Deputy will appreciate that, of their nature, instances of intimidation of jurors are less likely to come to notice than instances of witness intimidation. The Gardaí rigorously enforce the provisions of the law relating to witness and jury intimidation and, of course, will continue to do so. The table below shows the position with regard to the number of proceedings com-

[Deputy Alan Shatter.]

menced and convictions for offences under Section 41 of the 1999 Act for the period from 2006 to 29 November 2011.

Year	Proceedings*	Convictions**
2011	33	6
2010	43	17
2009	31	12
2008	18	6
2007	16	3
2006	45	12

*These figures indicate the number of proceedings commenced in respect of incidents reported for the years in question.

**Figures provided are provisional and will change in the light of the outcome of court proceedings.

Question No. 156 answered with Question No. 42.

Garda Operational Reviews

157. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will ensure that any operational reviews throughout An Garda Síochána in the context of budgetary constraints are not allowed to negatively affect the force's ability to deal with crime; and if he will make a statement on the matter. [38241/11]

Minister for Justice and Equality (Deputy Alan Shatter): As I have indicated to this House on many occasions, tackling crime, and bringing those involved to justice, is a priority for the Government. At operational level the implementation of specific measures to deal with those engaging in criminal activity is a matter for the Garda Commissioner.

In that context Garda management closely monitors the allocation of resources with reference to crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public. Additionally, the Garda authorities are satisfied that a full and comprehensive policing service continues to be delivered and that the current structures in place meet the requirement to deliver an effective and efficient service to the community.

Defence Forces Properties

158. **Deputy Seán Ó Feargháil** asked the Minister for Defence if his attention has been drawn to repeated approaches to him by a society (details supplied) seeking to have improved management systems put in place for the Curragh plain, County Kildare; if he has considered these proposals; if he intends to implement either a revised or improved management system for this national resource; and if he will make a statement on the matter. [38250/11]

Minister for Defence (Deputy Alan Shatter): Since being appointed Minister for Defence I have had one approach from this Society and met with three of their representatives in June last. At that meeting they outlined their concerns on a number of incidents that had occurred in the Curragh over recent years and sought the introduction of a number of measures that had been proposed by the Inter-Departmental Task Force on the future management and development of the Curragh of Kildare including the establishment of a Statutory Authority

under the aegis of the Minister for Defence to manage the Curragh with the exception of the Defence Forces Training Centre.

At that time I indicated that the establishment of such a body as a separate agency under the aegis of my Department would have involved additional costs in terms of staff, accommodation, expenses and payments to members of the Authority, which would be significantly greater than the costs incurred by the Department in administering the Curragh Lands. As you are aware the Government has targeted the rationalisation of State agencies as a key cost saving measure. In that context it would be inappropriate and indeed costly to establish a separate agency to manage work currently being done economically by the staff of the Department. Given the requirements of administrative efficiency, and the technical issues raised in relation to the role of the Minister as the final arbiter in disputes relating to the use of the Curragh Lands, it was decided not to proceed with the establishment of the Authority, which was a primary focus of the recommendations of the Inter-Departmental Task Force.

The way forward now will involve a review by the Department of the varying usage of the lands by a range of different interests in the Curragh, not least the Defence Forces, with a view to establishing how these can be best accommodated and managed within the existing administrative framework and within existing resources. The question of the requirement for legislation to address any other issues in relation to the Curragh Lands can then be examined in this context. This work will proceed as resources allow, given the competing demands on the Department's staff and resources and the need to prioritise issues and allocate reducing resources to the core Defence policy and operational issues.

I understand that the Deputy accompanied representatives of the Society at a meeting with one of my predecessors when the general position as outlined above was conveyed to them.

159. **Deputy Seán Ó Fearghail** asked the Minister for Defence if he has had any engagement with any agency or body, other than Kildare County Council, in relation to the future use of lands at Magee Barracks, Kildare town; and if he will make a statement on the matter. [38252/11]

Minister for Defence (Deputy Alan Shatter): Officials from Enterprise Ireland and the IDA visited the site on the 14 November last. On 16 November, 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.

In the past week my Department has written to all other Government Departments and a number of State agencies advising them of properties, including the former Magee Barracks site, which are available for disposal and expressions of interest, if any, are awaited.

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 Department's 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.

Farm Payments

160. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a single farm and disadvantaged area payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [38095/11]

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 6 May 2011. This application was selected for and was the subject of a Ground Eligibility Inspection. This inspection was completed and the results are now being processed.

In the vast majority of inspected cases, 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.

161. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive their single farm payment; and if he will make a statement on the matter. [38123/11]

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 15 April 2011, processing of which has recently been finalised, thereby allowing payment to issue shortly, directly to the nominated bank account of the person named.

Harbours and Piers

162. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if he will make the necessary funding available to Kerry County Council for a compulsory purchase order for lands required for an access road to the proposed pier at Cromane, County Kerry. [38134/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Kerry County Council proposes to construct a new pier at Cromane, County Kerry. The proposed pier will be the property of that Local Authority who will be responsible for its development, maintenance and repair.

My Department manages the Fishery Harbour and Coastal Infrastructure Programme and subject to the availability of exchequer resources endeavours to provide funding for Local Authority owned piers and harbours.

No application for funding in respect of Cromane was received from Kerry County Council in 2011, but any application for funding in future years by Kerry County Council will be given consideration subject to available exchequer funding and overall national priorities.

Grant Payments

163. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied). [38148/11]

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 10 May 2011. This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection. This inspection was completed and the results are now being processed.

In the vast majority of inspected cases, including this case, amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. This work is ongoing and every effort is being made to complete the processing of those who were the subject of a Ground Eligibility Inspection.

164. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied). [38149/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in June 2009 and received payments for the first two years of the contract. In addition, 75% of the Year 3 payment for 2011 for the amount of €4073.63 will issue within the next week. The balancing 25% payments in respect of Year 3 will commence before the end of the year.

165. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied). [38150/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 10 May 2011, processing of which has recently been finalised, thereby allowing payments under both schemes to issue shortly, directly to the nominated bank account of the person named.

166. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied). [38151/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 16 May 2011, processing of which has recently been finalised. The 50% advance of the Single Payment issued to the person named on 24 November 2011, while payment under the Disadvantaged Areas Scheme issued on 25 November 2011. Balancing payments under the Single Payment Scheme are due to commence issuing as and from today, 1 December.

167. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied). [38152/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme/Disadvantaged Areas Schemes was received from the person named on 11 May 2011, processing of which has recently been finalised with full payment under both schemes due to the applicant. The 50% advance of the Single Payment issued to the person named on 22 November 2011, while payment under the Disadvantaged Areas Scheme issued on 24 November 2011. Balancing payments under the Single Payment Scheme will commence issuing to all fully processed applicants, including the person named, as and from today, 1 December.

168. **Deputy Frank Feighan** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied). [38153/11]

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 13 May 2011. This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection. This inspection was completed and the results are now being processed.

In the vast majority of inspected cases, including this case, amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making pay-

[Deputy Simon Coveney.]

ments 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.

Departmental Schemes

169. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if non-eligibility for disadvantaged area scheme payment due to low stocking density can affect eligibility for the single farm payment; and if he will make a statement on the matter. [38160/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The minimum stocking rate requirement under the Disadvantaged Areas Scheme is as outlined in the Terms and Conditions, which govern the Scheme. Applicants who fail to meet this requirement will not receive any payment under that Scheme for the year in question. Such stocking limits, while a requirement under the Disadvantaged Areas Scheme, are not a requirement under the Single Payment Scheme. However, it is necessary under the requirements of the Single Payment Scheme that the declared land be maintained in Good Agricultural and Environmental Condition. In the case of some land types, this can only be achieved by livestock grazing the land.

Both the Schemes are governed by their own set of Terms and Conditions, which are available on my Department's website.

Grant Payments

170. **Deputy Marcella Corcoran Kennedy** asked the Minister for Agriculture, Food and the Marine the outstanding information required by him in respect of a person (details supplied) in County Offaly; when the farm payment due will be processed; and if he will make a statement on the matter. [38162/11]

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 19 April 2011, processing of which has recently been finalised, thereby allowing payment to issue shortly, directly to the nominated bank account of the person named.

171. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the reason the single farm payment has been delayed in respect of a person (details supplied) in County Mayo; and when payment will issue. [38165/11]

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 26 April 2011, processing of which has recently been finalised, thereby allowing full payment to issue to the applicant in the first week of December, directly to the nominated bank account of the person named.

Food Harvest 2020

172. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine if he has an estimate available of the capital requirements to increase and expand processing and handling systems in the dairy industry as projected in Food Harvest 2020; and if he will make a statement on the matter. [38171/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Food Harvest 2020 has a target of a 50% increase in milk production by 2020. I believe this target can be achieved

through a focused and determined implementation of the report's recommendations for the dairy sector, which include:

- (i) the need to improve on-farm competitiveness through, for example, animal health and genetic improvement programmes as well as increased efficiency through education and technology transfer,
- (ii) the need to ensure adequate capacity and maximum efficiency at processing level,
- (iii) the need to facilitate more commercially focused R&D and marketing activities, as well as further research into strategies to reduce greenhouse gas emissions.

It is a matter for the dairy processing industry as to what their capital requirements will be to ensure the provision of adequate processing capacity. However, it is encouraging that the importance of the issue has been acknowledged in the Dairy Expansion Activation Group's Road Map for the implementation of Food Harvest 2020 in the dairy sector, which contains specific actions required at processing level. I am confident that the processing industry will respond as necessary and will work with the rest of the sector to ensure that the *Food Harvest 2020* objectives are met.

Fur Farming

173. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if he is committed to a ban on fur farming in the forthcoming Animal Welfare Bill; and if he will make a statement on the matter. [38191/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have established a Review Group in my Department to review all aspects of fur farming. Submissions have been invited on the review with a 31 December 2011 closing date for receipt of submissions. I will consider what action, if any, to take following the submission of the Review Group's findings.

Forestry Sector

174. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the number of hectares that he expects will be planted in forestry this year; the number he intends to fund for 2012; the benefits, if any, planting these areas will provide in meeting our climate change commitments; if he has the capital available to meet his commitments; and if he will make a statement on the matter. [38199/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): It is anticipated that payment will be made for approximately 7,000 hectares of new forestry in 2011. Funding for 2012 will be announced as part of the 2012 Budget process. Forestry makes a significant contribution to Ireland's climate change mitigation strategy. For the purpose of the Kyoto Protocol eligible forests (i.e. those planted since 1990) will sequester 11 million tonnes of carbon dioxide (Mt CO₂) over the 5-year period to the end of 2012 (2.6 million tonnes in 2010). This represents 25% of the emission reductions arising from existing measures outlined in the National Climate Change Strategy.

Grant Payments

175. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive payment of the outstanding balance of their 2010 REP scheme 4 application; if he will arrange for prompt payment of 2011 REP

[Deputy Michael Creed.]

scheme 4 and disadvantaged area payments; and if he will make a statement on the matter. [38211/11]

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 27 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. Insofar as REPS is concerned, the person named commenced in the scheme in June 2008 and received payment for the first two years of the contract. In addition, 75% of the year 3 payment for 2010 issued on 7th April 2011 for the amount of €6724.28 and the remaining 25% balancing payment will be paid shortly.

Finally, my Department has now completed the necessary administration checks, including plan checks, on all REPS 4 applications and the 2011 payments will commence in the next few days.

176. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive their single farm payment; and if he will make a statement on the matter. [38216/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the person named on 13 May 2011, processing of which has recently been finalised, thereby allowing payment to issue shortly, directly to the nominated bank account of the person named.

177. **Deputy Seán Conlan** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Monaghan will receive their single farm payment; and if he will make a statement on the matter. [38247/11]

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 was recently finalised, thereby allowing the appropriate payment issue shortly, directly to the nominated bank account of the person named.

Departmental Expenditure

178. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the total expenditure to date in 2011, broken down by specific scheme, on the targeted agricultural modernisation schemes. [38253/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Grant payments under the Targeted Agricultural Modernisation Schemes (TAMS) are made when documented claims in respect of completed projects have been submitted and verified by my Department. The expenditure to date in 2011 under the Schemes is set out in the following table:—

Scheme	Amount (€m)
Bioenergy	0.158
Dairy Equipment	—
Poultry Welfare	0.462
Rainwater Harvesting	—
Sheep Fencing/Handling	—
Sow Welfare	—
Total	0.620

Inter-County Adoptions

179. **Deputy Olivia Mitchell** asked the Minister for Children and Youth Affairs, in view of the fact that Ethiopia is not a signatory to the Hague Convention, the efforts she can make to progress a bilateral agreement with the Ethiopian State; her views on whether the prospect of such an agreement is realistic; and if so, the likely timetable. [38126/11]

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 inter-country 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 inter-country adoption, the Adoption Authority of Ireland have indicated that their first priority is to reach agreements on arrangements with other Hague countries. The AAI have recently returned from the USA and now intend to develop an administrative arrangement with the USA for inter-country adoption. In the coming weeks the AAI intends to visit Mexico and Vietnam in the context of entering into administrative arrangements with both those jurisdictions, the latter

[Deputy Frances Fitzgerald.]

being dependent on the entering into force of the Hague convention in Vietnam on 1 February 2012.

I am extremely conscious that the Authority have a full work programme in the terms of these countries as well as the important upcoming priority of our engagement with Vietnam. In addition, the Authority and my officials will be undertaking exploratory meetings with the Russian authorities in the coming weeks.

The Authority must also prioritise checks of legal compatibility with a wide range of jurisdictions in order to process applications for the recognition of the adoptions of children already adopted from abroad by Irish citizens. These are desktop reviews requiring legal advices but are urgently required to regulate the status of children already adopted.

Children in Care

180. **Deputy Liam Twomey** asked the Minister for Children and Youth Affairs the number of children who have gone missing while in care between January and July 2011; and if she will make a statement on the matter. [38111/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter I have asked the Health Service Executive for the information in question which I will forward to the Deputy.

181. **Deputy Liam Twomey** asked the Minister for Children and Youth Affairs the number of children who have died while in care between January and July 2011; and if she will make a statement on the matter. [38112/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Health Service Executive has advised that one child died while in care between January and July of this year.

Hospital Waiting Lists

182. **Deputy Willie Penrose** asked the Minister for Health when a person (details supplied) will have a operation carried out; and if he will make a statement on the matter. [38071/11]

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.

183. **Deputy Finian McGrath** asked the Minister for Health the position regarding a hospital appointment in respect of a person (details supplied) in Dublin 3. [38074/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Medical Cards

184. **Deputy Seán Ó Feargháil** asked the Minister for Health if he will expedite an application for renewal of a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [38076/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Funding

185. **Deputy Michael McCarthy** asked the Minister for Health the total amount of funding being allocated to an organisation (details supplied) for 2012; if he will give an assurance that such funding will not be reduced in budget 2012; and if he will make a statement on the matter. [38081/11]

Minister for Health (Deputy James Reilly): As the Deputy will be aware, a comprehensive review of expenditure has been undertaken within each Department which has been the basis for the 2012 Estimates. The level of funding available for the health budget and the extent of the savings required in the health sector will be indicated when the Estimates are published, and it would not be appropriate for me to comment further at this stage prior to this publication. The level of funding which the HSE will allocate to specific organisations in 2012 will have to be determined by the Executive in the context of the overall level of resources which will be made available to it next year, and priorities identified in the National Service Plan.

I have referred this matter to the HSE and asked it to inform the Deputy regarding the organisation's budget when it is finalised.

Nursing Homes Support Scheme

186. **Deputy Finian McGrath** asked the Minister for Health the position regarding the Fair Deal scheme in respect of a person (details supplied) in Dublin 9. [38092/11]

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.

Hepatitis C Infection

187. **Deputy Billy Kelleher** asked the Minister for Health if he will consider an amendment to either the Health (Amendment) Act 1996 or the Hepatitis C Compensation Tribunal (Amendment) Act 1996 or both, as required, to deal with the anomaly of those who are currently testing negative following anti-D contamination but who are suffering ill-health consistent with those testing positive; and if he will make a statement on the matter. [38103/11]

Minister for Health (Deputy James Reilly): Section 6 of the Hepatitis C Compensation Tribunal (Amendment) Act, 2006 (No. 22 of 2006) rectified an ambiguity in previous legislation as to the definition of "contracted Hepatitis C" and "diagnosed positive for Hepatitis C". This was important in relation to eligibility to apply for compensation under the Hepatitis Compensation Tribunal Act and for services under the Health Amendment Act (HAA) Card.

[Deputy James Reilly.]

The HAA card entitles holders to avail of a broad range of health services free of charge. As a result of this amendment, there is now a clear definition for “diagnosed positive for Hepatitis C”, using internationally recognised scientific tests, which must apply before a person is eligible for compensation or for services under the Health Amendment Act, 1996.

Some 1,500 people have a HAA Card.

Taking account of international practices and clarification of eligibility brought by the 1996 Amendment, I am satisfied that the present arrangements are fair and reasonable.

Medical Cards

188. **Deputy Michael McCarthy** asked the Minister for Health, further to Parliamentary Question No. 525 of 2 November 2011, when a reply will issue from the Health Service Executive; and if he will make a statement on the matter. [38127/11]

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 again for direct reply to the Deputy.

Health Services

189. **Deputy Billy Timmins** asked the Minister for Health the position regarding an assessment in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [38136/11]

190. **Deputy Billy Timmins** asked the Minister for Health the position regarding physiotherapy in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [38137/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): I propose to take Questions Nos. 189 and 190 together.

As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Nursing Homes Support Scheme

191. **Deputy Billy Timmins** asked the Minister for Health the position regarding the Fair Deal scheme in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [38140/11]

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.

Cancer Incidence

192. **Deputy Brendan Griffin** asked the Minister for Health his views on the recent report by the OECD regarding Irish cancer survival rates; if he is concerned at the findings; how he proposes to improve our survival rates in relation to all cancers; and if he will make a statement on the matter. [38181/11]

Minister for Health (Deputy James Reilly): The OECD’s *Health At A Glance 2011: OECD Indicators* presents the most recent comparable data on key indicators of health and health systems across OECD countries. This includes data on cancer incidence, mortality and five-year relative survival. While it is welcome that the report mentions notable increases in breast

cancer survival rates in Ireland, it also shows that survival rates for cervical, breast and colorectal cancer lag behind the OECD average, with the five-year survival rate for cervical cancer being the lowest in the OECD 16.

These data refer to cancers detected in 2004 or latest available year (cancers diagnosed in 2001-2003 in the case of Ireland) and followed up until 2008. For this reason the establishment of the National Cancer Control Programme (NCCP) in late 2007 and the subsequent changes in the organisation and delivery of cancer services in Ireland within the eight cancer centres are not yet reflected in these data. International evidence shows that the best outcomes for cancer patients are achieved by specialist teams in specialist settings, with access to ongoing education, training, research and peer review. Accordingly, the NCCP has been working to centralise diagnosis and treatment for cancer in eight designated cancer centres and has made considerable progress in this area.

Cancer screening is also key to improving survival and can play a role both in prevention (cervical and colorectal screening) as well as early detection. The OECD data do not reflect the introduction in 2008 of CervicalCheck, which last year screened 329,000 women, or the completion of the national roll-out of BreastCheck, which in 2010 screened over 118,000 women. In addition to these programmes, work is continuing on the introduction of a national colorectal cancer screening programme in mid-2012. These measures should be reflected in improved Irish cancer survival rates in the coming years.

Hospital Accommodation

193. **Deputy Michael Healy-Rae** asked the Minister for Health the number of public hospital beds that were in place in 2007 and the number now available in November 2011; the number of private hospital beds in place in 2007 and the number now available; if he is satisfied that sufficient beds are now available; and if he will make a statement on the matter. [38192/11]

Minister for Health (Deputy James Reilly): The national average number of acute hospital beds available in public hospitals for the years 2007 and 2010 broken down by public, private and non-designated is set out in the table below. Acute bed numbers in public hospitals are counted as an average of beds available over each year, given that the number of beds available in each hospital can vary over any year for operational reasons. This data comprises in-patient beds and day places and includes acute psychiatric beds. 2010 is the latest year in respect of which national validated acute bed data is available.

The emphasis for the HSE in 2011 continues to be to make the most effective use of acute bed capacity through shorter length of stay, increased rates of day-of-surgery admission and more day surgery. In this way the acute hospital system can ensure that, within the level of resources available, it facilitates the maximum number of patients with safe, effective and efficient care.

Year	Public	Private	Non-Designated	Total
2007	10,279	2,471	918	13,668
2010	9,461	2,411	1,144	13,016

Home Help Service

194. **Deputy Pearse Doherty** asked the Minister for Health if a person (details supplied) in County Donegal will be allocated home help hours; and if he will make a statement on the matter. [38197/11]

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

195. **Deputy Bernard J. Durkan** asked the Minister for Health if he will indicate if and when a medical card will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [38206/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Funding

196. **Deputy Joe Costello** asked the Minister for Health the amount of State funding granted to an organisation (details supplied); if he will ensure that existing funding is maintained; and if he will make a statement on the matter. [38218/11]

Minister for Health (Deputy James Reilly): Below are the details provided to me by the HSE, regarding funding to the Irish Osteoporosis Society:

Allocated	Sought
€128,000 in 2006	
€250,000 in 2007	
€250,000 in 2008	
€225,000 in 2009	
€205,000 in 2010	€225,000
€150,000 in 2011	€205,000

I have requested my officials and the HSE to meet with the Irish Osteoporosis Society. The purpose of this meeting is to discuss further the issues and concerns that have arisen in relation to funding.

Medical Cards

197. **Deputy Frank Feighan** asked the Minister for Health if he will ensure a seriously ill person will receive a longer issue on their general medical services card than a month at a time. [38255/11]

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.

Nursing Homes Support Scheme

198. **Deputy Frank Feighan** asked the Minister for Health when the Fair Deal payment will issue to a person (details supplied). [38256/11]

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.

199. **Deputy Frank Feighan** asked the Minister for Health when the Fair Deal payment will issue to a person (details supplied). [38257/11]

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.

Public Transport

200. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport the position regarding the reduction in student fares as a result of the recent introduction of an integrated ticketing system known as the Leap card (details supplied); and if he will make a statement on the matter. [38120/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issue raised is a matter for the National Transport Authority. I have referred the Deputy's question to the Authority for direct reply. He should inform my private office if he does not receive a reply within ten working days.

Ministerial Travel

201. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport the position regarding the use of bus lanes by Ministers; his plans to alter this provision; and if he will make a statement on the matter. [38147/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As part of plans to reduce Government costs, this Government decided, on coming to power, to set an example by withdrawing State cars from all members of the Cabinet except the Taoiseach, the Tánaiste, and the Minister for Justice, Equality and Defence. It is estimated that this will result in an annual saving of €4m per annum to the State. Other members of the Government, and the Ceann Comhairle, now provide their own cars. State cars are driven by Gardaí, and as such receive exemptions from a wide range of traffic and parking regulations. Among other exemptions, Gardaí have the right to use bus lanes. As a consequence, with civilian rather than Garda drivers, Ministers no longer had the exemptions which applied to their predecessors.

The Government subsequently decided that, in order to facilitate the business of Government and the Dáil, members of the Government, the Attorney General, Ministers of State who regularly attend Cabinet (i.e. the Chief Whip and super-junior Minister — no other Minister of State has this right), and the Ceann Comhairle, should only be allowed to retain the traffic exemption of travelling in with-flow bus lanes, while on official business. This is not some new privilege. It means that Ministers, like their predecessors, can avail of bus lanes whilst on official business to get to official functions on time.

This measure was introduced by the Road Traffic (Bus Lanes)(Exemption Regulations 2011) (S.I. No. 527 of 2011).

Penalty Points System

202. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the progress, if any, that has been made with the Northern Ireland and UK authorities regarding the problems of speeding and other activities in which penalty points should be applicable either north or south of the Border in order to minimise the risks of accident and death, especially along motorways; and if he will make a statement on the matter. [38193/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Officials from my Department are continuing to work with the relevant authorities in Northern Ireland towards the longer term objective of introducing mutual recognition of penalty points for driving offences.

[Deputy Leo Varadkar.]

Unlike the bilateral arrangements between the UK and Ireland, under Article 15.4 of the 1998 EU Convention on driving disqualifications, which came into operation in January 2010, there is no agreed international framework dealing with the recognition of penalty points for driving offences. Accordingly, a significant volume of work will be required, including the provision of an appropriate framework of law and international agreement.

It is intended that, initially, mutual recognition will be applied to a four penalty points offences; namely, drink driving, speeding, use of a mobile phone while driving and non-use of a safety belt.

I have met with my counterpart Mr Alex Atwood MLA, Minister of the Environment on the Northern Ireland Executive to discuss this matter, and it was also discussed at the most recent North South Ministerial Council.