



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Dé Máirt, 17 Eanáir 2012.*

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# DÁIL ÉIREANN

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*Dé Máirt, 17 Eanáir 2012.*  
*Tuesday, 17 January 2012.*

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

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*Paidir.*

*Prayer.*

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## Ceisteanna — Questions

### Priority Questions

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#### Overseas Development Aid

29. **Deputy Seán Ó Feargháil** asked the Tánaiste and Minister for Foreign Affairs and Trade the specific overseas development services and projects that will be affected by the €53 million reduction in the overseas development aid budget for 2012; the impact that this will have on his commitment to earmarking 0.7% of GNP for overseas development aid; and if he will make a statement on the matter. [2484/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Ireland's aid programme prioritises the fight against global poverty and hunger, especially in the poorest countries of sub-Saharan Africa. The programme is central to our foreign policy and enjoys very strong cross-party support. It reflects the true values of the Irish people and our long-term interests globally. It is recognised internationally as one of the best in the world — the OECD describes the programme as “cutting edge” — and a champion in making aid more effective.

Our programme for Government contains a clear commitment to supporting the aid programme and the UN target of providing 0.7% of gross national product for official development assistance, ODA. In the recent budget the Government has acted on that commitment in spite of the unprecedented difficult economic conditions and fiscal constraints facing the country.

For 2012, the Government will provide a total of €639 million for ODA, which, on current projections, will represent more than 0.5% of GNP. Given our current economic circumstances, this allocation represents a real commitment by the Government and people of Ireland to the world's poorest people. The allocation represents a total reduction of €20 million on the projected outturn for 201. This comprises a reduction of €10 million in funding for Vote 27, international co-operation, of the Department of Foreign Affairs and Trade and an estimated fall of €10 million in overseas development aid provided from other sources, notably as a result of an expected lower allocation of Ireland's share of the EU development co-operation budget.

[Deputy Eamon Gilmore.]

We are in the process of allocating the overall budget for 2012. The slight reduction will be absorbed across the programme but we anticipate that by extending programme timeframes and adjusting disbursement schedules, the reduction will not adversely affect the programme's overall objective.

The Government remains ambitious for our aid programme, is determined it maintains and builds on its high international reputation and that it continues to build the foundations of real change, future prosperity and well-being in the lives of many of the world's poorest people.

**Deputy Seán Ó Fearghail:** Is dócha go bhfuil sé ceart ag an bpointe seo comhghairdeas a ghabháil leis an Tánaiste as a bheith ceaptha mar chathaoirleach ar an OSCE, rud a tharla ón uair dheireanach a bhí seans againn na cúrsaí seo a phlé anseo. Ba mhaith liom freisin fáilte a chur roimh an Aire Stáit nua, an Teachta Costello. Bhí ard-mhuinín againn san Aire Stáit a bhí ann roimhe. Rinne sí sár-jab. Táimid dóchasach go mbeidh an Aire Stáit nua chomh tugtha agus chomh gafa leis an ról seo is a bhí an Aire Stáit eile. Tá súil agam go n-éireoidh go geal leis an iarracht atá idir lámha aige.

One must acknowledge we are in the most dire economic circumstances. However, the Labour Party manifesto — in which Members on this side of the House took great interest — committed no further reduction in overseas development aid if it were elected to government. A further €53 million will now be reduced from the overseas development aid budget on top of the €212 million reduction since the all-time record investment of €920 million in 2008. Will the Tánaiste and Minister for Foreign Affairs and Trade agree he has failed in the objective set in his manifesto? How will this reduction in expenditure, regrettable as it is, impact on the nine programme countries? Will he give us an assurance that the disaster unfolding in the Horn of Africa will not be adversely affected by this reduction in overall expenditure?

**Deputy Eamon Gilmore:** Ba mhaith liom mo bhuíochas a ghabháil leis an Teachta Ó Fearghail tar éis dó comhghairdeas a ghabháil liom i ndiaidh mo cheapacháin mar chathaoirleach ar an OSCE, agus freisin le mo chomhghleacaí, an Aire Stáit, an Teachta Costello.

Deputy Ó Fearghail has acknowledged we are in difficult economic and fiscal circumstances. When these are taken into account, the adjustment made to the overseas development assistance budget is a small one. It is not €53 million as claimed by Deputy Ó Fearghail. That sum derives from the figure which was projected at the time of the 2011 budget, based on different assumptions about gross national product and the level of overseas development assistance that would apply through 2012. The actual adjustment is from €659 million to €639 million, a €20 million reduction.

When compared to the 29% adjustment made by Deputy Ó Fearghail's party when in government, which saw the budget go from €920 million in 2008 to €659 million in 2011, this year's adjustment is minimal. It will not impact on front-line services. Some of it will be absorbed by a reduction in administrative costs.

**Deputy Seán Ó Fearghail:** Does the Minister accept it will be impossible, given this reduction, to reach the millennium goal of 0.7% of GDP by 2015? That is something he will have to review to set a new objective or does he envisage spectacular initiatives, which will be required, between now and 2015 to achieve that goal?

**Deputy Eamon Gilmore:** We should never say that something is impossible. The 0.7% target was set as an objective internationally. It is important that we all remain focused on that objective and make it clear that it is our intention to reach it. There is no doubt that achieving that target by 2015, given our economic circumstances, will be challenging. The immediate

objective is, as far as is practicable, to maintain the programmes that we are committed to and to ensure whatever adjustment we make in our budget, as we have done this year, does not adversely affect the world's poorest people, including the commitments, as the Deputy stated, to the relief of hunger and distress on the Horn of Africa.

### **International Agreements**

30. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade with respect to the provision, contained in the draft intergovernmental treaty, to introduce the 0.5% deficit ceiling and a tougher debt reduction target for States with debt ratios above 60% into national binding provisions of a constitutional or equivalent level, his views that this will require a referendum; his further views that it would be possible to honour this section of the draft treaty in any way other than via constitutional change; and if he is saying that there is an equivalent to Irish constitutional law in the Irish legal system. [2574/12]

**Deputy Eamon Gilmore:** In December, it was agreed that, as part of our collective response to the current economic crisis in the euro area, we needed to further strengthen economic policy co-ordination and to construct a new “fiscal compact” to achieve this goal. Negotiations are ongoing on a draft treaty to give legal effect to this agreement. This work is being advanced outside the framework of the EU treaties because it was not possible to secure a basis on which all member states would participate.

As the Deputy will be aware, an initial draft text was circulated before Christmas. Further drafts have been brought forward since. The text is still a work in progress and it is hoped that significant progress towards agreement will have been made before an informal meeting of the European Council scheduled for 30 January. Once agreement is reached, the text will then be prepared for signature and subsequent ratification by each of the participants, according to their respective constitutional requirements. Only when a final text is available will it be possible to reach a view on what will be required by way of ratification in Ireland. The test will be whether the proposed treaty is compatible with the Constitution.

As the Government has confirmed previously, the Attorney General will study the legal implications carefully and will advise on what steps will be necessary to enable Ireland to ratify. Until then, it is simply not possible to be definitive. As the Government has made clear many times, if a referendum is required, one will be held.

On the specific issues to which the Deputy refers, it is necessary to recall the extensive obligations that already exist in EU legislation, including under the strengthened Stability and Growth Pact, SGP, provided for in the six legislative measures adopted towards the end of last year. *Inter alia*, when a member state exceeds the 60% debt to GDP ratio in the SGP, it will be expected to adjust its debt downwards by an average of one twentieth per year. In addition, the legislation requires a differentiated medium-term objective for each member state which is within a defined range of between -1% of GDP and balance or surplus in cyclically adjusted terms. The fact is that tough rules already exist and these are necessary if we are to secure the stability of the common currency into the future.

**Deputy Pádraig Mac Lochlainn:** It is widely agreed that the three crises we are facing across Europe relate to banking, sovereign debt and investment and what has been put before us by European leaders does not provide a solution to one of those crises. They have focused on, for bizarre reasons, the issue of permanent austerity to drive down wages and conditions and so on and to cut and privatise public services as a panacea to what is a fundamentally a dramatic failure in one sector of the economy — banking.

**An Leas-Cheann Comhairle:** A question please, Deputy.

**Deputy Pádraig Mac Lochlainn:** I will get to it quickly.

**An Leas-Cheann Comhairle:** We are running out of time.

**Deputy Pádraig Mac Lochlainn:** The target now is 3% now but a 0.5% target is draconian. Seeking to reduce the debt to GDP ratio to 60%, bringing it down 5% per year, is also draconian and has dramatic implications for the Irish people. The Government has been asked in the first draft to enshrine it in the Constitution or equivalent legislation. What is the position of the Government on that? Is the Minister willing to enshrine austerity in the Constitution?

**Deputy Eamon Gilmore:** As Deputy Mac Lochlainn stated, there are three elements to the economic crisis that we are facing, and all three of those elements are being addressed. On the banking dimension, as the Deputy will be aware, the ECB agreed prior to Christmas to make a very substantial amount of money available over a three-year period to the banking system throughout Europe.

On the dimension of jobs and growth, the Council meeting, which has been convened for 30 January, will be directly addressing the issues of jobs and growth in the euro area. It is not confined to issues relating to cuts.

On sovereign debt, the situation, as the Deputy will be aware, varies from one country to another. In the case of this country, we are already part of a programme. We must meet the terms of that programme. The terms, which are being discussed at present, are not any more onerous than the terms of the programme we are already in. Some the conditions to which the Deputy referred, for example, the 60% debt to GDP ratio, were already part of the Stability and Growth Pact, which was a condition of our membership of the euro.

**Deputy Pádraig Mac Lochlainn:** In the first published document, it was stated that the balanced budget rule — basically, Draconian austerity — had to be enshrined at constitutional or equivalent level. The latest draft, the third draft, states that the Government should enshrine this through binding and permanent provisions, preferably constitutional. Is our negotiating team trying to avoid a referendum? Is it trying to change the text to avoid the need for one? Is the Government trying to avoid its responsibility of putting this before the people? Is it trying to circumvent putting it before the people? Is the Minister's negotiating team involved in that?

**Deputy Eamon Gilmore:** That is not the primary objective of the Government. The primary objective of the Government is to work with others in Europe to bring stability in the first instance to the euro and to the eurozone and to ensure that the European economy grows and second, in doing that, to do so in a way that secures the best possible deal and arrangement for the taxpayers and the public of this country. We have made it clear that if at some stage either this agreement or another agreement requires a referendum, we have no difficulty in presenting that to the people. Of course, the Deputy will appreciate that in pursuing our work and in pursuing our negotiations, which are ongoing and in which senior officials of Government are involved on a day-to-day basis, the officials will comply with the Constitution. We have an obligation to work in a way that complies with the Constitution.

### **Human Rights Issues**

31. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the use of Shannon Airport as a stopover by US forces en route to Afghanistan, in view of the footage which emerged in recent days that appears to show US marines urinating on the dead bodies of Taliban fighters and laughing; his views on the fact that the Guantánamo

Bay detention camp remains open despite President Barack Obama's promise to the contrary; and if he will make a statement on the matter. [2585/12]

**Deputy Eamon Gilmore:** I fully share in the widespread revulsion at the images to which the Deputy refers. International humanitarian law obliges parties to an armed conflict to treat the dead with respect and dignity. The footage appears to show disgraceful acts which are in clear violation of these obligations.

The Deputy will be aware that the incident disclosed by the footage has been condemned in the strongest terms by senior figures in the US Administration, including the Secretary of State, Ms Hillary Clinton, and the Secretary of Defence, Mr. Leon Panetta, and that the responsible US authorities have instituted an investigation into the matter.

The images in question are deeply upsetting and shameful. Assuming that the images are accurate, those responsible must be held fully accountable for their behaviour. They have betrayed not just their own country but the Afghan Government and people and all in the international community who have supported the international action to sustain the elected government in Kabul.

There are no plans to change the arrangements for the overflight and landing of US military aircraft, which have been continuously in place under successive Governments for over 50 years.

Under the Air Navigation (Foreign Military Aircraft) Order 1952, foreign military aircraft are not permitted to fly over or land in the State save on the express invitation or with the express permission of the Minister for Foreign Affairs and Trade. The majority of US troops which pass through Shannon Airport are carried on commercial flights.

As for the Deputy's reference to the Guantanamo Bay detention centre, Ireland has called for the closure of this centre and has urged that those detained there be brought to trial or released. I have discussed this issue personally with the US Secretary of State, Ms Clinton. We would, of course, hope to see the earliest possible fulfilment of the pledge made by President Obama in 2009 to close the centre. I am aware that the President's efforts to do so have been frustrated by the absence of the necessary agreement on the part of the US Congress. I welcome his continuing political commitment to close the centre and I assure the Deputy that we will continue to press for this action to be taken with all possible speed.

**Deputy Mick Wallace:** The fact that the US Government is looking into the matter does not give me much comfort. To take one example, Frank Wuterich, a US marine, was charged in 2005 with killing 24 Iraqis. He was commanding a group of soldiers who burst into the victims' homes and shot men, women and children in their night clothes. This individual is accused of manslaughter.

**An Leas-Cheann Comhairle:** I remind the Deputy that this is Question Time.

**Deputy Mick Wallace:** With regard to our involvement in these matters, Colm O'Gorman stated last week: "Ireland is not an innocent bystander. We have been complicit in kidnapping and torture by allowing Shannon airport to be used as a stop-over for rendition flights". Last year, in its concluding observations on Ireland, the UN Committee against Torture highlighted allegations of complicity in rendition and the State's failure to properly investigate these matters. The committee was concerned about the various reports of the State allegedly co-operating in a rendition programme under which rendition flights used the State's airports and airspace. It was also concerned about the inadequate response by the State in terms of investigating these allegations. It recommended that the State should provide further infor-

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mation on the specific measures taken to investigate these allegations and asked for clarification on measures to ensure such cases are prevented in the future.

**An Leas-Cheann Comhairle:** I must call the Tánaiste. I will allow Deputy Wallace another opportunity.

**Deputy Mick Wallace:** The UN is clearly unhappy with our performance.

**Deputy Eamon Gilmore:** I take seriously the strong condemnation by the US Secretary of State, Ms Clinton, and the US Secretary of Defence, Mr. Panetta, of the behaviour we saw on our television screens. This State is in no way complicit in providing comfort for torture, rendition or other actions which breach the human rights of anybody, irrespective of whether they are in this country or elsewhere. If specific allegations are made in this regard they will be investigated but the State does not give comfort or support to kidnapping, torture or mistreatment of individuals in custody or otherwise.

**Deputy Mick Wallace:** The programme for Government states: “We will enforce the prohibition on the use of Irish airspace, airports and related facilities for purposes not in line with the dictates of international law”. I ask the Tánaiste to outline his plans to investigate the use of Shannon Airport as a stopover point by aircraft on the rendition circuit and to address any shortcomings in Irish law which permitted our territory to be used in this way, in breach of our obligations under international law. We can say what we like and we can say we are not in favour of this, that or the other, but whether we like it or not, if we continue to allow these planes to land in Shannon, there is blood on our hands too.

**Deputy Eamon Gilmore:** Our law is very robust in respect of the control of our airspace and airports by military aircraft. As I am the Minister with direct responsibility for approving flights, the Deputy can be assured that the use of our airspace and airports will comply with international law. There is no question of any doubt about that.

If there are specific allegations that can be investigated, they will be investigated. We do not tolerate and will not tolerate the use of our airspace or airports for any illegal purpose — for torture, rendition or the unauthorised detainment of any individual — and we have no evidence that this has taken place.

32. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade the protest, if any, that he has made regarding the erosion of individual and press freedoms in Hungary; the discussions he has held with his EU counterparts on this issue; and if he will make a statement on the matter. [2485/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** The Deputy is referring to the new Hungarian constitution, which came into force on 1 January, its associated cardinal laws and the media law adopted in 2010. While the stated aim of the new constitution — the consolidation of democracy in Hungary — is commendable, aspects of the new constitution and the cardinal laws have given rise to concerns expressed by many parties, including the European Commission, the Council of Europe and the United States. These include concerns about the impact of the laws on the fairness of the electoral system, and on the judiciary, the fiscal council and the national data protection authority. The media law was revised following discussions with the European Commission, and the Constitutional Court of Hungary ruled in December that a number of its provisions were unconstitutional. The modified version of the law remains, however, the subject of continuing concern.

The medium for EU engagement with Hungary on this issue is the European Commission, as guardian of the treaties. The Commission has written to the Hungarian authorities about a number of concerns, including with regard to the judiciary. The Commission has noted that it stands ready to make full use of its prerogatives to ensure member states respect the obligations they have accepted as Members of the European Union. The Hungarian foreign Minister, Mr. Martonyi, recently wrote to EU foreign Ministers and the European Commission on these issues.

While recognising the legitimate concerns that the new constitution and laws have prompted, I welcome the Minister's intention to engage in discussion of these issues. I and the Government encourage Hungary to engage substantively with the European Commission. There has been a recent development in the last few minutes in this regard. The European Commission has just launched accelerated infringement proceedings against Hungary over the independence of the central bank and data protection authority and the measures affecting the judiciary. The first stage in those proceedings has just been initiated with the sending of three formal letters from the Commission to the Hungarian authorities.

**Deputy Seán Ó Fearghail:** I thank the Minister of State for her response. Press freedom would appear to be under threat in Hungary and individual freedoms are being jeopardised by the erosion of the rule of law. The role of Parliament in providing oversight and scrutiny is also, it would appear, being steadily eroded. We have had comments in this regard from the US Secretary of State, Hillary Clinton, who wrote to the Hungarian Government about her concerns.

I know the Minister met with the Hungarian Prime Minister, Viktor Orbán, in June. Did he have the opportunity to express any concerns about the direction he and the Fidesz party were taking? Maybe it was the Minister of State who met the Prime Minister. There was certainly a meeting in June as part of the——

**Deputy Lucinda Creighton:** It was the Taoiseach.

**Deputy Seán Ó Fearghail:** Were any concerns raised at that point? I welcome the fact that infringement proceedings have been taken today, but is the Minister of State satisfied, given the serious nature and variety of issues that are giving rise to concern on the streets of Hungary, that the Commission has acted with sufficient expedition?

**Deputy Lucinda Creighton:** To clarify, it was the Taoiseach, not the Tánaiste, who met with the prime minister. It is the norm that Heads of State would meet. The Tánaiste has had meetings on many occasions with his Hungarian counterpart, as indeed I have.

This issue came into particularly sharp focus in the autumn months. The media law was under scrutiny in the earlier part of last year, particularly during the Hungarian Presidency. It was well aired at that point and there was much discussion and analysis, with at least verbal intervention by other member states. That accelerated in the latter half of the year. The intervention of the Commission, among others, was timely. The Council of Europe was particularly vocal about the media laws, and the other aspects of constitutional change which came to the fore in the latter half of the year have been addressed by the US Secretary of State, Hillary Clinton, among others.

However, the role of the Commission has been expeditious and decisive. The important point is that while we demand high standards in terms of democracy, rule of law and freedom of expression in other parts of the world and from other partners, we must impose those same standards on ourselves within the European Union. That is necessary if we are to have any moral authority and credibility. I am pleased the Commission has intervened and that the

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necessary accelerated infringement process has begun. It will send a clear signal to the Hungarian authorities.

**Deputy Seán Ó Feargháil:** I will restrain myself from commenting on the fact that Fidesz has a two thirds majority in the parliament there and on the dangers of having governments with very large majorities.

**Deputy Lucinda Creighton:** It must be handled responsibly.

**Deputy Seán Ó Feargháil:** Will the Minister of State outline her understanding of what can be done by the Commission through the infringement proceedings it is now invoking? What timeframe might be involved?

**Deputy Lucinda Creighton:** Article 258 of the treaty provides for a mechanism whereby the Commission, if it considers that a member state has failed to fulfil an obligation under the treaties, delivers a reasoned opinion on the matter, giving the state the opportunity to send back its observations. It is a two-way process. Obviously, there must be due process and Hungary will have to be afforded a reasonable opportunity to respond. I understand it can happen relatively quickly but I cannot give a precise timeframe at this stage.

### Foreign Conflicts

33. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that in a public declaration by a number of leading international and national figures, including Bertie Ahern, Gerry Adams, Kofi Annan, Gro Harlem Brundtland, Pierre Joxe and Jonathan Powell at a public conference in San Sebastian on 17 October 2011, representatives called for support to advance the Basque Peace Process by calling upon ETA to make a public declaration of the definitive cessation of all armed action and to request talks with the Governments of Spain and France to address exclusively the consequences of the conflict; and in view of the fact that since this declaration the Basque militant group ETA has committed itself to a total and definitive ending of all armed actions, if he will support these developments and encourage the Spanish and French Governments to a process of inclusive talks with all actors and political representatives in the Basque Country, in order to further develop the peace process. [2575/12]

**Deputy Eamon Gilmore:** I have closely followed developments relating to the Basque country, including the public declaration at the San Sebastian conference on 17 October 2011 referred to by the Deputy, and the subsequent declaration by ETA on 20 October 2011 that the organisation had “decided on the definitive cessation of its armed activity”. As I have said previously, the Government supports any development that could lead to definitive peace in the Basque country and I welcome the declaration by ETA on 20 October 2011 in this context. The declaration by ETA was welcomed by the leaders of all political parties in Spain as good news, as a victory for the rule of law and as a result of the determination of successive Spanish Governments to put an end to violence.

The new Spanish Government, led by Mariano Rajoy, which took office in late December, is undoubtedly now examining the situation and taking account of all relevant developments, including the content of the ETA declaration. It will need to determine how best to move forward, including on the question of any possible process of dialogue involving relevant political representatives. The outcome of the Spanish general election in November has resulted in the full range of Basque nationalist opinion being represented in the new Spanish Parliament.

It is to be hoped that this can result in further progress and in the relevant actors moving forward in accordance with democratic principles and the rule of law.

**Deputy Pádraig Mac Lochlainn:** The intervention at the international conference in San Sebastian last October was a key one, particularly as it included figures from the Irish peace process, Kofi Annan and Jonathan Powell, the former chief of staff under Tony Blair. This was a key intervention to which there has been a positive response. As in the case of the Irish peace process, the next step is to definitively demonstrate to those in the Basque country who wish to secure independence — I refer specifically to young people — and have their rights, especially cultural rights, fully recognised that there is a different way forward and an alternative to violence. We learned to our initial cost that it is critical to have engagement with the key players following this type of announcement. Will the Tánaiste call on the French and Spanish Governments to engage with the key protagonists in the Basque country to move the position forward?

**Deputy Eamon Gilmore:** The ending of violence by ETA is very welcome. As the Deputy stated, the way forward in pursuing political objectives should be peaceful and democratic and all of those involved should reject the use of violence. I welcome the statement that was made by ETA arising from the declaration made at the San Sebastian conference which contained five different elements or objectives. It is, in the first instance, a matter for the Spanish Government to respond to the statement. A new Government has recently been elected in Spain and will reflect on it. All of the political parties in Spain welcomed the cessation of violence and I hope the matter can be progressed and all the parties can participate in it.

**Deputy Pádraig Mac Lochlainn:** The Tánaiste will agree that because of our relatively recent experience we are well qualified to constructively assist the Spanish Government and the people of the Basque country in finding a lasting solution. In the recent parliamentary elections, to which the Tánaiste alluded, a cross-section of Members of the Spanish Parliament was elected in the Basque country which was representative of its different strands of opinion. I urge the Tánaiste, whether on the floor of the House or in private, to encourage the new Spanish Government to take this home and to once and for all demonstrate that there is a pathway for addressing concerns, including, as happened in the Irish peace process, those relating to prisoners, and moving forward on a peaceful and democratic basis that addresses the needs of the people of the Basque country. I also urge him, either on the record or privately, to communicate to the Spanish Government that this key initiative has created a momentum and offers a great opportunity to realise what would be a key objective of any Spanish Government, namely, to take this issue home once and for all.

**Deputy Eamon Gilmore:** It is important that we in this House recognise it is a matter for Spain and the Spanish Government as to how to respond. If one lesson was learned in the Northern Ireland peace process, to which the Deputy referred, it is very much that the initiative needs to be left to the countries concerned. In the first instance, this is now a matter for the Spanish Government. Prior to the general election, all of the political parties in Spain welcomed the statement. As I stated, it is a matter for the Spanish Government to reflect on how the issue is to be taken forward. As a State and Government, the first thing that we need to do is recognise that this is a matter for Spain.

The declaration made in San Sebastian was a non-governmental statement made by individuals who were drawing on their own experience and acting in their individual capacities. As I stated, the declaration has a number of elements. It made the point that if an announcement of a cessation of violence were made, it requested the Governments of Spain and France to welcome it, which they have done, and accept the initiation of talks with a view to dealing

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exclusively with the consequences of the conflict. The statement goes on to deal with a number of other elements of the conflict but as I said, that is a matter for the Spanish Government to reflect on and to respond.

### Other Questions

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#### Foreign Conflicts

34. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade the action he has taken to date and any future action he plans to take in addressing the ongoing disturbances in Syria, Yemen, and Bahrain, in view of the reports of civilian deaths; his views on the export of weapons to these States by countries such as Britain; and if he will make a statement on the matter. [2339/12]

54. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade the manner in which he is addressing the ongoing civil unrest in Syria, Yemen, and Bahrain, in view of the fact that he was keen to lend moral support to the NATO intervention in Libya in 2011; his views on the sale of arms by Western States such as the UK to these countries; and if he will make a statement on the matter. [2338/12]

**Deputy Eamon Gilmore:** I propose to take Questions Nos. 34 and 54 together.

I have made clear my strong condemnation of the ongoing violence and serious repression of human rights in Syria, most recently in a statement on 20 December and in my reply to Question No. 47 on 11 January. The UN estimates that more than 5,000 people have been killed by Syrian forces since last March. I am gravely concerned that, despite the presence of an Arab League observer mission since 27 December, the killings of unarmed protestors and widespread human rights abuses continue and I fully support the call from Arab League Secretary General el-Araby for a complete cessation of all violence in Syria.

The international community, including the EU, the UN and the Arab League, has reacted to the violence in Syria with a series of robust economic, political and diplomatic measures to compel the Syrian regime to cease its appalling and unacceptable attacks on the Syrian people. I will outline these measures in more detail in other questions on Syria later. However, the important point is that the international community is determined to maintain strong and united political pressure on the Syrian regime until it ends the violent repression against its own people and begins a process of transition. I will be discussing the current situation in Syria with EU colleagues at next week's Foreign Affairs Council.

In Bahrain, while I welcome the positive steps taken by the Bahraini authorities to implement the recommendations of the Bahrain Independent Commission of Inquiry, I remain concerned about continuing tensions within the country and allegations of excessive use of force employed by the police against peaceful protestors. These concerns are shared by our EU partners and will be relayed to the Bahraini authorities.

In Yemen, presidential elections are scheduled to take place on 21 February following former President Saleh's resignation in November. His resignation marked the first step in Yemen's political transition. EU High Representative Ashton has emphasised to Vice President al-Hadi that the transition process must be inclusive and reach out to the large numbers of unemployed young people, the youth movements and other groups. While protests have continued since President Saleh's resignation, I regard it as a positive that these have not resulted in violent clashes of the kind witnessed prior to the transfer of power.

In regard to the export of arms, I fully support the restrictive measures against Syria adopted by the EU, which includes an arms export ban and an export ban on equipment which might be used for internal repression. In regard to the export of arms to Bahrain and Yemen, the decision to transfer or deny the transfer of any military technology is at the national discretion of each exporting state.

In 2008, the EU adopted a Common Position which defines the rules governing the control of exports of military technology and equipment by member states. Under this Common Position, member states assess all licence applications for military exports against eight separate criteria, including the human rights situation on the ground. As a result, I would note that armaments companies in the EU are in compliance with one of the strictest export control regimes in the world. The operation of the Council Common Position is kept under constant review by member states in light of changing circumstances in individual buyer countries.

**Deputy Mick Wallace:** The restrictions placed on Syria are welcome. However, it is a pity he has not taken the same robust approach to Yemen and Bahrain where the disturbances might not be on the same scale but the principle is similar. In Bahrain, for example, the US gave a green light to Saudis to go in and crush local peaceful protest, enhance religious sectarianism, organise secret trials and sentence prisoners to death. Bahrain is not a lovely place at the moment. Only last week, the British Government issued licences to allow arms manufacturers in Britain to export arms to Bahrain. It is sad to say that money decides most things. Irrespective of that, they can all say “I wish things were better in Bahrain”, but as long as they continue to export arms to that government what do they expect? They will do anything for profit. I would like to see the Tánaiste expressing his dislike to David Cameron about the idea of issuing new licences for arms to Bahrain at the moment.

**Deputy Eamon Gilmore:** When I attend the House to answer parliamentary questions, I do so on behalf of the Irish Government. The position as far as Ireland is concerned is that we have not issued any licences for the export of military goods.

**Deputy Mick Wallace:** I did not say you had.

**Deputy Eamon Gilmore:** Yes but that is the question. My responsibility to this House is on behalf of the Irish Government. To make it clear, the position is that Ireland has not issued any licences for the export of military goods to Yemen or Bahrain in 2011.

I acknowledge Deputy Wallace’s support and his comments on the strong position Ireland has taken in respect of Syria, but we are not cutting and dicing here. As far as the Government is concerned, the issues of human rights and democratic rights are not divisible. They are not applied one way in one country and another way in another country. As far as we are concerned, they are universal rights.

As the Deputy knows, the Bahrain independent commission of inquiry undertook a comprehensive and impartial investigation into the events at the Salmaniya medical complex and concluded that there was no evidence that any of the medical professionals refused treatment to any injured or sick person based on ethnicity. The commission also found that the allegations that medical personnel provided protestors with weapons were founded.

At a court hearing on 28 November 2011, the report was submitted in evidence at the request of the legal team representing the medical professionals. At the most recent hearing, on 9 January 2012, the court deferred consideration of the case to a further hearing on 19 March. All of the medical professionals remain at liberty while the current legal proceedings continue. Incidentally, that was a specific call I made on behalf of this country — that all the medical

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personnel who had been arrested and detained should be released pending the appeal of their cases.

**Deputy Mick Wallace:** The Tánaiste says he is only responsible for Irish issues. However, while he did not set up Guantánamo Bay himself, he has criticised it and was dead right to do so. It is an absolute disgrace that of over 800 people who were thrown into it, only six were convicted, which is a smaller number than the military personnel who have left because of the unfairness of the system there.

We might not be exporting any arms to Bahrain or Yemen but, given that the Tánaiste was prepared to express his disquiet about Guantánamo to the Americans, surely he could also complain about the fact that in Yemen today they are using tear-gas canisters with “Made in America” written on them. With regard to Bahrain, it would be nice if the Tánaiste could let Mr. Cameron know that Ireland was always perceived as a neutral country. The Tánaiste has a great opportunity to enhance that and ensure that we are not seen to be taking sides with anyone, and that we disagree with this sort of behaviour by any country.

**Deputy Eamon Gilmore:** As I said earlier, there is a common EU position on the export of military equipment. Eight separate criteria must be met before a country can export either military equipment or equipment used for military purposes to any other country. Those eight criteria include strong human rights criteria. Ireland’s position is that we expect all EU member states to comply with those criteria. The Deputy may be assured that at the Foreign Affairs Council where this issue will be discussed, I will be making that position very clear on Ireland’s behalf.

### **Overseas Development Aid**

35. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will clarify the nature of Irish Aid disbursed to Colombia; the way it is allocated; and the terms of same. [2342/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello) (Deputy Joe Costello):** The Government’s aid programme, which is managed by Irish Aid, is sharply focused on the fight against global poverty and hunger. It is recognised internationally for its effectiveness, and for its particular concentration on some of the poorest countries and communities in sub-Saharan Africa. Ireland does not have a full bilateral aid programme with Colombia. However, Irish Aid has for some years provided funding support for the work of development non-governmental organisations and Irish missionaries in Colombia. Since 2009, over €3.5 million has been provided in this way for long-term development work, and in response to humanitarian needs.

Funding for NGOs is allocated by Irish Aid on the basis of a series of eligibility criteria, which include a proven organisational capacity for the effective use of funding, and a solid track record of delivery. NGO partners submit proposed programmes of work based on their own strategic priorities and capacity. NGOs supported by Irish Aid for their work in Colombia over the past year included Trócaire, Christian Aid, HelpAge International and Mercy Corps Scotland. The main focus of this support was on the promotion of human rights in Colombia, strengthening the peace-building process and increasing the ability of communities affected by conflict to advocate for their rights and interests.

For all NGO funding, including that in Colombia, Irish Aid assesses and evaluates programmes of assistance against specific objectives and expected results. Procedures to ensure funding is used for maximum benefit include regular field monitoring visits to programme

partners, annual reporting, including financial reporting against agreed objectives and budgets, and end of programme evaluations and reviews. Ireland can be proud of its contribution to human rights and peace-building in Colombia over recent years and it is important we continue to support poor communities to consolidate the peace-building process and realise their rights.

**Deputy Pádraig Mac Lochlainn:** I congratulate Deputy Costello on his appointment as Minister of State. We worked on the Oireachtas Joint Committee on European Affairs and I look forward to continuing our work. What the Minister of State has outlined is very welcome. I had the opportunity to read one of the excellent reports by Trócaire on the impact of the trade agreement between the EU and Colombia and Peru, to which Trócaire has outlined its opposition in clear and coherent terms. I raised this matter during a previous Question Time in the Dáil. There is concern about traditional support from the US and the UK in terms of military aid or aid to civilian components of the military there. There is concern that Ireland may be indirectly contributing to this through the EU. Are we aware of any EU programmes to which Ireland financially contributes that could in any way link us to supporting this type of initiative? This would be unwelcome.

**Deputy Joe Costello:** I thank Deputy Mac Lochlainn for his complimentary remarks about my appointment. We engage with Trócaire and last year over 50% of the aid was given to Trócaire, which is active in respect of human rights, advocacy and humanitarian provision. The trade agreement to which the Deputy refers is a multi-party trade agreement with the European Union. This is the best way of moving forward so that all the countries in Europe are together in dialogue with Colombia. The trade agreement was essentially negotiated by the European Commission. There is some dispute on the question of mixed competences, whether this is an exclusive agreement with the EU or whether the 27 member states must also grant approval. While the agreement has been initialled, it has not been approved. In any case, it must receive the approval of the European Parliament, which has not been granted at this time. The agreement cannot be ratified until the approval takes place. The concerns voiced by Trócaire remain to be dealt with.

**Deputy Pádraig Mac Lochlainn:** Barack Obama, who is the President of the United States, and other senior Democrats have sought a reduction in funding. There is a shameful history in Latin America of the CIA and such organisations, who trained despot regimes. Thank God people in those countries are rising up and electing governments. There are concerns in Colombia about the ongoing human rights situation and the fact that it has the record in the world for murders of trade unionists and human rights defenders. It has an appalling and shameful history. Directly or indirectly, Ireland should not be allocating money that will be of benefit to the military objectives of the Colombian Government. I welcome the range of NGOs referred to by the Minister of State in his response. That is commendable and follows the record of Irish Aid but I am concerned that, either directly or indirectly through the EU, we are funding that type of aid.

**Deputy Joe Costello:** I am not aware that Ireland has any hand, act or part in respect of funding of that nature. Our commitment is to human rights and peace building. Last year, we provided €100,000 for the protection of front line defenders in that area. We will also be associated with the good work done by SIPTU in this respect. I met a number of trade unionists from Colombia over the past number of years in respect of their concerns about human rights. That is the kind of work and advocacy that is taking place and that is the direction in which our money has been spent and will continue to be spent.

### Human Rights Issues

36. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the recent attack by the Bahraini security forces of Mr. Nabeel Rajab, President of the Bahrain Centre for Human Rights who was hospitalised after a group of police beat him with truncheons while he was participating in a peaceful protest calling for the release of political prisoners; and his further views that those responsible for the violence should be held accountable immediately. [2345/12]

50. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the recent deportation from Bahrain of Dr. Richard Sollum, Deputy Director of Physicians for Human Rights, as he attempted to witness the trial of, among others, Irish trained surgeons Ali Al Ekri and Bassim Dahif; and the steps he is taking today to protect these doctors who were trained here. [2346/12]

**Deputy Eamon Gilmore:** I propose to take Questions Nos. 36 and 50 together. I have made clear my ongoing concern at the human rights situation in Bahrain, including in the cases of the medical professionals originally sentenced by a military court to heavy prison terms following last year's disturbances but whose cases are now being retried in a civilian court. I therefore welcome the publication of the report of the Bahrain Independent Commission of Inquiry and the significant steps taken by the Bahraini authorities to implement the recommendations of the report, including the establishment of a follow-up commission. It is essential that the Bahraini authorities address the serious shortcomings identified in the report in a timely, transparent and thorough manner. I call on all sides to participate in the work of the follow-up commission as part of a process of national reconciliation founded on constructive dialogue.

I particularly urge the Bahraini authorities to hold accountable those who, according to the report, were responsible for violations of human rights. In that regard, I welcome the commencement of the trial in Manama of five police officers accused of involvement in the death of the Bahraini blogger Zakariya al-Ashiri in April last year. I also regard as a positive development the King of Bahrain's commitment to reform Bahrain's laws to meet international standards and to give greater legal protection to the right to freedom of expression and assembly. Ireland, and our EU partners, stand ready to support Bahrain through this reform process and experts from one EU member state have already initiated a training programme for the Bahraini police.

However, I remain concerned that more needs to be done to address the legitimate demands of those peacefully seeking reform and greater inter-communal dialogue in Bahrain. Large-scale demonstrations are still continuing and, in this regard, I am perturbed by the violence which took place at one such event last week, which resulted in a serious assault on human rights defender, Nabeel Rajab. I urge the Bahraini authorities to carry out a full investigation into the events surrounding the hospitalisation of Mr. Rajab and to take steps to ensure the police do not employ excessive force against peaceful protestors.

I have repeatedly called for independent observers to be allowed to monitor the ongoing legal proceedings concerning the re-trial of the medics. While I understand that representatives from EU embassies attended the most recent hearing on 9 January, which deferred consideration of the case to a hearing on 19 March, I urge the Bahraini authorities to permit all international observers from reputable NGOs such as Physicians for Human Rights to attend the trial to demonstrate the authorities' genuine commitment to improving human rights in the kingdom.

**Deputy Pádraig Mac Lochlainn:** I thank the Tánaiste for his forthright comments on Bahrain. Any time I have raised the issue, the Tánaiste has been strident in his condemnation of the human rights abuses that have taken place.

It is worrying that despite the efforts of the Tánaiste and of the international community the authorities in Bahrain continue to crack down on legitimate peaceful human rights protests.

It is of significant concern that the Royal College of Surgeons in Ireland, RCSI, has a commercial partnership with the Bahraini regime but has yet to condemn publicly the arrest, detention and shockingly cruel treatment of doctors acting in accordance with the Hippocratic oath and who were trained by the RCSI. The Joint Committee on Foreign Affairs and Trade wrote to RCSI but I have seen no public condemnation of the regime by the college. I cannot fault the Government. I can fault that body, which carries considerable international merit.

Will the Tánaiste call on RCSI to condemn publicly the actions of the Bahraini regime and urge it to cease its violent actions against peaceful human rights protesters?

**Deputy Eamon Gilmore:** I thank Deputy Mac Lochlainn for his kind remarks in respect of the action taken by the Government with regard to the situation in Bahrain. As I indicated in my reply, we will continue to monitor what is happening in Bahrain, particularly the retrial of the medics and the protests and abuses of human rights.

It is important to acknowledge any indications of progress and of a response from the Bahraini authorities to calls from the international community, including Ireland. I did that in my reply. It is important to encourage the progress and improvements being made.

The RCSI is a private institution. I respect that. I have met senior personnel from RCSI and I have discussed the situation in Bahrain with them.

### **Emigrant Support Programmes**

37. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the specific services and projects that will be affected by the €1.3 million reduction in support for Irish emigrants in 2012; and if he will make a statement on the matter. [2359/12]

**Deputy Eamon Gilmore:** The emigrant support programme, ESP, administered by the Department of Foreign Affairs and Trade, provides funding to non-profit organisations and projects to support Irish emigrant communities overseas and to facilitate the development of more strategic links between Ireland and the global Irish.

Between 2004 and 2011 over €93 million has been provided under the programme. The priority of the ESP, and of the organisations it supports, is in assisting the most vulnerable members of Irish communities overseas. These organisations have made a substantive difference to the lives of Irish people living abroad, reducing homelessness, tackling social isolation and enabling Irish emigrants to access their local statutory entitlements.

I do not expect frontline welfare to be adversely affected by the reduction in the overall 2012 budget. In 2011 some €11.27 million was provided to support over 200 organisations in 20 countries worldwide. A further €254,000 was spent on Global Irish Network related activities including hosting the Global Irish Economic Forum in October 2011. The 2012 allocation of €11.6 million is therefore broadly in line with 2011 expenditure. The reduction will, however, limit the programme's capacity to fund large scale capital projects as has been done over recent years.

The reduction is not related to, or attributable to, any particular country and all applications for funding in 2012 will be assessed on their merits. The 2012 ESP grant round will be open

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from 18 January to 29 February and information will be circulated publicly and to previous applicants as normal.

**Deputy Seán Ó Fearghaíl:** I welcome the Tánaiste's response on this matter. We are all proud of what has been done in the last decade or more and of the allocation of more than €90 million to support vulnerable Irish people abroad. The public consciousness may be focused on elderly disadvantaged people in the United Kingdom. However, as the Tánaiste has said, 20 countries have benefitted from these funds, which reached a height of €15 million in 2008 and are down to about €10 million in the current year. I welcome the Tánaiste's assurance that funding will be intelligently spread across the services.

Can the Tánaiste assure the House that he will look at some of the destination countries of the new wave of emigrants? Do we have a programme in Canada, for example? Many Irish people are heading there at present. We would need to be doing something in that area.

In the objectives set out for emigrant support services reference is made to promoting projects and initiatives that support the outcomes of the Global Irish Economic Forum. What sort of initiatives have been followed in that area since the Tánaiste came into office and does he have any projects in mind for the funding that will be available in 2012?

Will the Tánaiste continue actively to support the young Irish people who are now abroad so we can maintain links with them and ensure they continue to have heritage, cultural and sporting experiences in the countries where they are now and that we achieve the objective that is dear to all our hearts and encourage their ultimate return to these shores?

**Deputy Eamon Gilmore:** I thank Deputy Ó Fearghaíl for his response and for his question. The round of grant allocations for 2012 is about to be opened. Those who have benefited from allocations in the past and any new organisations that have emerged since then will be eligible to apply. Our objective is to maintain our commitment to the provision of frontline support services to Irish emigrants. As the Deputy said, much of that has gone to emigrants in Britain, many of whom emigrated in the 1950s and 1960s and are now in difficult circumstances and in advanced years. We are anxious to continue support for them.

We must also consider the needs of the new Irish emigrants. I have met support organisations in the United States and heard of their difficulties and challenges. In Canada, for example, a new Irish support centre will be opened soon. I am conscious of the need to support our emigrants in Canada and Australia.

We are working through organisations such as the GAA, which is doing a huge amount of work with new Irish emigrants. It is a point of contact. We have concentrated on the capital side in helping the GAA to develop facilities, which are available for wider community use. We support the GAA in maintaining a network of contacts, particularly with new Irish emigrants.

### **Human Rights Issues**

38. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he is taking to support the Congolese community of Ireland, many of whom are Irish citizens, in their struggle to highlight the human and political situation in the Congo, which is currently on the brink of war; and his views that it is his duty to support the Irish Congolese community in their efforts to highlight their plight. [2351/12]

**Deputy Joe Costello:** The Government shares the concern about the political and humanitarian situation in the Democratic Republic of Congo, DRC.

Presidential and parliamentary elections were held in November and President Joseph Kabila was declared to have won a further term. However, there have been widespread allegations of fraud and incidents of serious violence before, during and since the elections. These are a matter of great concern, and it is now essential that all parties work to reduce tensions.

The European Union sent an election observer mission to monitor the elections in the Democratic Republic of Congo, which included six Irish participants. The preliminary report of the mission is highly critical of the process, pointing to irregularities and a lack of transparency in the elections. These are serious issues, and we are now discussing with our EU partners our joint response to the authorities in the DRC.

The people of the DRC have for years suffered the appalling consequences of ethnic conflicts within the country and in the wider region, which have claimed millions of lives. There have been atrocities and the most serious violations of human rights over many years. Ireland has repeatedly condemned these atrocities, and supported the bringing to justice, including through the International Criminal Court, of those responsible for war crimes and human rights violations.

Through Irish Aid, we have provided significant humanitarian assistance to communities affected by the conflict in the DRC, including €13 million over the past two years.

I am very familiar with the views of representatives of the Congolese community in Ireland, and have already met with them as Minister of State in order to hear their views on the situation in the country and to discuss the role which Ireland can play in helping support democratic progress and improve the situation of the people. I have agreed to meet with them again after the votes for the election of members of the Congolese Parliament have been counted and the EU observer mission report is complete.

**Deputy Pádraig Mac Lochlainn:** As with the Minister of State, I availed of the opportunity to meet representatives of the Congolese community late last year, listen to their concerns and learn of their expertise as Congolese citizens. The circumstances are deeply alarming. I welcome the tone of the Minister of State's comments. What is occurring is an appalling tragedy when one considers the vast natural resources of the Democratic Republic of the Congo. It would be of benefit if these resources could be deployed for Congolese citizens.

What support can we give to the Congolese community in Dublin? Would the Minister of State acknowledge that the indiscriminate violence in the Democratic Republic of the Congo poses a serious threat to Congolese lives? The Congolese citizens in Dublin wish to have this acknowledged.

**Deputy Joe Costello:** I acknowledge that. During the course of the elections, 20 people lost their lives. The European Union provided a very substantial amount of money, in the region of €50 million, for the election itself and security. The Union, therefore, has invested heavily. We await the full report. The presidential election results have been counted. They have not been counted in a transparent way such that we are not clear about the tabulation of the votes. That has been heavily criticised by the observer missions. The results of the parliamentary elections are being counted at present and that is why I have asked for a further report. I will be meeting our own observers and also members of the Congolese community after the count is complete and the full report is available. That is expected at the end of March or beginning of April. At that point, I will be in a position to return to the Deputy with further details.

**An Leas-Cheann Comhairle:** We do not have time to proceed to the next question. Sin deireadh le Ceisteanna.

**Deputy Richard Boyd Barrett:** There are three minutes.

**An Leas-Cheann Comhairle:** There are only six minutes allowed per question and many Deputies have tabled questions on the next topic.

**Deputy Richard Boyd Barrett:** My question is next.

**An Leas-Cheann Comhairle:** We only have two minutes remaining and three Deputies have similar questions tabled.

**Deputy Micheál Martin:** The Leas-Cheann Comhairle is trying to afford the House a reasonable opportunity to interrogate the Taoiseach. That is appreciated.

**An Leas-Cheann Comhairle:** There will be injury time the next day out.

### Leaders' Questions

**Deputy Micheál Martin:** After the budget the Taoiseach said in the House: "One tries to protect those who are vulnerable, isolated and caught in a trap." Nothing could be further from the truth as the detail of the budget has shown the exact opposite. The pupil-teacher ratio will rise significantly this year with the proposed removal of approximately 450 posts from DEIS schools, up to 800 career guidance positions and hundreds more from small rural schools across the country. The burden of the costs is such that students most in need of support will be hit.

Despite an independent evaluation of the DEIS scheme, which highlighted the great progress made, the Minister for Education and Skills, Deputy Quinn, recommended as long ago as September that the scheme be cut. He said he could not find "any objective and equality grounds" for retaining it. In the past few days, however, he has reflected on this. He has realised that his decision was wrong and said: "I'm out of practice. We're getting back into the business of trying to do this. It's very difficult to adjust these kinds of things, you're dealing with calculations and assumptions." This admission explains a lot because it is obvious the Government looked only at the figures and amounts that could be saved and coldly dismissed the social cost of the cuts and decisions affecting children in education.

I visited St. Laurence O'Toole's school, a small school of 60 boys and eight teachers, in the inner city this morning. It told me that if the cuts go ahead, it will lose five teachers. Scoil Íosagáin in Farranree in Cork will lose up to 13 teachers. Scoil Padre Pio, on the north of Cork city, will lose five. The latter two schools are both Breaking the Cycle schools.

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

**Deputy Micheál Martin:** The Taoiseach will have to admit that the evaluation shows the enormous progress that has been made under the DEIS scheme. Does the Taoiseach agree tremendous progress has been made and can he outline to the House the mechanism the Government now intends to deploy to reverse the cuts to DEIS schools?

**The Taoiseach:** I sympathise with those concerned on the tragic loss of life in Glandore and hope the efforts being made will conclude what is a great tragedy for the families of those involved.

I am well aware of the beneficial impact of DEIS schools on pupils. As Deputy Martin is aware, the Minister for Education and Skills set out, following his analysis, that he should receive a report from his Department inside the next four weeks that will consider the impact and benefit of DEIS schools in bands one and two and determine what savings can be made within his Department's Vote for 2012 to alleviate, where possible, the problems that exist. The Minister has clarified his position on this and I expect that the report will be brought to the Government within the next four weeks.

There can be no question of any reversal of the overall figures. They have been voted through by the House and the Government. The Minister, Deputy Quinn, has set out that if he is to find alleviation measures, they have got to come from other locations within the Department of Education and Skills Vote. The Minister will present his report to the Cabinet and to the public when he receives it in the next four weeks.

I have visited a number of DEIS schools over the years. Some cases have been more beneficial than others. I have seen the impact directly upon numbers of students who have benefited greatly. Given the circumstances that can apply in any DEIS 1 or DEIS 2 school, as the Deputy is aware, there can be a greater impact in some cases than in others.

**Deputy Micheál Martin:** I join the Taoiseach in sympathising with all those affected by the terrible tragedy in west Cork.

With regard to the specifics of this issue, I am very disappointed with the Taoiseach's reply because he is saying there is no question of a reversal. Given the implication and the indications from the Minister, there seems to be a tendency or a pattern whereby when an issue reaches a certain critical point, the Government says it will review and look at it. This is why I raise it again today having raised it in the House on 14 December. The teachers and the schools involved want specifics. When the Taoiseach says he is looking at something, what does that mean? Will he reverse it? Will he change it? Can those schools look forward to a significant change in the proposals that are currently before them? For example, can a school that is facing the loss of five teachers seriously hope, and not just hope but be assured, that this will not turn out to be the case?

**An Ceann Comhairle:** Thank you.

**Deputy Micheál Martin:** How can the Taoiseach not reverse a situation where a school can lose up to half its complement of teachers? The Taoiseach should not second-guess this scheme. There has been independent evaluation of DEIS 1 and DEIS 2.

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

**Deputy Micheál Martin:** As a principal said this morning, it is a showcase for the rest of Europe in terms of its impact on literacy, numeracy and school planning and, given the success of the approaches adopted by the DEIS schools, has been rolled out across all schools throughout the country.

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Micheál Martin:** If the Minister says it is wrong, it should be reversed. I want specifics on this from the Taoiseach. What does he mean when he says he is looking at it? Will he outline to us a mechanism that would involve the schools themselves, the Department and everybody collectively involved to change and reverse this decision?

**The Taoiseach:** What I mean is that the decision was made here and €158 million extra was granted for 2012 for additional facilities, including for primary and second level schools included in DEIS. That involved additional teaching posts, funding for school books and extra capitation funding.

**Deputy Micheál Martin:** Do not mislead the House. No DEIS school is getting an additional teacher.

**The Taoiseach:** If the Deputy lets me answer his question, I will. The Vote allocated to the Department of Education and Skills for 2012 will not be changed. The Minister for Education and Skills, if he wishes to bring alleviation measures into this segment, has got to find other savings within his Department Vote. I hope that is clear.

**Deputy Micheál Martin:** I want to get your position. You are Taoiseach.

**The Taoiseach:** This is not a case of attempting to reverse a budget that has been voted on and put through by the House. A range of issues have been brought to my attention, even in the past two days.

**Deputy Micheál Martin:** The teachers think it will be reversed.

**The Taoiseach:** For instance, why is that if a principal teacher in a primary school wishes to join the Irish Primary Principals' Network, IPPN, the subscription for that comes from board of management funds?

**Deputy Barry Cowen:** What about the CE schemes?

**Deputy Dara Calleary:** What about the disability cuts?

**The Taoiseach:** If anybody wants to join any organisation, they pay their subscription.

**Deputy Micheál Martin:** That is a minor issue compared to schools losing teachers. The Taoiseach should come back to the issue of DEIS.

**An Ceann Comhairle:** Will the Deputy please desist?

**The Taoiseach:** The Minister is looking at all of this. Deputy Martin should remember we are talking about very big organisations. There has been an acceptance under the overall arrangements for the Croke Park agreement of the situation in so far as the professions are concerned. One has to find money to run the services. The Minister for Education and Skills has now committed to having a report received in the next four weeks. If there are alleviation measures to be found, they must be found within the Department of Education and Skills Vote. I hope that is very clear.

**Deputy Micheál Martin:** The Taoiseach is hurting the most vulnerable in the community. He has to change it.

**Deputy Gerry Adams:** Tá Sinn Féin leis an Taoiseach agus leis an Teachta Martin maidir leis an tubaiste millteanach a tharla ag an deireadh seachtaine. Táár smaointe le teaghlaigh na hiascairí. Beidh pobal an cheantair faoi dhobrón ar feadh tamall. Caithfear tacaíocht a thabhairt dóibh agus d'iascairí na hÉireann. I join the Taoiseach and Deputy Martin in extending solidarity to the families of the fishermen who are lost at sea off the coast of Cork. Our thoughts are with their families.

The Minister for Health proposes to close between 550 and 900 public beds in community nursing homes this year. Some homes will close entirely. The Government's plan, to which the Labour Party has signed up, has been unveiled and will mean the loss of acute hospital beds, cuts to community mental health and disability services, 3,300 staff cuts and a fall of 500,000 in the number of home help hours, and the planned bowel cancer screening programme has been put back to the end of the year.

These are the Taoiseach's choices. It is his Government's plan, its strategy and its programme. This confirms that the health and welfare of people is to be sacrificed by Fine Gael

and Labour in pursuit of a failed economic strategy that is destroying public services, employment and economic growth. The people, particularly vulnerable elderly people in nursing homes, are in the grip of fear and some despair, including in my own constituency in nursing homes at Drogheda and Ardee. Staff, elderly patients and their families want clarity. The plan is short on detail. I have yet to hear of any proposal from the Minister for Health or the Taoiseach to bring this forward for discussion here. Will the Government provide this detail, including identifying those community nursing hospitals that will be closed?

**The Taoiseach:** Over €13 billion has been allocated for the health budget for this year, which will be a very challenging year. Clearly, this will require serious analysis of the structural changes that have to be made. What do we in this House want in respect of our health service? We want a service that is provided for people as close to them as possible, that deals with their medical needs as quickly and efficiently as possible and to the highest standard possible, based on the most efficient cost, as distinct from what they have in their pocket.

We can pretend things are going to be as they were, when person after person has pointed out for years the inefficiencies that have been contained within the health structure. The Minister, Deputy Reilly, is not afraid to tackle this problem. We must get to a point where the Government's objective of having universal health insurance made available for every person, treated on the same basis, at the end of the Government's term, is brought into being. This means focusing now on the provision of primary care centres, whereby people do not have to go to accident and emergency in the first place and there is a clear emphasis on community care.

Why is it that up to 40% of people who are assessed for long-term geriatric care are never asked where they would like to be? The vast majority of people I come across, and who we know of from all over the country, want to stay in their own homes for as long as possible. We do not want a situation where people are being sent from acute care hospitals directly into long-stay institutions. We can either continue with what we had or we can change it. We are going to change it. We want a situation where people go from acute hospitals into step-down centres until they are better and can go back to their own homes, backed up by proper home care packages and community care——

**Deputy Mattie McGrath:** The Government is closing them all.

**Deputy Timmy Dooley:** This is Enid Blyton stuff.

**The Taoiseach:** ——and stay in their own homes until such time as they may have to move to an institution.

**Deputy Dara Calleary:** There is no home help.

**The Taoiseach:** The home care packages for 2012 remain at the same level they were in 2011.

**Deputy Dara Calleary:** Until the money runs out.

**An Ceann Comhairle:** Will Members stay quiet, please? It is Deputy Adams' question.

**The Taoiseach:** The Minister has already ordered a review of the fair deal programme where people are looking at this from a very sensitive point of view. The HSE clearly believes there are still inefficiencies in the area that need to be looked at. This year, €35 million has been ring-fenced for the whole area of mental health, which had become sidelined for so many years. A further €15 million is allocated for general practitioner cards for those who have a long-term illness. It is not all doom and gloom. I admit this will be a very challenging year for the health services, in particular for hospitals that are carrying over a deficit or overrun from last year,

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given the budget for this year. We can pretend things are all right but they are not. We have to change the structures and provide a health system we believe is in the best interests of our people, young and old alike. That is the objective of this exercise. It will not be without challenge but it is necessary in order to have a proper health service for all our people.

**Deputy Gerry Adams:** I asked the Taoiseach a specific question about identifying those community hospitals which are to be closed. He dodged the question and answered questions that were not asked. I am not pretending everything is all right — on the contrary. This does not add up. The Taoiseach says there is a focus on community care. Why then cut 500,000 home-help hours? If there was a focus on community care he would not do that. This is just an appalling vista.

The Taoiseach asked what everybody in the House wants from their health service. What the Sinn Féin party wants is equality, not only in our health services but in every aspect and sector of life in this so-called republic. Nothing can be more iconic in what is going wrong at present than to see elderly people in their beds on picket lines. That is what we are doing. The most vulnerable elderly people are out in the cold on picket lines campaigning to have their nursing home space reserved and protected.

**The Taoiseach:** I do not want to see any person in the category mentioned by Deputy Adams out on the streets. Elderly people were out before when a decision was made about medical cards. They were very articulate and vociferous and knew exactly where the sore point was. Some of those people were in wheelchairs. I do not want to see that, nor does the Deputy.

The Minister for Health, Deputy Reilly, has already visited a number of community nursing homes and is now involved with those communities in looking at the imaginative and creative ways in which they want to assist in the provision of extra facilities in order to keep open some of the community facilities and nursing homes that might be in danger of closing down.

**Deputy Gerry Adams:** You are going to close them.

**Deputy Seán Ó Feargháil:** It happened last summer.

**The Taoiseach:** The figure mentioned in the HSE plan, which will be debated in the House, is for 555 beds. Some nursing homes will close.

**Deputy Mary Lou McDonald:** Where?

**Deputy Mattie McGrath:** They are targeted.

**The Taoiseach:** Some of these are very old and would require very substantial investment——

**Deputy Micheál Martin:** Before Christmas the Taoiseach said he would close more.

**The Taoiseach:** ——to bring them up to the standard required today. Some will close because there are better facilities available for the people who live in them. I understand the community pressure that comes from people not wanting to have to move from a location where they may have been a patient or resident for some time.

**Deputy Gerry Adams:** It is their home.

**The Taoiseach:** Yes, it is their home and we want to make their home as comfortable as can be.

*(Interruptions).*

**The Taoiseach:** The Deputy does not want people to be in a home that is not designated as fit and up to safety standards——

**Deputy Pádraig Mac Lochlainn:** After years of underinvestment.

**The Taoiseach:** ——and where there clearly is waste in the system.

**Deputy Charlie McConalogue:** This will leave them with no home.

**The Taoiseach:** The Minister has met with a number of communities already to discuss how some of these homes might be kept open.

The Deputy asked me for lists, names and locations of homes that may close. That is an issue that was debated in the Chamber. I do not have a list in front of me of homes designated for closure——

**Deputy Pádraig Mac Lochlainn:** That is for the Taoiseach's colleagues.

**The Taoiseach:** ——simply because the Minister is involved with the communities to discover the situation in the homes in question and to discuss their future. Communities are focused on wanting to retain these homes and are prepared to back it up. They are giving much more co-operation than are many Members of this House.

**Deputy Finian McGrath:** On behalf of the Technical Group I offer my deepest sympathy to the families of the fishermen who died at Glandore Harbour in west Cork and to the fishing communities of Ireland and Egypt. It was a very sad day, in particular because the incident happened only 2 km from land.

I raise the issue of our health service and the debate about front-line services, particularly in regard to the announcement yesterday about the proposed cuts of €700 million in 2012. I nearly choked on my cornflakes this morning when I heard the Minister for Health saying there would be no cuts to front-line services.

*(Interruptions).*

**Deputy Finian McGrath:** What planet is the Minister living on? Is he really serious? Does the Taoiseach agree with him that when €700 million is removed from the HSE budget there will be no cuts to front-line services?

**Deputy Pat Rabbitte:** Is the Deputy sure it was not a microphone?

**Deputy Finian McGrath:** How can the Government provide services to our senior citizens when it closes 555 beds in community nursing hospitals? What are these people going to do? Will the safety of older people be compromised?

Looking at the Government's proposals of today and yesterday, does the Taoiseach accept that more than 600 people will lose their home helps? Does he accept there are cuts of up to 10% on disability front-line services? Does he accept there will be a reduction of 7% in child protection services? Does he accept there will be fewer day care services, respite and personal assistants for people with disability and that there will be no increase in home care packages in 2012?

Are all these not front-line services? How can a health service be run without having the resources and the staff to provide the services?

**A Deputy:** Hear, hear.

**The Taoiseach:** The Minister, Deputy Reilly, faces the reality in which we live in this country in 2012. He is not one to shirk his responsibility, being both a medical practitioner and Minister for Health. He wants to see that the very best level of health service is provided for all our people. That will not happen——

**Deputy Mattie McGrath:** He has a funny way of going about it.

**The Taoiseach:** ——unless there are serious changes made to the structure and the way in which the health service is run and provided for. I do not accept that elderly people will be compromised nor do I accept many of the assertions the Deputy made.

The HSE plan has been published and approved by the Minister. Details of it need to be examined and teased out. The Minister has identified areas where there will be savings and where targeted savings will be achieved. There are to be further reductions in numbers but we do not yet know the actual figure. The initial assessment was for a very high level of retirements of the order of 4,500 but I understand this is now anticipated to be in the region of 3,200. The Minister has increased the drugs payment scheme monthly threshold by €12 and various measures to reduce drug costs are included in his programme for 2012.

Next year the introduction of legislation to allow public hospitals to raise charges in respect of all private patients, even if they are not in a designated private bed, will add greatly to the capacity of public hospitals to deal with their business. There will be extra efficiencies built into the targets for disability, mental health and child care services. I do not accept the assertions made by the Deputy.

As I noted in reply to Deputy Adams, this will be a very challenging year for the health services. I commend those workers in the health services who have bought into the very necessary changes that are coming so that we can and will provide a health service of which we can be proud, for our young, not so young and elderly alike. The end objective is to have that service available to people of all categories, as close as possible to them, as efficiently as possible and based on their medical requirements, as distinct from what they have in their pocket. That involves primary care centres, home care packages, community relationships and the changes to the structures that are set out in the programme approved by the Minister. This plan will be debated in the House and we can go into it at greater length if the Deputy so wishes.

**Deputy Finian McGrath:** The Taoiseach stated he does not accept my figures. These figures come from the Minister and his proposals and were given to me by the service providers. As a backbencher I deal with the reality of sick and disabled people every day.

In the past the Taoiseach promised to cut waste in the health service, something all Members support, just as we strongly support reform. Is the Taoiseach not taking his eye off the ball? Will the Taoiseach accept that groups such as the Carers Association and the Irish Senior Citizens Parliament share these concerns about the cuts to elderly health services? What will happen to those elderly people who live at home but depend on local hospital provision? Does the Taoiseach accept patients did not cause this economic and banking crisis? Why should they have to pay for it?

For once and for all, will the Taoiseach put to rest the claim that under these proposals his Government will cut the 34 en-suite beds for cystic fibrosis patients at St. Vincent's University Hospital to 20 beds when the patients and their families were promised they would not be? If it is not the case, why are his backbenchers expressing strong concerns on this matter to the Minister for Health, Deputy Reilly?

**The Taoiseach:** Deputy Finian McGrath is aware the Health Service Executive, HSE, national service plan, published yesterday and authorised by the Minister for Health, has a budget of €13.317 billion for 2012. As outlined in the plan, a minimum number of 555 nursing home residential beds may close in 2012 — 111 in HSE Dublin mid-Leinster, 105 in HSE north east, 180 in HSE south and 159 in HSE west. These figures are indicative. The Minister for Health is engaged with communities about the viability of several existing homes.

It should also be noted the service plan includes an additional €55 million for the nursing home support scheme in 2012, equivalent to what it was in 2011.

**Deputy Mattie McGrath:** It will dry up quickly.

**Deputy Brendan Howlin:** We will see about that.

**The Taoiseach:** Consequently, it is anticipated there will be 23,611 people availing of the scheme this year, an increase of 1,200 from 2011.

The figures in the HSE service plan have been set out by the Minister for Health. I do not accept Deputy Finian McGrath's assertions that elderly people will be left aside and neglected or there will be a disruption of the magnitude as described by him in many services.

**Deputy Mattie McGrath:** We will wait and see.

**The Taoiseach:** I cannot give Deputy Finian McGrath a definitive answer on the cystic fibrosis services at St. Vincent's. The Minister for Health will respond to him on that.

### Ceisteanna — Questions (Resumed)

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#### Ministerial Staff

1. **Deputy Gerry Adams** asked the Taoiseach the names of the special advisors employed in his Department and the salary and other entitlements available to each. [39470/11]

2. **Deputy Gerry Adams** asked the Taoiseach the occasions on which he has intervened to secure the employment of special advisors in his or other Departments, on salaries in excess of the salary range guidelines for special advisors introduced by the Department of Finance; and the reasons in each case he intervened. [39471/11]

3. **Deputy Gerry Adams** asked the Taoiseach the number of employees of Fine Gael currently employed as special advisors to the Government and their names, salaries and other entitlements. [39472/11]

**The Taoiseach:** I propose to take Questions Nos. 1 to 3, inclusive, together.

Five special advisers are employed by my Department, four of whom are my special advisers and one of whom is special adviser to the Chief Whip.

Under the supervision of my chief of staff, the special advisers employed by my Department provide briefings and advice on a wide range of policy matters, as well as performing such other functions as I may direct from time to time. They also liaise with other special advisers in each Department so that I remain informed on developments across government.

The details requested on the names and salaries of the special advisers employed by my Department are set out in a table which I propose to circulate with the Official Report. None of the salaries has changed since the special advisers were appointed. Other entitlements such

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as annual leave, sick leave and pensions are in keeping with the guidelines set out by the Department of Public Expenditure and Reform.

My Department provides office accommodation to three special advisers assigned to the Tánaiste and Minister for Foreign Affairs and Trade and one special adviser assigned to the Minister of State with responsibility for European affairs.

Questions relating to the salaries of special advisers are a matter of responsibility for the Minister for Public Expenditure and Reform.

As was the case with my predecessors, I am not accountable to the Dáil on the employment histories of my special advisers. Accountable issues on special advisers are defined in declarations to be made under the Ethics in Public Office Act. Declarations of current or previous membership of or association with a political party are not required. Regulations pertaining to civil servants and politics do not apply to special advisers, who are accountable to Ministers for their activities.

Name and Grade	Reports to	Annual Salary
Mark Kennelly, Chief of Staff	Taoiseach	€168,000
Andrew McDowell, Special Adviser	Taoiseach	€168,000
Paul O'Brien, Special Adviser	Taoiseach	€80,051
Angela Flanagan, Special Adviser	Taoiseach	€80,051
Mark O'Doherty, Special Adviser	Government Chief Whip	€80,051

**Deputy Gerry Adams:** With the Ceann Comhairle's leave, I would like a bit of time to tease out my three questions.

The Taoiseach ignored entirely Question No. 2 which asked how many times he had intervened to secure the employment of special advisers. I am also concerned he was not prepared to read the names of the special advisers in question into the record. The Taoiseach also cited that, like his predecessor, he is not accountable to the Dáil. That is probably the kindest thing he said about his predecessor in all my time here.

I put down these questions because people voted for change and we are living in times of great distress, constantly being told we are all in this together. Unfortunately, we are not all in this together. The workers from Diageo whom I met this morning in Dundalk after they were informed of losing their jobs, even after long service, are not in this with us. In a wonderful piece of news yesterday——

**An Ceann Comhairle:** I must remind the Deputy this is Question Time and not statements.

**Deputy Gerry Adams:** This is all about trying to get information, and answers to questions.

**An Ceann Comhairle:** It is my job to get the Deputy to put the questions and it is the Taoiseach's job to answer them.

**Deputy Gerry Adams:** I will put them. There was an interesting scéal yesterday about an appointment of a special adviser by the Minister for Agriculture, Food and the Marine with a special salary of €130,000. At the time of his appointment, the Minister said the person "has a strong commitment to public service and is anxious to contribute at a national level in our drive towards recovery ... he has a personal commitment to the country and is anxious to make a contribution by offering his knowledge and skills." He lasted five months and then left for England.

Sin an fhadhb atá ann. Conas gur féidir le saoránaigh creidmheáil sa daonlathas? How can people believe there is real change coming from the Government? How can people believe in the possibility of a real republic when the Taoiseach breaks his own rules by going against the salary bars set by him?

Will the Taoiseach inform the Dáil the number of occasions on which he intervened to secure the employment of special advisers in his or other Departments on salaries in excess of the salary range guidelines for special advisers?

**The Taoiseach:** I do not interfere or intervene in that process. Part of my responsibility is to sanction the appointments. Decisions on salaries for special advisers are a matter for the Minister for Public Expenditure and Reform. The employment history of any person appointed to a job as a special adviser is immaterial. It is not required under the Ethics in Public Office Act. Ministers decide on the basis of their requirements and the credentials of the person in question employed. They then seek sanction for that.

As Deputy Adams spoke of being in this together, the real republic, wanting answers to questions and needing information, it interests me that in the Northern Ireland Assembly, of which his party is involved, such appointments are not subject to freedom of information and that no information is forthcoming on salary scales of ministerial advisers. In the case of Sinn Féin, it is the party that appoints the adviser, not the Minister. That seems to be a peculiar arrangement applicable only in Northern Ireland. Deputy Adams comes into the Chamber with two different standards.

**Deputy Ray Butler:** Yes.

**Deputy Simon Harris:** Deputy Adams has three different standards.

**Deputy Patrick O'Donovan:** He is stonewalling now.

**The Taoiseach:** He points out he wants a real republic, answers and information, yet the party which he leads in Northern Ireland has a very different structure.

Change is indicative here by the fact the chief of staff appointed to the Taoiseach is on a salary of €168,000. In 2009, the special adviser to the then Taoiseach was on €221,929. The total cost in 2011 of the special advisers to whom I have referred, which will be circulated to the Deputy, was €576,000. In December 2009, it was €1.085 million. If he wants to be upfront about this, perhaps he might look at his own party first.

**Deputy Gerry Adams:** I thank the Taoiseach for that advice but I would like to get back to the question. He said that he has not intervened or interfered. Let me not put words in his mouth and let him be clear to us. I refer to the preciseness of his reply to Question No. 2. He said he has not intervened to secure the employment of special advisers in his or other Departments and salaries in excess of the salary range guidelines for special advisers. Would he like some mature reflection on that?

**The Taoiseach:** I do not set the salaries——

**Deputy Gerry Adams:** I did not ask that.

**The Taoiseach:** The Deputy talked about intervening or interfering.

**Deputy Gerry Adams:** I did not use the word “interfere”.

**The Taoiseach:** Part of my responsibility——

**Deputy Gerry Adams:** The Taoiseach has it in writing.

**The Taoiseach:** —is to sanction the appointments.

The questions refers to “the occasions on which he has intervened to secure the employment of special advisers in his or other Departments on salaries in excess of the salary range guidelines for special advisers introduced by the Department of Finance and the reasons in each case he intervened”. The e-mail that has been bandied about and referred to was sent from my office in regard to the sanction of the appointment of a special adviser to a Minister. The level of salary for that individual was not decided on my determination but in agreement with the Department of Public Expenditure and Reform. It was in breach of the guidelines and I have answered questions about why sanction was sought for that.

My job in respect of this element of my work is to sanction the appointments of the special advisers. I have pointed out to the Deputy that the cost of the advisers I have referred to, which will be circulated to him, is almost €500,000 less than during the previous Government.

**Deputy Gerry Adams:** The Taoiseach has intervened. Now that he has given us the accurate, truthful answer to the question, why did he intervene?

**The Taoiseach:** The individual involved had worked in the Department without pay for quite a number of months. I felt it time that a decision should be made about his position being sanctioned.

**Deputy Gerry Adams:** Was he a member of Fine Gael?

**The Taoiseach:** That is quite immaterial. For instance, the Deputy’s party made a controversial appointment to the culture Minister in Northern Ireland. Was that person a member of Sinn Féin? The answer is “Yes”.

**Deputy Gerry Adams:** Yes.

**The Taoiseach:** Was the special adviser I referred to a member of Fine Gael previously? The answer is “Yes”. He worked in a diligent fashion for Fine Gael in an important position for eight to nine years.

**Deputy Micheál Martin:** I believe in the importance of external advice to Ministers and to the Taoiseach. I do not see anything wrong with that. It is a valued part of how modern government should work and it needs constant reflection and so on. I am, therefore, not against it.

However, the problem is the Taoiseach’s presentation of this issue is “Do as I say, not as I do”. The controversy is showing that the Government says one thing in public but does a completely different thing in practice.

**An Ceann Comhairle:** Can we have a supplementary question, not more statements?

**Deputy Micheál Martin:** Does the Taoiseach agree with the proposition that when the guidelines and salaries are broken for eight out of 15 Departments, this is a public relations exercise? I understand the argument about people coming from a highly competitive jobs market and one’s desire to get some people in speciality areas in to advise government. However, that argument is disingenuous in the context of some of the interventions by the Government. I have no difficulty with a party member coming in in an advisory capacity. Was the Taoiseach worried that Fine Gael was paying too much to the individual and the Government would not be in a position to attract him to the job or did he believe that the party would try to hold on

to him to prevent him being recruited? This is about his commitment and not about comparing numbers. He promised that things would be different but eight out of 15 salaries are in breach of the guidelines. Does he agree it is a public relations exercise?

**The Taoiseach:** No, it is not a public relations exercise. The Deputy was either the victim or the beneficiary over the years of having specialist advice made available to him in the many Ministries in which he served.

**Deputy Micheál Martin:** I never went beyond the guidelines.

**The Taoiseach:** Between 2009 and 2011 there was a reduction of almost €500,000 in the cost of special advisers and in the numbers eligible to be recruited to both Ministers and Ministers of State. I pointed out previously that the guidelines allow for a breach of the conditions in specific circumstances and they were outlined in the case to which Deputy Adams referred.

As Deputy Martin will be well aware, special advisers work on a 24-hour basis and they have to be available in respect of dealing with whatever responsibilities the Minister has in the Department. They are on call on a 24-hour basis as needs be. It is not a normal job and it demands enormous energy and commitment and an understanding of the responsibilities of Minister and the entire Government when it meets collectively in respect of their duties.

**Deputy Micheál Martin:** The Taoiseach was so understanding of that position when he sat over here.

### Departmental Bodies

4. **Deputy Micheál Martin** asked the Taoiseach the details of the proposed interdepartmental committee on European engagements; and if he will make a statement on the matter. [39474/11]

**The Taoiseach:** On taking office, the Government committed itself to restoring Ireland's standing as a respected and influential member of the European Union. We also set out specific commitments aimed at improving our engagement with Europe. The establishment of a new interdepartmental committee on EU engagement, to be chaired by the Minister of State with responsibility for European Affairs, Deputy Creighton, is one of a range of steps we are taking to bring the necessary drive and focus to the delivery of this commitment.

The committee's membership will include senior official representatives of all Departments, the Office of the Attorney General and the Office of the Parliamentary Counsel. The committee will maintain an overview of participation by Ministers in meetings of the Council and encourage closer engagement with the European Commission and the European Parliament. It will seek to support the engagement of the Oireachtas on EU affairs and promote initiatives to improve public awareness of the EU and the benefits to Ireland of our membership. The committee will examine our participation in the shaping of EU legislation from initial proposals to transposition into domestic law. It will have an important influence as Ireland prepares for the Presidency of the EU in the first six months of 2013.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. Has the committee met? If so, how many times? The reason I tabled the question is that during previous Question Times, the Taoiseach indicated that this committee would be a core part of the new role of his Department in overseeing European affairs. He also claimed that every Department would be given a clear national role in terms of its objectives in pushing the EU. This supposed diplomatic initiative, which was announced last March and re-announced repeatedly afterwards, was clearly no more than a line for the media. Questions are being asked about how serious the committee is and

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what impact it will have. Has the committee done work on the new fiscal treaty and the demands it will impose on Ireland? Has it prepared any studies of its impact or has it written position papers on the treaty? Drafts of the treaty have been published. Has the Government a position on any of the issues outlined in the drafts? What work has the committee done in this regard over the past number of months?

**The Taoiseach:** The committee has not met because it has not been set up yet. It is in the process of being set up. I spoke to the Minister of State with responsibility for European affairs, Deputy Creighton, before I came to the House. The first meeting will take place in the next couple of weeks. It is premature, therefore, to suggest that it should have prepared reports in regard to the fiscal compact and other issues. That work is being co-ordinated by the Second Secretary General of the Department of the Taoiseach. A great deal of technical work is being done and technical discussions are taking place between officials at a range of levels.

With regard to rebuilding our reputation, this has paid clear dividends in the diplomatic relations between Ireland and others not only within politics but outside because Ministers are required not only to attend European Council meetings but to have programmes around those meetings where they can meet and consult their colleagues, peers, working groups and so on in Europe. The interdepartmental committee will comprise senior officials of all Departments, the Office of the Attorney General and the Office of the Parliamentary Counsel. It will look to ensure Ministers engage to the maximum extent with their respective Councils.

It will encourage a closer relationship, at political and at official level, with the EU institutions, including the European Commission and the European Parliament. Often we discuss issues here without reference to what is happening in the Commission and in the European Parliament. It will promote the seeking of greater engagement at Oireachtas level in EU affairs. There is no reason we cannot have more regular interaction in the House about issues that are under discussion, be they legislative or whatever, at European Union level. It also will put forward a range of propositions for greater public awareness, both of the European Union and of the benefits to this country, not least in the context of an enormous workload which is building up for the 2013 EU Presidency, the first six months of which will be held by Ireland.

4 o'clock

**Deputy Micheál Martin:** Can I ask a supplementary?

**An Ceann Comhairle:** Another supplementary?

**Deputy Micheál Martin:** Did I ask one already?

**An Ceann Comhairle:** The Deputy did. Go on, it is all right.

**Deputy Micheál Martin:** I think I had only one.

**Deputy Ann Phelan:** What is a supplementary between friends?

**Deputy Micheál Martin:** I only want to ask the Taoiseach if he can explain to the House why this committee has not met. The Government is nearly 12 months in office. I am genuinely shocked and taken aback at the fact that the committee has not met. We have been reminded time and again in this House of the gravity of the eurozone crisis and the enormous challenge facing Europe. Great Britain is staying out of a fiscal treaty, which was hurriedly agreed at the insistence of the German and French governments because of their domestic political agendas. It beggars belief that there has not been any interdepartmental response through this committee to the new fiscal compact treaty that, for instance, a position paper does not exist within

the Department of Finance or the Department of Public Expenditure and Reform in terms of the implications of this treaty which, on my party's reading of it, would suggest an impact on fiscal policy for the next 15 years and beyond. This is shocking. It probably illustrates more than anything the degree to which——

**An Ceann Comhairle:** A question please.

**Deputy Micheál Martin:** ——what we have got from the Taoiseach on Europe — the so-called diplomatic initiative — has been nothing more than empty rhetoric, month after month. In reality, nothing is happening in terms of engagement with Europe from the Government. This is a straightforward issue — the establishment of an interdepartmental committee. The Taoiseach has now admitted, because of a question here today, that it has not even met in 12 months.

**The Taoiseach:** There is no need for Deputy Martin to be shocked.

**Deputy Micheál Martin:** Maybe there is not, given the Taoiseach's record to date.

**The Taoiseach:** The committee has not been set up yet. It will have its first meeting in the next couple of weeks or in early February. I would point out to the Deputy, as I stated already, that we have taken from the Department of Foreign Affairs and Trade the personnel who are working in the European division. We have appointed a Second Secretary General, a very able person, in the Department of the Taoiseach, who is now co-ordinating those activities. In the meantime, every Minister and Minister of State is seen to be required to attend to his or her duties to live up to his or her responsibilities in this matter.

This committee will be of considerable assistance and back-up to the work that is going on at European level——

**Deputy Micheál Martin:** It has not met.

**The Taoiseach:** ——under that co-ordination. The work that we do, at the level of Taoiseach, Tánaiste, Minister for Finance, Minister for Public Expenditure and Reform and every other Minister, in so far as the changes to the drafting of the proposed text for the treaty are concerned, is going on even as we speak.

**Deputy Micheál Martin:** The treaty is written.

**The Taoiseach:** This interdepartmental committee——

**Deputy Micheál Martin:** The treaty is written.

**The Taoiseach:** ——has set out a range of functions and responsibilities for the committee.

**Deputy Micheál Martin:** The treaty is written.

**The Taoiseach:** That is important, both in terms of making Irish people aware of what is going on and for the Oireachtas to have a far greater input in terms of European Union affairs, Commission affairs and parliamentary affairs, and greater interaction between them.

**Deputy Micheál Martin:** The treaty is written. Does the Taoiseach accept that?

**The Taoiseach:** The text has not been adopted. The final text has not been presented for acceptance.

**Deputy Micheál Martin:** Come on, that is rhetoric.

**The Taoiseach:** As we speak, discussions are ongoing about that and there will be a number of meetings in that regard over the next fortnight. The treaty has not been defined yet.

**Deputy Gerry Adams:** The Taoiseach's answers were couched in the language of dialogue with the public and greater involvement of the Oireachtas etc. I could ask him 100 questions about all of that but——

**An Ceann Comhairle:** Please do not.

**Deputy Gerry Adams:** ——the Ceann Comhairle will not let me.

In his first response to the question, the Taoiseach did not mention the Tánaiste and Minister for Foreign Affairs and Trade. That struck me as rather strange. I wonder has the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, become an abstentionist once again.

**The Taoiseach:** The Tánaiste and Minister for Foreign Affairs and Trade has led the charge here in respect of the diplomatic restoration of this country's reputation and status and has done a great deal of work in that regard.

**Deputy Micheál Martin:** The Taoiseach should call a halt to that.

**The Taoiseach:** This interdepartmental committee——

**Deputy Micheál Martin:** That is empty rhetoric at this stage.

**An Ceann Comhairle:** Would Deputy Martin give us a chance?

**The Taoiseach:** ——will be chaired by the Minister of State with responsibility for European affairs, Deputy Creighton. I have set out the terms and the nature of the work that will be conducted by that committee. It will be a powerful committee in the sense of providing a range of both information and proposals to enhance the work that is already taking place under the direction of the Second Secretary General co-ordinating European affairs.

**Deputy Gerry Adams:** Does that mean the European bit of foreign affairs has been taken off the Tánaiste and Minister for Foreign Affairs and Trade?

**The Taoiseach:** Not at all. As I already set out in the terms of reference for the Tánaiste and Minister for Foreign Affairs and Trade, of course, the co-ordination of European affairs in so far as Councils are concerned is the responsibility of the Tánaiste and Minister for Foreign Affairs and Trade. The Minister of State with responsibility for European affairs has a specific remit in here. She will also chair this interdepartmental committee and is undertaking an enormous workload in respect of the preparations for the Presidency in the first half of 2013.

### **Cabinet Committees**

5. **Deputy Micheál Martin** asked the Taoiseach if he has attended any meeting of the Cabinet Committee on Health. [39756/11]

6. **Deputy Gerry Adams** asked the Taoiseach the number of times the Cabinet sub Committee on Health has met since its establishment. [1919/12]

7. **Deputy Gerry Adams** asked the Taoiseach the number of meetings of the Cabinet sub committee on Health he has attended since its establishment. [1921/12]

8. **Deputy Micheál Martin** asked the Taoiseach the number of times the Cabinet sub committee has met in relation to health matters. [1936/12]

**The Taoiseach:** I propose to take Questions Nos. 5 to 8, inclusive, together.

The Cabinet Committee on Health has met on three occasions to date — 5 October 2011, 24 November 2011 and 15 December 2011. I have attended and chaired all of the meetings of the committee to date.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. In an earlier reply, the Taoiseach stated that the Cabinet committee is supposed to work closely with the Minister for Health, Deputy Reilly, and with the HSE. Given that the Minister has taken personal charge of the Health Service Executive, will the Taoiseach tell us whether the committee has considered the Health Service Executive's service plan and the issue of cutting up to 900 nursing home places which is causing enormous distress to communities throughout the country? Was the latter issue approved without consultation with the Taoiseach and other Ministers, or did the Taoiseach approve it without consultation with the sector itself?

**The Taoiseach:** This health service plan has not been considered in great detail by the Cabinet Committee on Health. The Minister is required under law to respond to the HSE presenting him with a service plan. He has responded to that plan. He has written his response to the HSE. Approval for the plan does not mean authorisation for expenditure. The Minister informed the Cabinet of his decision today to authorise the plan and, obviously, the plan and his letter are public.

**Deputy Micheál Martin:** If the Cabinet committee did not consider the health service plan, why does it exist? The most impactful decision on the health service for the next 12 months will be the health service plan. By definition, it will have an enormous impact on the level and quality of services that will be provided. It is an extraordinary admission to state that the Cabinet Committee on Health has not given any consideration to the health service plan.

Will the Taoiseach confirm whether the committee discussed the directorates that are to be established within the HSE that were announced in December by the Minister, Deputy Reilly? Will the Cabinet committee conduct a cost analysis on the universal health insurance proposition while it is preparing a White Paper?

**The Taoiseach:** I am prevented by constitutional restrictions from speaking about the details of discussions at Cabinet sub-committees. I stated it was not discussed in great detail.

**Deputy Micheál Martin:** Unfortunately.

**The Taoiseach:** The Minister, as I stated, is required by law to approve the plan or other. He has approved the plan. He has written to the HSE. He stated that he regards it as a dynamic document that will need to be reviewed on a regular basis in the light of emerging developments. As the pay and pension provisions in the plan are based on the exit of approximately 3,000 staff in 2012, the Minister intends that the first review will take place after February in the light of the exit of those who have signed on to accept the redundancy and exit from the service.

The plan sets out the main areas of investment, as follows: €35 million and 400 additional staff for mental health; €20 million primary care, which is very important; €15 million for GP cards for long-term illness claimants; €23 million to progress the HSE's national clinical programmes; a growth of over 100,000 medical cards; the expectation that approximately 3,000 people will leave the service by the end of February; a cost challenge of 7.8% in hospital

budgets, with an expected reduction of 3% in activity; and an increase in income target for 2012 of €143 million in hospitals. I have referred to the indicative figure of 555 in respect of nursing home bed closures and the 1,270 net additional places for the fair deal scheme.

That is the essence of the programme. As the Minister has noted, this will need to be reviewed on a regular basis and his letter points out to the chief executive that approval for the plan does not authorise expenditure.

**Deputy Gerry Adams:** Bertie Ahern might well sue the Taoiseach for plagiarism. In response to another question about a Cabinet sub-committee, the Taoiseach stated that it was established to allow a deeper dialogue with the public and give the Oireachtas a larger role. This is a committee which has not met. In response to a question about this committee, he told us he is prevented from telling us what the committee discussed. This is a serious issue.

Earlier I asked the names of the nursing homes which are going to be closed because, obviously, if I am a patient in a nursing home and was told that between 550 and 900 public beds will be cut, I would think it might be me.

**The Taoiseach:** I can help the Deputy.

**Deputy Gerry Adams:** The Taoiseach has not helped me so far today. He is also signalling that some of these homes are going to be closed entirely. I ask him to help me on my terms because I asked a specific question. I may have missed the answer but I asked him to indicate whether he attended any meetings of the Cabinet committee on health and the number of times it met since it was established.

**The Taoiseach:** I will help the Deputy now. I already answered that question. The Cabinet sub-committee on health met on three occasions. As I chaired each of the meetings, the Deputy can assume I attended the meetings. I hope that is clear now.

There are differences between these committees. One is an interdepartmental committee comprising public servants from all Departments, including the Offices of the Attorney General and Parliamentary Counsel. The other is a Cabinet sub-committee, which I chair as Taoiseach and which comprises Ministers and public servants from various Departments. That sub-committee is entitled to call before it whatever persons it so wishes in respect of the matters it is dealing with.

These are two very different committees. The interdepartmental committee, which is chaired by the Minister of State at the Department of the Taoiseach with responsibility for European affairs, deals with the range of matters I have outlined. The Cabinet sub-committee is a constitutional sub-committee of the Cabinet and it deals with issues that can be recommended for acceptance by the Cabinet in full session.

**An Ceann Comhairle:** We move on to Question No. 9.

**Deputy Micheál Martin:** I have one brief question for the Taoiseach.

**Deputy Gerry Adams:** I asked a specific question.

**An Ceann Comhairle:** The Deputies asked the number of times the Cabinet committee met and if the Taoiseach had attended meetings. We are getting into the area of policy. They will have to table another question.

**Deputy Micheál Martin:** God forbid we should do that.

**An Ceann Comhairle:** We will be here all day dealing with the same question.

**Deputy Gerry Adams:** I ask the Ceann Comhairle to allow me to ask my question and he can decide if it is out of order.

**An Ceann Comhairle:** Go ahead. I do not want to be finicky but there are other questions.

**Deputy Gerry Adams:** The Taoiseach indicated that the Minister for Health informed the Government about his plan, which I presume means that the Cabinet, when it did not dissent, agreed to it. Agreement has been reached on something that the committee established to investigate these matters has not seen. Who scrutinises the plan?

**The Taoiseach:** Nobody is hoodwinking anybody. Under law the Minister for Health was required to respond to the HSE when it sent him its plan for 2012. He has approved that plan. He has pointed out that it needs to be reviewed on a regular basis and that the first review will take place when the clear figures are known in respect of those who are going to leave the health service with a redundancy package at the end of February. He has also written formally to the chief executive to authorise approval for the plan and he informed the Cabinet of that this morning. The Cabinet accepted his recommendation to approve the plan subject to the aforementioned conditions.

**An Ceann Comhairle:** We move on to Question No. 9.

**Deputy Micheál Martin:** May I ask a supplementary question?

**An Ceann Comhairle:** No.

**Deputy Micheál Martin:** I tabled two Parliamentary Questions. It goes to the heart——

**An Ceann Comhairle:** The Deputy asked a simple question——

**Deputy Micheál Martin:** I did.

**An Ceann Comhairle:** ——about the number of meetings and whether the Taoiseach attended them, and it has been answered. I have allowed supplementary questions.

**Deputy Micheál Martin:** This is very quick.

**An Ceann Comhairle:** Can we move on to other questions——

**Deputy Micheál Martin:** The point I am trying to make——

**An Ceann Comhairle:** ——which Deputies Martin and Adam have tabled?

**Deputy Micheál Martin:** I appreciate that.

**An Ceann Comhairle:** If the Deputy wants to put down a separate question on other issues, he should do so.

**Deputy Micheál Martin:** That is not the point.

**An Ceann Comhairle:** What is the point?

**Deputy Micheál Martin:** The Taoiseach gave a solemn commitment to the House.

**An Ceann Comhairle:** About what?

**Deputy Micheál Martin:** He said he would not use these Cabinet committees or hide behind Cabinet confidentiality to avoid discussion on legitimate issues. He gave that commitment at the outset of Taoiseach's Questions. That is the point I am making. Increasingly, the ground on which we can ask the Taoiseach questions——

**An Ceann Comhairle:** We are into statements now.

**Deputy Micheál Martin:** ——is being restricted. That is a fact.

**An Ceann Comhairle:** No, we are into statements.

**Deputy Micheál Martin:** We are down to once per week and we cannot discuss——

**An Ceann Comhairle:** The Deputy asked the question and as far as I am concerned——

**Deputy Micheál Martin:** It is narrowing all the time.

**An Ceann Comhairle:** ——as the independent Chair——

**Deputy Micheál Martin:** I accept the Ceann Comhairle's independence but I am pointing out to the Taoiseach that the Government orders the business of the House and this is what is happening in reality.

**An Ceann Comhairle:** The Taoiseach has answered the question and we are moving onto Question No. 9.

**Deputy Micheál Martin:** We are being denied opportunities to ask basic questions.

### Official Engagements

9. **Deputy Micheál Martin** asked the Taoiseach if he has had any meetings recently to discuss ongoing implementation of the Good Friday Agreement; and if he will make a statement on the matter. [39757/11]

10. **Deputy Gerry Adams** asked the Taoiseach his plans to meet with the British Prime Minister David Cameron. [1910/12]

11. **Deputy Gerry Adams** asked the Taoiseach the contacts he has with British Prime Minister David Cameron since the EU summit on 9 December 2011. [1911/12]

12. **Deputy Micheál Martin** asked the Taoiseach the way the Government proposes to intensify its relations with the British Government; and if he will make a statement on the matter. [1914/12]

13. **Deputy Micheál Martin** asked the Taoiseach if he had a bilateral with Prime Minister Cameron on the margins of the EU meeting on 9 December and if so the matters that were discussed; if he plans to have one in the near future; and if he will make a statement on the matter. [1915/12]

**The Taoiseach:** I propose to take Questions Nos. 9 to 13, inclusive, together.

At the European Council meeting on 9 December I did not have a formal bilateral meeting with British Prime Minister David Cameron although I did of course see him. Subsequently I phoned him to say how disappointed I was that it had not proved possible to get the agreement of the 27 member states.

Last Thursday I travelled to London to meet the Prime Minister in Downing Street. My visit to London also included making an address at Reuters and attending a number of business and Irish community related events. I had a very good meeting with the Prime Minister in which we discussed recent developments at European level. We agreed on the need to do everything necessary to move beyond the current crisis and to restore stability and confidence in the eurozone. Looking ahead to the next European Council meeting on 30 January, we both agreed on the importance of putting growth and jobs at the top of the EU agenda and on the need for a fully functioning Single Market. We look forward to keeping closely in touch on this matter.

We also discussed the excellent bilateral relationship that exists between Ireland and Britain and the strong ties and interdependence between our respective economies. Recalling the success of the visit to Ireland of Queen Elizabeth and how it highlighted the depth and normality of the relationship between our two countries, we agreed to explore opportunities for further deepening those relations, especially on the trade side, and to maintain close contact on all issues of mutual interest.

As the co-guarantors of the Good Friday Agreement we took stock of recent developments in Northern Ireland and noted the decade of significant historical events which are about to begin. With regard to the ongoing implementation of the Good Friday Agreement the most recent meeting I had was the plenary meeting of the North-South Ministerial Council on 18 November in Armagh. At that meeting, which was co-chaired by the First and Deputy First Ministers, we discussed a wide range of shared issues, including the progress to date on the St. Andrew's review. It was agreed that proposals to advance the review would be taken at the next plenary meeting in June 2012, which I will chair. We also discussed ways to make progress on the North-South consultative forum, as well as welcoming the progress made by the Oireachtas and the Northern Ireland Assembly towards a North-South parliamentary forum. The programme of work of the North-South Ministerial Council continues and Ministers approved a comprehensive schedule of meetings including an institutional meeting in Spring 2012, as well as the next plenary meeting on 15 June 2012.

**Deputy Micheál Martin:** I object to the way these questions have been grouped. Linking questions about the European Union summit with a question on the Good Friday Agreement is unacceptable and it stops us from asking questions in a proper way. With the Ceann Comhairle's permission, I will begin by asking questions on the summit and ask a supplementary question on the Good Friday Agreement.

The Taoiseach indicated that he did not meet the British Prime Minister at or in advance of the summit. There was no specific meeting on the margins. That is extraordinary.

**The Taoiseach:** For clarity, I stated that I did not have a formal bilateral meeting with him.

**Deputy Micheál Martin:** That is extraordinary given the enormity of the issues that were before that summit. There is no point in crying over spilled milk.

**The Taoiseach:** Hang on a second.

**Deputy Micheál Martin:** I just want to ask the question.

**The Taoiseach:** All right. I will answer the Deputy then.

**Deputy Micheál Martin:** The point I am making is that the UK was outside that treaty. It was a serious and profound moment for the future of the European Union. The comments of President Sarkozy afterwards were clear in this regard. He saw this as a new departure for Europe, without Britain. Those were the comments he made.

[Deputy Micheál Martin.]

What context was there before the incredibly damaging outcome of the summit? Did the Taoiseach meet the Prime Minister, Mr. Cameron, at all to try to understand what he was asking for, or did he just accept the President Sarkozy line and his claims about what the UK was looking for? Did he take any steps to prevent the breakdown involving our most important neighbour and trading partner within the European Union? These are important issues. I would have thought, given the serious issues of our trading relationship and closeness with the UK, that we would have done everything possible to avoid a split that night. Now it seems we did not even meet in a formal way with the British in advance to try to understand their issues and work with them in preventing a split.

I assume the latest text of the treaty was discussed between the Taoiseach and the Prime Minister at their recent meeting. The text does not include any of the broader proposals from the summit, it seems to be focused on the new fiscal measures for the eurozone. The Taoiseach says he had encouraged the British Government to sign up to the treaty. Can he confirm that he indicated to the British Government that he did not believe the treaty would necessitate a referendum? Did he have a discussion about that with the British Prime Minister in their recent meeting?

**The Taoiseach:** I attended a meeting of the European People's Party, EPP, in Marseilles before the meeting of the Council in Brussels. I travelled by commercial aircraft because the function in Marseilles was not a Government one. Arriving in Brussels, I went straight from the airport to the meeting at half past eight and left it at 5.30 a.m. There were no bilateral meetings between any parties. This was a particular kind of meeting, as the Deputy is well aware. I sat beside the Prime Minister, Mr. Cameron, and had numerous discussions with him during the course of the meeting. For the Deputy's information, when the break occurred between the views of the eurozone countries and that of the Prime Minister, I suggested there should be a political discussion about the difference of opinion with regard to the involvement of all 27 countries rather than the eurozone 17, but that, clearly, did not prove possible. I did not say that I would encourage the Prime Minister to sign up to the treaty. What I did say was that it was critical that the UK remain a central part of the EU. The EU needs Britain and Britain needs the EU.

When spoke to the Prime Minister in Downing Street I made a point to demonstrate the strength of the triangular connections between Ireland and the UK from a trading perspective. If, for example, there was a drop of 0.5% in our exports to Britain, it would more or less wipe out all the gains we have made in the BRIC countries. The Prime Minister shares this view. I also made the point, which the Deputy will accept, that one thing that has been lost in all the inter-institutional wrangling is the solution to the overall problem, which is the potential of the Single Market to cause growth in economies. We agreed in Downing Street that we would make proposals from both countries to our colleagues in Europe and to the Commission that the legislative and decision-making process in Europe should be viewed from a growth perspective at every stage. In other words, what comes through in Europe should have at its core demonstrable potential for growth in all the economies. This is of critical importance to us as an exporting nation. We agreed on that. As I said, I did not have a formal bilateral meeting with the Prime Minister in Brussels because of the reasons I outlined but I spoke to him frequently during the course of the meeting.

**Deputy Gerry Adams:** Sular bhuail an Taoiseach le David Cameron, chuir mé cúpla ceisteanna chuige agus dúirt sé liom go gcuirfeadh sé na ceisteanna sin, ceisteanna faoi Pat Finucane agus na pléascáin i mBaile Átha Cliath agus Muineachán agus na daoine a dhúnmharaigh na paras i mBaile úí Mhurchú. We need to remind ourselves that in October the British Secretary

of State for Northern Ireland, speaking in Westminster, acknowledged that British state agencies had colluded in the killing of Pat Finucane. That is an important admission from the British Government. It then went on to refuse to honour an intergovernmental agreement with the Irish Government made at Weston Park in 2001. This is outrageous and is part of the spin-off to the meeting we are discussing. I welcome the fact that the Taoiseach has raised this on a number of occasions.

Part of the spin about the meeting was that there was a difference of opinion. It is more than a difference of opinion, it is a breach of a crucial agreement between two Governments. I am seeking some indication from the Taoiseach that the Government will relentlessly press the British Government on this issue. Is he interested in the fact that it has admitted collusion? What was the degree of collusion and what part did the state play? What agencies were involved? How far down did it go and how far up did it go? Similarly, did the Taoiseach raise the issue of the Dublin-Monaghan bombings, as he has committed to do, and the Ballymurphy killings by the paratroopers?

The Taoiseach made it clear that he would not agree with the proposed financial transaction tax. Did he discuss this with Mr. Cameron? Did they jointly agree to oppose this new tax, and have they conveyed this to the European Council or the Commission? Could he outline what other discussions they may have had about fiscal matters?

**The Taoiseach:** I made it clear that we could not have a financial transaction tax that was applicable within the eurozone, which would affect us here in Dublin, but not applicable in the City of London. The Prime Minister has been clear about this himself. He says that if a transaction tax of this nature is introduced, it should be by agreement with all the countries and applicable in a global sense. As the Deputy Prime Minister, Mr. Clegg, pointed out, the authors of the report on the financial transaction tax said that it could drive 500,000 jobs out of the European Union. It is in order for the French President to introduce a financial transaction tax in France if he so wishes. I merely pointed out our position on this.

With regard to the legacy issues, I did raise the issues of Ballymurphy, the murder of Pat Finucane and the Dublin-Monaghan bombings, as I indicated to the Deputy during Question Time already. I do not recognise any hierarchy of victims. I was around long enough to read and hear about so many murders and deaths on all sides during a 30-year period. Families in so many areas were deprived of loved ones and kith and kin. When I was at the North-South Ministerial Council in Armagh, the point was made to me that this State should apologise for murders committed by or associated with the IRA. I said that the IRA, in that form and during that period, was the enemy of the Irish State and that members of the Garda and the Defence Forces as well as civilians had lost their lives as a consequence of that reign of terror.

With regard to the unfortunate and tragic death of Pat Finucane, I have made clear already that this is more than a difference of opinion. We had a unanimous decision of this House, on all sides and in all parties, that there should be a public inquiry into the case. That arose, as the Deputy is aware, from the Weston Park agreement, in which it was agreed by both Governments that there would be a public inquiry if this was recommended by Judge Cory. The judge made a recommendation with regard to another incident that took place in this jurisdiction, and this State responded by setting up the Smithwick tribunal, which is wending its way to finality whenever the sole member decides. I am as disappointed as anybody else that the recommendation of Judge Cory was not accepted by the British Government. I am conscious of the fact that the day after our meeting there was the High Court decision to grant a judicial review to the Finucane family. They took that case and I understand it will be held in the High Court in Belfast next May.

[The Taoiseach.]

The Deputy has raised the Ballymurphy incident with me previously. I attended the Aisling Awards in Belfast, at which the recipient of the Person of the Year award was Pat Finucane's wife, and had the privilege of seeing the representatives of the families of the Ballymurphy victims accept the Culture and Arts award for the play *Ballymurphy — The Aftermath*, which they dedicated to those who lost their lives during that dreadful time. I have no objection to meeting with the representatives of the Ballymurphy families the next time I happen to be in Belfast, as I indicated to them that night.

**Deputy Micheál Martin:** I agree with much of what the Taoiseach said about the importance of the extraordinary relationship between Britain and Ireland, particularly the economic and trade relationship. For that reason it is almost incomprehensible that he did not have a meeting with the British Prime Minister, Mr. Cameron, before the summit. All the indications in advance of the summit were that it would be a profound summit, with grave implications. If we accept that the trading relationship is vital to our national interest, I respectfully suggest that the Taoiseach should not have signed up to the treaty that evening with Britain outside it. There is no point in meeting the Prime Minister a month later and saying we have a vital alliance and relationship. Five o'clock in the morning is no time for this type of division. Despite all the rhetoric about a major diplomatic initiative, does the Taoiseach not agree his approach to diplomatic relations has been extraordinarily passive? There is a lack of engagement on the part of the Taoiseach personally.

Soundings from the Commission and other soundings indicate that smaller states are bystanders in terms of the Merkozy drive to change the shape and nature of Europe into the future. Does the Taoiseach not agree that the smaller nations must re-assert themselves in the context of the significant issues coming down the tracks with regard to the future of the European Union and the fiscal compact treaty? There has been far too much passivity on Ireland's part and I do not get a sense from the Taoiseach, despite all my questions, of what we stand for and what our position is on these issues.

**The Taoiseach:** We stand very clearly for being a central part of the European Union process and we intend to play our part fully in it. The Prime Minister, Mr. Cameron, was not in Marseilles because the Conservative Party does not attend European People's Party, EPP, meetings. I attended that meeting and spoke to President Sarkozy, Chancellor Merkel, the Spanish Prime Minister-elect, Mr. Rajoy, the Portuguese Prime Minister, Mr. Coelho, and the other leaders of the European Council who were at the EPP meeting. However, I spoke to the Prime Minister, Mr. Cameron, on the telephone before I went to the meeting and he informed me of his intentions and what he wanted to put on the table at the Council meeting. I was sitting beside him and was aware of the implications and the legal advice he had. I spoke to him on many occasions during the course of the meeting. Actually, the break did not occur at five in the morning but much earlier.

**Deputy Micheál Martin:** However, it occurred.

**The Taoiseach:** If the Deputy asserts that we should not have accepted what was under discussion by the 17 states, he clearly wishes to set us on a different path. We are members of the eurozone and the European Union and the euro is our currency.

**Deputy Micheál Martin:** The Dutch did not want the break up either.

**The Taoiseach:** The British are members of the European Union but not of the eurozone and their currency is sterling. These things are interconnected and one is very important for

the other. I very much regret that it was not possible to have the 29 states involved in this. I hope that whatever is agreed can eventually be merged into the treaties of the European Union so the power of the 27 can be seen to be implemented in the Single Market, which the Deputy supports, and can have a direct impact on the economies of all the countries, with beneficial consequences for Ireland as an exporting nation in jobs, careers and opportunities.

**Deputy Micheál Martin:** Does the Taoiseach agree that President Sarkozy does not run Europe? President Sarkozy proclaimed after that summit that we had got rid of the British and that this was great. He said the way forward is to leave the British behind.

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

**Deputy Micheál Martin:** Somebody must stand up to President Sarkozy and tell him he does not run Europe.

**The Taoiseach:** At the Council meeting I made the point that it would be preferable to have the 27 countries together——

**Deputy Micheál Martin:** The Taoiseach signed up without it.

**The Taoiseach:** ——and that Britain is important for the European Union and *vice versa*. Obviously, I do not speak for President Sarkozy. There is a long tradition of competitiveness between France and Britain. This is a very serious matter for the European Union.

**Deputy Micheál Martin:** And for domestic French politics.

**The Taoiseach:** As I said, my clear preference was to have the 27 states, but we do not. We must make do with what we have.

**Deputy Gerry Adams:** The British are well able to stand up for themselves. The challenge for us is to get the Taoiseach to stand up for the Irish on a range of issues.

**The Taoiseach:** The Deputy need not worry about that.

**Deputy Gerry Adams:** I agree there should not be a hierarchy of victims. I have welcomed the decision of the court to allow the family to have a full judicial review. However, the family should not have to go to the courts for 20 years. That is our failure and the failure of diplomacy. It is the failure of the Irish Government using all its channels to get this family its demands, as well as in the other cases that were raised. It would be very revealing to get a sense of the letters, communications and the different means the Government has used to ventilate these issues with the British Government. I welcome the fact that the Taoiseach raised the issue but I am not assured that this forms part of a real diplomatic initiative by the Government. If the Taoiseach was doing that and fulfilling his responsibility for these citizens to have their entitlements and rights, he could lecture everybody else.

**The Taoiseach:** On the last occasion the Deputy raised this on Question Time I said I would raise it with the British Prime Minister and report back to the House again. I am not in a position to direct these things. I pointed out that there was a unanimous decision of the House and it was clearly the view of the Irish Government that there should be a public inquiry, and that I was disappointed that a QC would be appointed to examine these papers. I am not sure what will come out of this on the part of the British establishment. I met the Finucane family in Belfast and I discussed this with them. I indicated the continued support of the Government

[The Taoiseach.]

for a public inquiry into the death of Pat Finucane. I also said that, as part of that process, I would raise this in whatever discussions I have with those who matter in the United States.

It was an intergovernmental agreement between the two countries at Weston Park that whatever Judge Cory recommended would be pursued. That is why there is a unanimous decision of this House on the matter, and I was disappointed it did not happen. I cannot give directions to another government but I strongly feel this particular case, while not having any priority for those who are unfortunately deceased, was a specific case, along with the Smithwick tribunal which resulted from the other incidents, which should be followed through. From that point of view, it is a breach of something that was agreed.

**Deputy Gerry Adams:** I welcome the Taoiseach's commitment to meet with the Ballymurphy families. However, he has made that commitment a few times and it should not wait until the next time he is in Belfast. He should invite the families down here. They would be very pleased to meet with him and would be very pleased if he agreed to do that.

**The Taoiseach:** Hold on, the Deputy has always said to me — he has some experience of this — that I should meet people on their own ground. In fact, when I did not have the opportunity the Deputy invited me to west Belfast to see what is being done in the communities. I intend to do that. This is a matter on which the Deputy has long experience. While there is political stability and peace, which is very important, there are many inter-community issues that must be addressed. It was for this reason that I expressed to the British Prime Minister my view that funding for inter-community engagement should continue to be provided through the PEACE III arrangement. When I visited the Short Strand and other communities I saw at first hand the commitment of people from diverse sectors to making young people appreciate that what was hard won should not be lost by going down the wrong route.

**Deputy Gerry Adams:** I only ask that the Taoiseach have a quiet meeting with the families.

**The Taoiseach:** I will meet them in Belfast.

**Deputy Micheál Martin:** I asked four of the questions in the group, two on the European Union and two on the Good Friday Agreement. On the latter, as the Taoiseach will agree, we are entering into a new and important phase in which the institutions of the Agreement have to be more fully entrenched. I have been struck by independent commentary recently — by which I mean independent of the political system — which has been critical of the constructive engagement of parties in the North-South political dialogue outside of the institutions. It appears there has been very little activity at political level beyond the formal North-South Ministerial Council meetings. I ask the Taoiseach to instruct his Ministers to increase their regular engagements with the Assembly, Executive and cross-Border bodies and to examine the North-South relationship. There has been considerable criticism not only of parties in the Republic, but also parties in Northern Ireland, that there has been a certain degree of inertia in terms of pushing the North-South agenda, which is an integral part of the Good Friday Agreement. A fresh injection of energy and impetus is needed. I ask the Taoiseach to comment on this issue and assure the House that the level and quality of engagement will be improved.

**The Taoiseach:** I assure Deputy Martin that I do not have any problem encouraging and instructing Ministers to engage fully with the Executive and Assembly and the different organisations and groups which may be relevant to their responsibilities in a cross-Border sense. The North-South Ministerial Council meeting held in Armagh had a genuinely good discussion of the economic challenges facing the North and South and a range of topics was discussed. The

Minister for Finance dealt with the issue of the National Asset Management Agency and the banks as well as opportunities to make savings through beneficial co-operation in both directions. The Minister for Education and Skills discussed educational issues and there was a discussion about collaboration in third level education. Cross-Border energy issues were also discussed, including when it would make practical sense to do so. The importance of the agri-food sector where a great deal of activity is taking place was also discussed.

The council approved the appointment of chairpersons, vice-chairpersons and members of the boards of the North-South implementation bodies and the directors of Tourism Ireland limited. As the Deputy will be aware, the Irish Open golf tournament, with all the champions from Northern Ireland, will go North this year. We discussed developments in the north-west gateway initiative, with a view to progressing the matter during 2012 and signed off on the admittedly reduced funding for the A5 and A8 road projects. We noted also that the relevant Departments will prepare funding for a new programme for them.

I do not have any difficulty accepting Deputy Martin's recommendation, which is already being implemented, that Ministers be very active in their work with their counterparts in the Assembly and Executive. The truth of the matter is that a great deal of activity in respect of North-South dialogue is often overlooked now because it no longer has the heightened sensationalism it once had as a result of the absence of trouble, which is in everybody's interests. Normal relations are very important and the Deputy can take it that Ministers and Ministers of State, in so far as committees are concerned, will work actively with their counterparts in the North.

*Written Answers follow Adjournment.*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 7, motion re referral to Joint Committee of proposed approval by Dáil Éireann of the Teaching Council Act 2001 (Amendment of Nominating Bodies) Order 2012; and No. 4, Industrial Relations (Amendment) (No. 3) Bill 2011 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 7 shall be decided without debate. Private Members' business shall be No. 39, motion re provision of guidance counselling in schools.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with No. 7 without debate agreed? Agreed.

**Deputy Micheál Martin:** A debate has ensued following the publication of the national health service plan by the Minister for Health, Deputy Reilly. Let us make no mistake about it, taking €750 million out of the health service will have an enormous impact. There is also significant uncertainty about the fair deal scheme. Are the 1,200 new places being provided under the scheme net of the 900 places which will be moved from the State community nursing units to the private sector? A large number of issues arise from the plan and it is urgent that the House be given an opportunity to debate them. At the recent Whips' meeting, the Government Whip asked Opposition Whips to raise issues and topics for debate in the House. I ask the Taoiseach to allow Government time for a debate on the Health Service Executive's national health service plan.

**The Taoiseach:** I do not have any objection to the Deputy's request and will certainly discuss it with the Whip. These are things that affect every person in the country. As the Minister pointed out, this is a plan which he has approved and it has to be looked at on a regular basis starting with the first review at the end of February.

**Deputy Micheál Martin:** Will the Taoiseach instruct the Whips to organise a debate fairly quickly?

**The Taoiseach:** If we were to have a debate next week when we will still not know what will be the actual number of staff who will leave the health service — the indicative figure of 4,500 has fallen to somewhere in the order of 3,000, although it may be slightly higher — Members would be speaking in the dark, as it were, without knowing the facts or the actual numbers, all of which will have direct implications for services.

**Deputy Micheál Martin:** The plan has been published and it has been announced that 3,000 staff will leave the health service. A large number of other issues arise from the plan. It makes the House irrelevant if it does not have the capacity or an opportunity to discuss the plan shortly after its publication.

**The Taoiseach:** I am not suggesting it should not be discussed until the end of February. All I am saying is that we will not know the exact figures until that process is over. I will make the Whip aware of the Deputy's request to which, as I stated, I do not have any objection. It is important that people should be able to discuss the HSE plan.

**Deputy Micheál Martin:** The Taoiseach is already pushing back the debate.

**Deputy Gerry Adams:** I and two other Deputies had intended to raise the same issue. Given that the HSE plan will be discussed everywhere, whether in pubs, dole queues, hospitals, nursing homes——

**An Ceann Comhairle:** Football matches.

**Deputy Gerry Adams:** ——football and even soccer matches, it would be useful to have a discussion in the House. I would welcome such a debate which is urgent given the level of public concern about the plan.

I note that the temporary partial credit guarantee Bill is on the A list. The proposed scheme is a good and welcome initiative given the number of small businesses which are struggling to secure the short-term credit that would allow them to expand or develop. I note, however, that the Government has announced this proposal on three occasions. It did so with a great brouhaha in its jobs initiative followed by an encore in the jobs budget and is doing so again in the new jobs action plan. It would be useful, therefore, to find out when the legislation will be introduced and how many jobs the Taoiseach expects to be created under the proposal.

**An Ceann Comhairle:** That is not in the legislation.

**Deputy Gerry Adams:** Is the Government considering legislation to ensure banks pass on the ECB interest rate cuts to small businesses and mortgage holders?

**The Taoiseach:** In regard to the partial loan credit guarantee scheme, this has been flagged on a number of occasions because it is so important. People tell me and others that they cannot get access to credit from banks. The Minister for Jobs, Enterprise and Innovation, Deputy Bruton, had to devise a structure whereby such a scheme can operate. A tender process is required. The Bill, which will be taken in this session, is a major priority for the Minister. While I cannot give an exact date, it is very close. Obviously, the Minister had to go through a deal of discussion to get a structure that will work. Let us hope that when the legislation is introduced and passed by the House it will pay dividends for those who are involved in small and medium-sized enterprises in particular.

In regard to mortgages and the passing on of interest rates, we have made it perfectly clear that interest rates are reduced by the ECB for a particular reason, that is, to assist with the flow of liquidity and to reduce pressure on hard-pressed taxpayers and those with mortgages, and that banks should not be making a killing out of it. The question of mortgage distress is obviously of great importance to the Government. The Keane report made recommendations and an implementation group has been set up. The reason I have not come back yet is because of the complexity of legal issues arising from the Personal Insolvency Bill. I expect that Bill will come before Government for approval next Tuesday and we can then move forward with a package.

**Deputy Robert Dowds:** Has the Cabinet received the taxi review report? It is a very important issue because of all the problems relating to taxis. Would it be possible to have a debate on it after the Cabinet releases the report?

**The Taoiseach:** The Minister of State, Deputy Alan Kelly, is dealing with the taxi report and has received it. It has not yet come before the Cabinet. The Deputy can take it that there will be a debate on it when it is approved and published.

**Deputy Robert Dowds:** When will that be?

**Deputy Patrick Nulty:** I wish the Taoiseach well for the new year. In regard to promised legislation, this week the Taoiseach will have seen the chaotic fashion in which waste collection services were privatised in Dublin city, which is one of the final nails in the coffin of a publicly provided waste collection service. When will legislation be brought before the House to provide for a national waiver scheme for vulnerable householders like pensioners and others on low incomes which, as the Taoiseach will know, is a key commitment in the programme for Government? The Department of the Environment, Community and Local Government has been very quick to bring forward legislation on the proposed household charge but I am very interested to know when this legislation will be forthcoming?

**The Taoiseach:** I am not sure which legislation the Deputy is talking about. I heard Councillor Breen on the radio this morning talking about the decision of Dublin City Council. I will come back to the Deputy with up-to-date information on the question he asked about a waiver scheme.

**Deputy Brian Stanley:** On the same question of the chaos in Dublin in the past two days in regard to refuse collection and waivers not being honoured——

**An Ceann Comhairle:** Sorry, that is not promised legislation. You know that well and it is not on the Order of Business. Will you please sit down?

**Deputy Brian Stanley:** It is promised legislation because the Minister for the Environment, Community and Local Government indicated that the consultation period was now over——

**An Ceann Comhairle:** The Dublin refuse problem is not promised legislation.

**Deputy Brian Stanley:** ——and that when he issues the report, legislation would be brought before the House. When will it be brought before the House?

**An Ceann Comhairle:** What legislation are you talking about?

**Deputy Brian Stanley:** Legislation to regulate waste collection services.

**The Taoiseach:** I will come back to the Deputy on that.

**Deputy Michael McGrath:** I wish to ask about the Construction Contracts Bill. The sponsor of the Bill, Senator Feargal Quinn, has been working with the Minister of State, Deputy Brian Hayes, on it, consulting with stakeholders and so forth. When will Second Stage of the Bill be taken in this House?

**The Taoiseach:** There is no fixed date for that. The Minister of State, Deputy Brian Hayes, was very anxious that it would have been brought in by now because of its importance. I cannot give the Deputy an exact date but the Minister of State is actively involved with Senator Feargal Quinn on it. I will come back with a more accurate time assessment.

**Deputy Willie O'Dea:** Further to the Taoiseach's earlier reply, is it expected that the new insolvency legislation will be debated in this session and will it cover mortgage debt?

**The Taoiseach:** As I said, it is expected that it will be dealt with and debated in this session. The Government has yet to make a decision on what the Bill will include. I expect it to be brought before Cabinet by the Minister for Justice and Equality next Tuesday.

**Deputy Michael Healy-Rae:** Is there promised legislation in regard to the State withholding money from people's incomes at source to pay the household charge and other such charges because if there is, there should not be?

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

**The Taoiseach:** The Deputy is looking well again this week. No legislation is promised in that area.

**Deputy Michael Healy-Rae:** I heard there was.

**An Ceann Comhairle:** Bad rumours, I think.

**Deputy Charlie McConalogue:** Why did the Dáil sit for three hours last Friday when those three hours could have been added on to Thursday?

**An Ceann Comhairle:** Will you resume your seat if that is all you are going to debate? This is about promised legislation.

**Deputy Charlie McConalogue:** It is in regard to the Order of the House which I was not able to raise last Friday because there was no Order of Business.

**An Ceann Comhairle:** What Order of the House are you talking about?

**Deputy Charlie McConalogue:** The way we order business in this House and the way we order Friday sittings.

**An Ceann Comhairle:** This is about promised legislation.

**Deputy Charlie McConalogue:** It is also about the way we order the House——

**An Ceann Comhairle:** No, it is not.

**Deputy Charlie McConalogue:** ——if I am not mistaken.

**An Ceann Comhairle:** Resume your seat. Thank you very much.

**Deputy Charlie McConalogue:** A Cheann-Comhairle, we were not——

**An Ceann Comhairle:** I call Deputy Ó Snodaigh.

**Deputy Charlie McConalogue:** ——allowed to ask this question last Friday.

**An Ceann Comhairle:** Will you resume your seat?

**Deputy Charlie McConalogue:** A Cheann Comhairle——

**An Ceann Comhairle:** Will you resume your seat, please?

**Deputy Charlie McConalogue:** A Cheann Comhairle——

**An Ceann Comhairle:** Will you resume seat?

**Deputy Charlie McConalogue:** When are we supposed to raise——

**An Ceann Comhairle:** Will you Deputy resume your seat?

*(Interruptions).*

**An Ceann Comhairle:** Will you resume your seat? I am on my feet.

**Deputy Charlie McConalogue:** When are we supposed to ask these questions?

**An Ceann Comhairle:** I am on my feet. Ask a parliamentary question.

**Deputy Charlie McConalogue:** This is the Order of Business.

**An Ceann Comhairle:** It has nothing to do with what you are going to raise. We are dealing with promised legislation.

**Deputy Aengus Ó Snodaigh:** Before Christmas, I asked about upward only rent reviews and whether legislation would be published. The Taoiseach advised that the Attorney General said that because of something in the Constitution, it could not be done, despite her giving different advice to the Labour Party. Has the Taoiseach considered changing the Constitution to allow for upward only rent reviews to be outlawed or changed?

**An Ceann Comhairle:** There is no promised legislation.

**Deputy Bernard J. Durkan:** The statutory central register of credit histories is very important legislation——

**An Ceann Comhairle:** I am sure it is.

**Deputy Bernard J. Durkan:** ——which will have widespread impact on many people and is eagerly awaited. Has it been discussed by Cabinet and have the heads of the Bill been agreed? When is it likely to be brought before the House? I refer to the housing Bill, which relates to voluntary housing agencies, and to the criminal justice (legal aid) bill, which is another eagerly awaited Bill, in particular among the legal profession and consumers. Have they been discussed in Cabinet and have the heads of the Bills been agreed? When is it likely that they will be brought before the House?

**The Taoiseach:** The statutory central register of credit histories Bill will be brought before the House next year, as will the Housing Bill. I expect the criminal justice (legal aid) Bill to be brought before the House this year.

**Deputy Barry Cowen:** I presume the Social Welfare and Pensions Bill will provide for the rescinding of cuts to community employment scheme training and materials grants and what was brought forward in the budget in regard to the disability allowance?

**An Ceann Comhairle:** Where are we going?

**Deputy Barry Cowen:** A multitude of reviews are taking place on foot of the budget.

**An Ceann Comhairle:** That is not on the Order of Business.

**Deputy Barry Cowen:** Will the proposed legislation rescind all of those measures?

**An Ceann Comhairle:** We do not deal with the content of legislation only when it will be taken.

**Deputy Barry Cowen:** This relates to promised amendments to the Social Welfare Act.

**An Ceann Comhairle:** When is the Social Welfare and Pensions Bill due?

**Deputy Barry Cowen:** Will this be included in the Social Welfare and Pensions Bill and when will it be taken by the House in order to activate what the Labour Party backbenchers are forcing the Government to do?

**The Taoiseach:** As the Deputy knows, the community employment schemes are very important. He is well aware that a good value for money audit is very important in respect of those schemes. Where they work well, they work exceptionally well. The Social Welfare and Pensions Bill will be taken in this session.

**Deputy Derek Keating:** Is there any intention to amend current legislation to help protect workers' rights? I am thinking of workers who have found themselves in a very vulnerable position, such as the workers in La Senza last week, and who are at the mercy of employers who have treated them with less than respect.

**The Taoiseach:** I am aware of Deputy Keating's comment in this regard but there is no legislation promised on this issue.

**Deputy Martin Ferris:** Given the concern about deductions at source for those who refuse to pay their household charge bill and so forth, when does the Government propose to bring in the criminal justice (fines) (amendment) Bill?

**The Taoiseach:** There is no date for that yet.

**Deputy Martin Ferris:** I thought it was coming in soon.

**The Taoiseach:** No, that is a different civil Bill.

**Deputy Michael Healy-Rae:** It is the same thing.

**The Taoiseach:** Is the Deputy talking about fines being deducted at source from people?

**Deputy Michael Healy-Rae:** Yes.

**The Taoiseach:** No. It has been commented on by the Minister but there is no legislation promised on it.

**Deputy Michelle Mulherin:** When will the Bill dealing with personal insolvency be published? There are a lot of people who are anxious to know and who wish to sort out their financial affairs.

**The Taoiseach:** I have already answered that. I expect that Bill on personal insolvency to be brought before Government next Tuesday.

**Deputy Éamon Ó Cuív:** Last Thursday, in the Dáil——

**An Ceann Comhairle:** The Deputy should resume his seat. I know what he is going to say and he is totally out of order. He had his day out on Friday and he is not going to do it again today. The Deputy should resume his seat.

**Deputy Éamon Ó Cuív:** We will be putting down a substantive motion and it will then be in order.

**An Ceann Comhairle:** That is the way to deal with issues. Thank you very much.

### Local Authority Public Administration Bill 2011: Second Stage (Resumed)

**An Ceann Comhairle:** I must now deal with a postponed division relating to the Local Authority Public Administration Bill 2011, from Friday, 13 January 2012.

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

The Dáil divided: Tá, 36; Níl, 96.

Tá

Adams, Gerry.  
Browne, John.  
Calleary, Dara.  
Collins, Joan.  
Collins, Niall.  
Colreavy, Michael.  
Cowan, Barry.  
Crowe, Seán.  
Doherty, Pearse.  
Dooley, Timmy.  
Ellis, Dessie.  
Ferris, Martin.  
Flanagan, Luke ‘Ming’.  
Fleming, Tom.  
Healy, Seamus.  
Healy-Rae, Michael.  
Kirk, Seamus.  
Kitt, Michael P.

Mac Lochlainn, Pádraig.  
McConalogue, Charlie.  
McGrath, Finian.  
McGrath, Michael.  
McLellan, Sandra.  
Martin, Micheál.  
Moynihan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
Ó Snodaigh, Aengus.  
O’Brien, Jonathan.  
O’Dea, Willie.  
Pringle, Thomas.  
Smith, Brendan.  
Stanley, Brian.  
Tóibín, Peadar.  
Troy, Robert.

Níl

Barry, Tom.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Catherine.

Byrne, Eric.  
Cannon, Ciarán.  
Carey, Joe.  
Coffey, Paudie.  
Conaghan, Michael.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.

Níl—*continued*

Coonan, Noel.	McGinley, Dinny.
Corcoran Kennedy, Marcella.	McHugh, Joe.
Costello, Joe.	McLoughlin, Tony.
Coveney, Simon.	Maloney, Eamonn.
Creed, Michael.	Mathews, Peter.
Creighton, Lucinda.	Mitchell, Olivia.
Deasy, John.	Mitchell O'Connor, Mary.
Deenihan, Jimmy.	Mulherin, Michelle.
Deering, Pat.	Murphy, Dara.
Doherty, Regina.	Murphy, Eoghan.
Dowds, Robert.	Nash, Gerald.
Durkan, Bernard J.	Neville, Dan.
English, Damien.	Nolan, Derek.
Farrell, Alan.	Nulty, Patrick.
Ferris, Anne.	Ó Ríordáin, Aodhán.
Fitzgerald, Frances.	O'Donnell, Kieran.
Fitzpatrick, Peter.	O'Donovan, Patrick.
Flanagan, Terence.	O'Mahony, John.
Gilmore, Eamon.	O'Reilly, Joe.
Griffin, Brendan.	O'Sullivan, Maureen.
Hannigan, Dominic.	Perry, John.
Harrington, Noel.	Phelan, Ann.
Harris, Simon.	Phelan, John Paul.
Hayes, Brian.	Rabbitte, Pat.
Hayes, Tom.	Reilly, James.
Heydon, Martin.	Ring, Michael.
Hogan, Phil.	Ryan, Brendan.
Howlin, Brendan.	Shatter, Alan.
Humphreys, Heather.	Sherlock, Sean.
Humphreys, Kevin.	Shortall, Róisín.
Keating, Derek.	Spring, Arthur.
Keaveney, Colm.	Stagg, Emmet.
Kehoe, Paul.	Stanton, David.
Kelly, Alan.	Timmins, Billy.
Kyne, Seán.	Tuffy, Joanna.
Lawlor, Anthony.	Twomey, Liam.
Lynch, Kathleen.	Varadkar, Leo.
Lyons, John.	Wall, Jack.
McEntee, Shane.	Walsh, Brian.
McFadden, Nicky.	White, Alex.

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

Question declared lost.

**Teaching Council Act 2001 (Amendment of Nominating Bodies) Order 2012: Referral to Joint Committee**

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

That Dáil Éireann approves the following Order in draft:

Teaching Council Act 2001 (Amendment of Nominating Bodies) Order 2012, copies of which were laid before Dáil Éireann on 9th January, 2012, be referred to the Joint Committee on Jobs, Social Protection and Education, in accordance with Standing Order 82A(4)(j), which, not later than 7th February, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

## Topical Issue Matters

**Acting Chairman (Deputy Anne Ferris):** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputies John O'Mahony, Pat Deering and Paul J. Connaughton — the changes to community employment schemes; (2) Deputy Timmy Dooley — the need to declare Ireland a fracking free zone; (3) Deputy Jim Daly — the need to address the accumulation of penalties for people who cannot afford to pay the non-principal private revenue charge by the imposed deadlines; (4) Éamon Ó Cuív — the need to re-assess the permitted stocking levels of sheep and cattle in the Maam Turk and Twelve Bens areas of County Galway; (5) Deputy Terence Flanagan — the need to enter into a bilateral agreement with Ethiopia; (6) Deputy Paschal Donohoe — the need to review payment methods for the household services charge; (7) Deputy Derek Keating — the problems of receiving State payments at Lucan Post Office, Dublin; (8) Deputy Pádraig Mac Lochlainn — accident and emergency provision at Letterkenny General Hospital, County Donegal; (9) Deputy Nicky McFadden — the 4th Western Brigade, Athlone, County Westmeath and the new structure of the Defence Forces; (10) Deputy Dara Calleary — the impending closure of inpatient mental health care services at Ballina District Hospital and the proposed closure of Teach Ashling, Castlebar, County Mayo; (11) Deputy Pearse Doherty — the difference in interest payments for variable rate mortgages, particularly those provided by Permanent TSB; (12) Deputy Michelle Mulherin — the need to include Inver national school, County Mayo, in the current review of DEIS schools being undertaken by the Minister for Education and Skills; (13) Deputy Pat Breen — adoption agreements with Vietnam, Ethiopia and Mexico; (14) Deputy Simon Harris — the need to re-examine the system of issuing prescriptions; (15) Deputy Stephen S. Donnelly — the need to discuss the closure of the community employment scheme at the National Disabled Angling Facility, Aughrim, County Wicklow; (16) Deputy Jerry Buttimer — the need to investigate the use of the new VAT rate of 23% on invoices issued by Eircom prior to 1 January 2012; (17) Deputy Thomas P. Broughan — the need to solve the problems faced by residents of the Priory Hall complex, Dublin; (18) Deputy Michael McGrath — the possible implications for Ireland from the downgrading in recent days of the EFSF and of nine eurozone countries by the ratings agency Standard & Poors; (19) Deputy Gerald Nash — ambulance response times for accident cases in the Drogheda area, County Louth; (20) Deputy Barry Cowen — the changes in rent supplement announced recently; (21) Deputies Aodhán Ó Ríordáin and Robert Dowds — the rights of migrant workers and the way in which the problem of forced labour will be tackled; (22) Deputy Peter Mathews — the need to postpone the redemption of the €1.25 billion Anglo-Irish Bank bond due on 25 January 2012; (23) Deputy Charlie McConalogue — the frontline services that are due to be cut following the publication of the service plan of the Health Service Executive; (24) Deputy Mick Wallace — the need to solve the problems faced by residents of the Priory Hall complex, Dublin; (25) Deputy Joan Collins — the changes to waste collection that are taking place in the Dublin City Council area; (26) Deputies Richard Boyd Barrett and Thomas Pringle — the changes to rent allowance rates; and (27) Deputy Seamus Healy — the need to reverse the decision to defer screening for colon cancer. The matters raised by Deputies John O'Mahony, Pat Deering and Paul J. Connaughton, Deputies Aodhán Ó Ríordáin and Robert Dowds, Deputy Dara Calleary and Deputy Pádraig Mac Lochlainn have been selected for discussion.

## Topical Issue Debate

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### Community Employment Schemes

**Deputy John O'Mahony:** I thank the Ceann Comhairle for selecting this matter and I thank the Minister for Social Protection for attending this debate. In the budget it was announced that the training and materials grant for community employment schemes was to be reduced from €1,500 to €500. When a project is approved by FÁS, a contract is entered into for a 12-month period. Many schemes were signed up for towards the end of last year and will run until October or November 2012. In those cases, most of the money was spent or taken account of before the cuts were implemented on 1 January. In the aftermath of the budget, I welcome the Minister's decision to review the schemes. The review started in the last few days, but what good is that if the schemes are already being cut back? Contracts have been entered into. In recent months we heard of highly paid civil servants who had entered into contracts for large pensions which cannot be changed, yet people on CE schemes can have their payments cut off with a few weeks notice.

In my own constituency there are 40 projects with approximately 850 participants. These people and the projects in which they participate support local communities by offering a myriad of services, including child care, village enhancement and meals-on-wheels. I see Deputy Dara Calleary on the other side of the House. He will know of the work of CE schemes for the Moy salmon festival.

I ask the Minister to allow existing contracts to be honoured and to postpone the changes proposed in the review until the current schemes are being renewed.

**Deputy Pat Deering:** Like Deputy O'Mahony, I am pleased to have the opportunity to speak on this issue. I speak on behalf of the 19 schemes, with 326 participants, in my county of Carlow. One of these schemes, the Carlow regional youth service, employs 15 people at present. Last year, five of the seven new participants in that scheme graduated to employment. One went on to retraining and only one went back to the social welfare system. The level of progression is very good.

These are not one-size-fits-all schemes. A scheme working in the disability sector would be totally different from one attached to a sports club, for example. The training issue is important. Individual training is important if people are to progress to employment. If the training element were to move to the VEC system, as is suggested, we would have one bland system which would not help the whole programme.

There has been much talk about bad schemes and schemes that have been abused. There are also many very good schemes in the system. When the review is completed, will the schemes that have passed the review with flying colours be entitled to their full grant application?

**Deputy Paul J. Connaughton:** I thank the Ceann Comhairle for allowing me to raise this issue and I thank the Minister for being in attendance.

Deputies O'Mahony and Deering have spelled out our concerns. Since this measure was announced in the budget, I have met participants of many of the schemes, particularly in east Galway where there are 33 schemes and where hundreds of people will be affected. Some of these schemes have already had their funding cut. Having met them and seen the work they do it is clear that many of the people who avail of these schemes go on to further employment, having availed of the training offered. The schemes are working and are doing the job they are supposed to do.

Will schemes whose funding has been cut before the review has taken place have the money to complete their contracts, whether they end in March or continue until the summer? Will schemes that prove they are doing the job properly receive the same level of funding as last year?

**Minister for Social Protection (Deputy Joan Burton):** I thank the Deputies who raised this issue.

I am happy to have responsibility for community employment from 1 January. These schemes play an important role in our communities, in particular by providing services which have an intrinsic social value like helping the disabled to live independently or delivering meals-on-wheels and other services to our older citizens. This is a point that tends to get lost in some of the purely economic analysis of CE schemes, which views them as not delivering sufficient progression into the labour market. While it is true that many CE schemes do need to improve the manner in which they provide labour activation services, there will always be a role for schemes that are primarily directed towards the provision of crucial social services, often for disadvantaged communities who are in dire need of services like child care, elderly care and drug treatment programmes.

The intrinsic social value of these schemes is not captured by conventional economic models but this is more a failing of conventional economics than of the schemes themselves. As Minister for Social Protection, I am determined to ensure that the contribution of such schemes is recognised in any future decisions on the future operation, funding and role of community employment.

The Department of Social Protection has agreed that an initial review of the financial resources of individual community employment schemes will commence in January 2012. The timeframe for completion of the local examination is the end of March 2012. The outcomes will inform the overall approach to be taken by the Department in implementing these reductions.

The terms of reference for the review have been circulated to regional management. To ensure consistency in approach by Department regions, a template or schedule outlining the areas for the financial review was designed and this is the basis of the review at scheme level.

The terms of reference are as follows. First, to examine the income and funding of sponsoring organisations in terms of their ability to continue the programme with reduced funding from the Department. There are community and voluntary sponsoring organisations that receive funding from a multiplicity of state agencies. Second, to quantify the expenditure on training provided and the qualifications achieved by participants. Third, alternative sources of support will be examined particularly with reference to funding from other State agencies to avoid duplication. Fourth, to establish if income is generated by scheme activity and the potential for utilisation of these funds to cover project costs.

The review process has commenced and Department staff have begun engagement with sponsors and community employment supervisors at local level. I wish to emphasise the following point to Deputies Connaughton, Deering and O'Mahony. Staff are advised that schemes which have committed expenditure to eligible costs will be reimbursed where this has been approved by Department regional staff under existing arrangements. Let me be clear. If changes in the training and material grant announced in the budget create financial difficulties for schemes, the Department of Social Protection will continue to provide funding for those schemes and funding has been made available in this context.

Separately, the former FÁS research unit, which has joined the Department of Social Protection, has been asked to complete a strategic value for money review of a number of schemes administered by the Department. Community employment will be reviewed as part of this

[Deputy Joan Burton.]

exercise. The outcome of this review will guide future policy development and is expected to be completed by the end of March.

It is most important for schemes to be in full communication with the management with whom they dealt in FÁS and who are now officials of the Department of Social Protection. That is critical.

**Deputy John O'Mahony:** I thank the Minister for her reply. She said that if changes in the training and material grant announced in the budget cause financial difficulties funding will continue to be provided if schemes are in trouble. Schemes have been in trouble since 1 January, based on what their plans were. Is the Minister saying that if a programme is signed up to it will be funded until it is due for renewal? My information is that the regional staff have no discretion in this matter but that it is being implemented from 1 January.

**Deputy Pat Deering:** Again, I raise the training issue. For participants to progress to employment they must have individual training, as far as possible. If training goes back into the VEC system, as was suggested, the individualisation of training will be lost and the prospect of participants progressing to employment will be lessened.

**Deputy Paul J. Connaughton:** Is the Minister saying that any scheme that runs from March 2011 to March 2012 and has spent its funding will be okay, and that its shortfall will be taken care of? Could she consider other CE scheme costs, such as insurance and auditing, which eat up huge chunks of a scheme's budget before it even gets a chance to spend money on training and materials?

**Deputy Joan Burton:** As the Deputies appreciate, the schemes only came under my remit on 1 January. They will make a very important contribution. The Government, in the budget, maintained the numbers and its commitments to the schemes. It is important that this message goes out.

With regard to schemes that have contracts, as described by a number of Deputies, if the scheme representatives deal on a one-to-one basis with regional social welfare employment officials, formerly FÁS officials, who are now managing them, they will note contracts which are legal commitments will be honoured to the point when they arise again. We are undertaking that no scheme will be forced to close until after the review has been completed. It is important to understand that, in the context of the troika, the criticism of activation and the budget we have been given, we have been asked to find savings. We need to find them. I accept Deputy Deering's point that there is definitely scope for saving with regard to shared insurance costs and other shared costs. I cannot, however, emphasise enough how critical it is for schemes to be in communication with former FÁS management, who are now officials in the Department of Social Protection.

### **Employment Rights**

**Deputy Aodhán Ó Ríordáin:** I had hoped the Minister for Justice and Equality would be present but I am quite sure the Minister of State at the Department of Justice and Equality, Deputy Kathleen Lynch, will deal with the matter and take it to the Minister's desk.

I will not dwell too long on the issue of forced labour as the Minister of State is very familiar with it. She understands the industries involved. There is an urgent need to criminalise forced labour. The Migrant Rights Centre Ireland, some of whose representatives are in the Visitors Gallery, has recorded 169 cases of forced labour over the past six years, but we know this is just the tip of the iceberg. Without a law against forced labour, victims will not be identified

and unscrupulous employers will continue to engage in their current behaviour. Asking a victim of forced labour to pursue his rights through the existing legislation, be it health and safety legislation or employment legislation, as has been suggested, is deeply problematic. The experience of victims to date is that they do not receive protection or justice, despite these so-called protections being in place. Not one person has been prosecuted for any of the offences in forced labour cases. This reinforces the requirement for a stand-alone offence of forced labour.

The Minister for Justice and Equality, Deputy Shatter, is due to make a decision shortly regarding any legislative and administrative measures required to address deficiencies in the law in this area. We need clarification in this regard. We need to bring Ireland into line using its legal commitments at EU and international levels. The Minister of State understands what these commitments are. We ask that the Minister outline urgently the Government's plans to criminalise forced labour in Ireland and protect the most vulnerable of workers in this Republic.

**Deputy Robert Dowds:** It is a matter of shame that I stand to discuss this issue today because it should not have to be discussed in any civilised, democratic country. I understood the issue of slave labour was consigned to the history books but it is a sad indictment of our society that we are still dealing with it.

I recently got involved in this issue because of the case of forced labour at an Indian takeaway called Poppadom beside Newlands Cross in Clondalkin. It involved a man called Muhammad Younis, whom I am very glad to say is in the Visitors Gallery. I welcome him and the representatives of the Migrant Rights Centre Ireland. Mr. Younis's case is a classic example of forced labour. He was lucky enough to escape from the conditions he was forced to endure by his employer.

Mr. Younis, who has very little English, was brought to Ireland on a work permit but, rather than renewing that permit, his employer kept him working through threats and intimidation. This kind of practice must stop. A rights commissioner heard his case and this led to a Labour Court ruling in September 2011 that he is owed €90,000. Poppadom restaurant has yet to pay him that money. He is now unemployed, living in a hostel and cannot see his family. He has been robbed of everything, yet the restaurant keeps trading. This illustrates perfectly why action needs to be taken.

Not one person has been prosecuted in regard to any case of forced labour. For that reason, I call on the Minister of State to ensure forced labour is properly criminalised, that courts have the powers to close companies that employ forced labour and to jail offenders for significant periods, and that an inspection system is introduced that roots out those who might be using forced labour.

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** I thank both Deputies for raising the issue. As they rightly said, it is very serious. I am responding on behalf of the Minister for Justice and Equality, Deputy Shatter.

There are a number of measures in place to prevent exploitation and forced labour in Ireland. The International Labour Organisation's definition of forced labour comprises two basic elements: the work or service is exacted under the menace of a penalty and it is undertaken involuntarily. Forced labour cannot be equated simply with low wages or poor working conditions.

In addition to the range of employment law enacted to protect workers from exploitation generally, the Criminal Law (Human Trafficking) Act 2008, which came into effect on 7 June 2008, criminalises the trafficking of persons for the purpose of labour exploitation, including forced labour. The term "traffics" is broadly defined in the Act. For instance, an offence may

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be committed under the Act by providing a person with accommodation or employment in order to exploit that person for forced labour if coercion or deception is used. An offence does not require cross-border movement or illegal entry into the State. The human trafficking investigation and co-ordination unit of An Garda Síochána works closely with labour inspectors attached to the National Employment Rights Authority on cases where there are allegations of labour exploitation. Since 7 June 2008, a number of cases of alleged human trafficking for labour exploitation have been investigated by An Garda Síochána — 19 cases in 2009, 19 cases in 2010 and 12 cases in 2011. To date, no proceedings for the offence of human trafficking for labour exploitation have been commenced in this jurisdiction. Three investigation files having been submitted to the law officers. Directions for no prosecution have been received in two of these cases. Additional information has been sought and provided in respect of the third investigation file.

An Garda Síochána works closely with other police forces. For example, an intensive investigation was conducted in Ireland and evidence was transferred to Romania, where three Romanian men were sentenced to imprisonment for seven years, five years and five years, respectively, in December 2009 for the trafficking of Romanian nationals into Ireland for labour exploitation on farms in Wexford.

There is a wide range of training and awareness-raising activities ongoing with personnel in the public and private sectors likely to encounter victims of human trafficking for labour exploitation. In addition, since 2010, my Department has sanctioned over €25,000 in funding to the Migrant Rights Centre Ireland to assist it in its work in assisting migrants who may be victims of trafficking for labour exploitation or forced labour.

The Criminal Law (Human Trafficking) 2008 Act is primarily an anti-trafficking measure and was never intended to address all the exploitative phenomena outside the context of human trafficking. In some cases that have been referred to An Garda Síochána as human trafficking for labour exploitation, prospective evidence of other offences including immigration offences, employment permits offences, false imprisonment and assault has been uncovered. These matters remain under investigation. An analysis of allegations of forced labour coming to the attention of An Garda Síochána since the Criminal Law (Human Trafficking) Act 2008 came into effect is currently being examined in my Department so that any legislative and administrative measures required to address deficiencies, if any, in the protections against forced labour can be identified. In the event that a need for additional legislative measures is established, proposals will be brought to Government in the usual manner and as quickly as possible.

**Acting Chairman (Deputy Olivia Mitchell):** I remind Deputies they should not mention anybody outside the House in their address.

**Deputy Aodhán Ó Ríordáin:** I will mention the Minister, Deputy Shatter, who is not present. I know the Minister of State will take our comments back to his office. What I get from the answer is a positive in that the Minister is not saying no legislative change is needed but that it may be needed and that, in due course, it may happen. However, the Minister of State can understand that, as Deputy Dowds said, we are effectively talking about slavery in this Republic currently. While the legislative process must take its course, that gives little satisfaction to those who are suffering. While we are talking about slavery, about 2012 and about a Republic, what we need to do is to ensure that any investigations into the necessity for legislation take place immediately and that legislation which we know is necessary is introduced as soon as possible. A dateline for that would be greatly appreciated.

**Deputy Robert Dowds:** First, although I mentioned a name, I had that person's permission and the matter has been in the public arena before this so I am not mentioning something that is not in the public arena.

**Acting Chairman (Deputy Olivia Mitchell):** The Deputy is losing his time.

**Deputy Robert Dowds:** What I want to be sure of at the end of this process is that if legislation is required, it will be enacted. This has been an ongoing problem for a number of years. The big case that arose was the GAMA case in 2005, which involved many workers. It particularly disturbs me that, despite this, such organisations can continue to get contracts in Ireland. It is wrong that those who are employing people in such situations are allowed to function. I urge movement on this issue.

**Deputy Kathleen Lynch:** The Migrant Rights Centre Ireland and other such organisations are not so much the first port of call for people who find themselves in difficulties but usually the only port of call. It is amazing that we have four statutory agencies charged with responsibility in this area — four different units with wide-ranging roles — namely, the Legal Aid Board, the Garda Síochána, the Department of Health and the Department of Justice and Equality.

There is a huge issue in regard to information and communication around all of this. In the event that people are granted a work permit, which is usually how they come into the country, there must be information available in their own language. As the Deputies rightly said, these people probably have very limited English, although they might have much more grasp of it than our grasp of their native language. We must ensure the information that is necessary to keep these people safe in very vulnerable positions is distributed to them.

With regard to the legislation, while the governing Act may need to be tweaked, perhaps this can be done by alteration to existing legislation and may not require the sort of overarching legislation we assume is necessary. However, there has to be a penalty for people who exploit others in this way.

### **Mental Health Services**

**Deputy Dara Calleary:** I thank the Ceann Comhairle's office for giving me the opportunity to raise this issue and the Minister of State, Deputy Kathleen Lynch, for being present. Just before Christmas, staff at the Ballina psychiatric unit at St. Joseph's District Hospital in Ballina and at Teach Aisling, a dedicated unit in Castlebar, were informed that unless they could produce what were termed "viable alternatives", these two units would be closed at the end of February and they would be transferred to the acute unit at St. Teresa's, the main mental care unit in Castlebar.

As the Minister of State can imagine, the staff at both units and across Mayo give a superb service. They are selfless in their dedication not just to their patients but to patients' families and to the communities which they serve. They are absolutely devastated by the consequences of this decision, particularly for the nurses in Ballina, who will be transferred into Castlebar, and for the patients at Teach Aisling, who are a particular kind of patient. They will not get the kind of service or attention in a central acute unit that they are getting at present. The irony in the case of Teach Aisling is that it is being used by the HSE as a prototype of how services should be delivered. In Ballina, the service has ten nurses attached and is currently serving 60 service users. It provides in-care treatment and also provides 24-hour nursing care to individuals with chronic mental illness and supports those in the community with medication and advice.

[Deputy Dara Calleary.]

I compliment the Minister of State and everybody involved in the superb “The Frontline” programme last night. “Operation Transformation” is also on at present and I believe we are at such a stage in this country that an “Operation Transformation” should be applied to mental health as it is to obesity. The difficulty with last night’s programme is that it was a one-off. I hope the Minister of State had a chance to have a discussion with Dr. Eleanor Fitzgerald Loftus, our local coroner, who would have filled her in on the difficulties we are facing in Mayo with regard to mental health.

Although the HSE management locally have told me it is not a final decision, they are informally telling everybody it is. The treatment of people in the community in what is geographically the third largest county will suffer. The range of services available within the north Mayo community, which are keeping people in north Mayo in their homes, will suffer. The acute unit in St. Teresa’s, which is already under enough stress, will be put under more stress and people will suffer. There is no way around this.

I know the issue arises because of retirements and I know that the Mayo psychiatric services are suffering more retirements than normal at present. However, the level of retirements is not the same within the Ballina unit. These two units are being closed to ring-fence the acute unit at Castlebar.

I commend the Minister of State with regard to the €35 million and the 400 posts as this is probably down to her persistence and that of her predecessor, Mr. John Moloney. If we can get some of those 400 posts with a view to maintaining these services, we will go a long way towards protecting mental health services in Mayo. I heard the Minister of State talking on “The Frontline” last night of her trip around Wexford yesterday. I invite her to come to Mayo to see for herself the services on the ground provided by the HSE but also by Mayo mental health services, and to see what is at risk. I look forward to her response.

**Deputy Kathleen Lynch:** I thank Deputy Calleary for raising this issue. He is probably aware I have had an interest in this area not just since I got this job but for many years, and I have worked very closely with his colleague, the former Minister of State, Mr. John Moloney. We should never forget that what we are doing now is simply a continuum. Others have been here before and there will be others in the future. It is about ensuring that forward momentum continues.

The unit in Ballina referred to by the Deputy, which is part of the district hospital, provides inpatient and respite beds as well as a day-care centre and outreach services to patients with severe and enduring mental health conditions. The unit currently caters for four residential patients and also provides four respite beds. Teach Aisling, located in Castlebar, is a ten-bed inpatient facility for clients with severe and enduring mental illness. It is a high support hostel which also provides rehabilitative outreach services.

Mental health services across all regions are continually reviewing the provision of service to their population to maximise the balance of service access within the available resources. Mental health services in Mayo are currently reviewing their psychiatric services in the context of the recently approved HSE service plan for 2012. The process will include consultation with service users and consideration of how safe and quality services can be provided within available resources. The expenditure reductions necessary in 2012 will challenge all areas of the health system to provide continuity of services that are both appropriate and safe for patients. As in other care areas, efficiency and other savings will be required from the mental health service nationally which will necessarily involve some rationalisation and reorganisation of services at local and regional level.

In spite of this, I am glad to say that it was possible to secure an additional €35 million for mental health, in line with our programme for Government commitments. This funding will be used primarily to strengthen community mental health teams in both adult and children's mental health services. It is intended that the additional resources will be rolled out in conjunction with a scheme of appropriate clinical care programmes based on an early intervention and recovery approach. Some of the funding will also be used to advance activities in the area of suicide prevention and in response to self-harm presentations, and to initiate the provision of psychological and counselling services in primary care specifically for people with mental health problems. Some provision will also be made to facilitate the relocation of mental health service users from institutional care to more independent living arrangements in their communities, again in line with A Vision for Change.

It is important that we get best value for money from our available resources. Duplication of mental health services needs to be avoided in order to provide a more streamlined service. We need to co-ordinate our efforts and work together to develop our mental health services in line with A Vision for Change recommendations. In essence, we need to provide more with less. This has already been successfully achieved in mental health service provision in other areas, Wexford being one where I have seen this working.

I am committed to working closely with the HSE and voluntary agencies to introduce programmes and services which will deal more effectively and appropriately with the issue of mental health. The time for dealing with mental health has come. I am glad to have the opportunity at times such as this to respond, even to individual cases. I will definitely take on board the Deputy's kind invitation.

**Deputy Dara Calleary:** I thank the Minister of State for her reply. I assure her that in the context of the geography of County Mayo there is no duplication of service between Ballina and Castlebar. A considerable round trip is involved for those who now use the service in Ballina but who will be forced to go to Castlebar if this move proceeds. For the type of client who is being treated in Teach Ashling there is no duplication of service. They are getting a very specific treatment there which they will not get in St. Teresa's.

We all agree with the need to strengthen community mental health teams. However, if the closure of the Ballina unit goes ahead, ten nurses will be withdrawn from mental health treatment in Ballina and sent to the acute unit. That will destroy community mental health provision in north Mayo and west Sligo. People who do that job at present are unsung heroes.

I agree with many of the Minister of State's aims. However, if this decision goes ahead what may happen will fly in the face of many of those aims.

This is the second time in two months I have had to use the topical issue debate to raise the further downgrading of services at Ballina District Hospital. There seems to be a plan within the HSE, the Department of Health or somewhere, to close down that hospital. I can assure the Minister of State this will not happen on my watch. In one of the biggest towns in the country, the third biggest in Connacht, we will not stand by while our health services are being dismantled in this way. It is my job to highlight that. I look forward to welcoming the Minister of State.

**Deputy Kathleen Lynch:** There are four areas in the country where, with the co-operation of the voluntary service users and the professionals involved, we have managed to roll out what is considered the model in regard to mental health services, namely, high-support hostels, day hostels and community-based mental health teams. In the areas I have looked at where this has been done the service is extraordinary. It serves both the service user and the professionals who work within it. It has changed the view of all as to how the service is delivered; the

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professionals, the community and the service users. That is what we want for all areas and that is what the €35 million is about. It is about ensuring that the posts we do not have at present, those we are missing from the teams, are put in place in order that people can stay well within their own communities.

The Deputy is right. Closing down units where people are supported within their own community is not what A Vision for Change is about. That programme is about maintaining people in their own community and ensuring they stay well within that community. The last thing we want is to have ongoing admissions to acute units. In Wexford, south Kilkenny and Waterford, a vast area, the admission rate to the acute unit has been cut by 50%. People are getting an extraordinary service in the area and that is what we want everywhere. With the additional money and the plan that is in place one hopes we will also have that service in areas such as Ballina and throughout County Mayo.

### **Hospital Services**

**Deputy Pádraig Mac Lochlainn:** I thank the office of the Ceann Comhairle for accepting this issue, and the Minister of State for attending.

As we speak, and in recent weeks, the accident and emergency ward in Letterkenny General Hospital has faced another crisis situation. Staff are working in impossible conditions under severe pressure. Many of them, speaking off the record to the local media, have spoken of being at breaking point due to the pressure they have to endure.

Whenever the accident and emergency ward in Letterkenny is overcrowded patients remain on trolleys. I understand that in one case a patient had to stay on the trolley in the ambulance waiting to be admitted to a trolley in the actual ward. Privacy and dignity are denied to patients, qualities they should expect from a modern health service. Patients, many of whom are elderly and unwell, have to wait for long periods. Then there is the knock-on impact the next day when outpatient clinics are cancelled, with all the accompanying inconvenience. It is a very serious situation and happens all too often at Letterkenny General Hospital.

If that was not a big enough problem there is another. Only dozens of yards away is a state-of-the-art, brand new building with an accident and emergency ward unit and, two floors above, modern wards. However, there has been a delay of a year beyond what we expected would be its opening time because the builders, McNamara, went bust. Given the need for this building the issue should have been resolved much more quickly by the HSE in terms of the bonds and all the insurance and legalistic matters involved. It is in place now and fully completed. I urge the Minister of State and the HSE to ensure that this building is opened as soon as possible and that the necessary financial and personnel resources are provided to the management of the hospital to ensure this happens. We have already waited a year and cannot wait any longer.

**Deputy Kathleen Lynch:** I thank the Deputy for raising this important issue which I am responding to on behalf of the Minister for Health. Letterkenny General Hospital provides a full range of acute services, including a 24-hour accident and emergency department. The hospital serves a catchment population of 350,000. I am sure the Deputy is well aware of this.

During October 2011, the special delivery unit, SDU, wrote to hospitals with the highest numbers of patients waiting on trolleys, seeking proposals aimed at reducing those numbers over the critical period of November 2011 to January 2012. A range of measures was approved across 16 hospital sites and funding of €4.85 million was allocated for the purpose, with strict performance criteria laid down. In addition, the SDU put in place arrangements whereby a staff member was on duty every day over the Christmas and new year period and each of the 28 emergency departments in the country submitted an update three times per day on the

numbers waiting. In other words, they did a count three times a day as opposed to doing one every morning. This allowed for close monitoring of hospitals at risk and facilitated quick decision making in regard to corrective action where it was required. This process will continue during the month of January 2012.

This reporting structure confirmed the Letterkenny Hospital emergency department in general performed very satisfactorily during this period. Today's 8 a.m. figures indicate there were no patients waiting for admission. At national level, the signs so far have been encouraging with significant reductions recorded in numbers waiting each day compared with the same time last year.

The Health Service Executive, HSE, has advised that construction on the new medical accident and emergency block, which includes the new 19-bay emergency department, an 11-bay acute assessment unit and three 24-bed wards, commenced in early October 2011. It is scheduled for completion in the near future. Equipping and commissioning will then commence.

Last Friday, the Minister for Health approved the HSE's 2012 service plan which was drawn up against the backdrop of significant funding challenges. It is designed to reflect the changed priorities of the new Government and the significant programme of reform to be undertaken. While acute hospitals face an expenditure reduction of 7.8%, the further roll-out of the clinical care programmes and other measures to improve the efficiency of clinical care delivery will limit the reduction in patient activity to an average 3% against the 2011 outturn. Hospitals will work closely with the special delivery unit to ensure, notwithstanding this reduction, nobody waits longer than nine months for an elective procedure to ensure equitable access for all.

**Deputy Pádraig Mac Lochlainn:** I am shocked. Whoever wrote this reply needs to talk to the Letterkenny hospital nursing unions, local journalists and politicians rather than using some strange accounting mechanism to claim all is fine. For the life of me, I cannot understand from where the HSE is getting its figures and claiming everything is hunky dory. It must be a different hospital from the one from which I get reports. The fact remains the hospital was in crisis this winter, particularly after Christmas. This is not the first time.

A multimillion euro long-awaited hospital extension needs to be opened. The Minister of State spoke about it being equipped in the near future. She did not state the Minister and the HSE will commit the financial and personnel resources to the hospital's management to ensure the extension is opened as soon as possible. I appreciate the Minister of State visited the hospital recently and I have much respect for the work she has done in her brief. I hope she will put it to the Minister for Health, Deputy Reilly, that we need that extension opened as soon as possible. We cannot continue to expect the hospital staff to work under these conditions. More importantly, patients in the hospital deserve to have dignity, privacy and proper standards.

**Deputy Kathleen Lynch:** The extension referred to by the Deputy was due for completion by early February 2012. As he knows, however, a storm in the middle of December caused considerable damage to the block. That has been put right and it is estimated the extension will be completed in the next six weeks. With the commissioning and additional works that need to be done on internal structures, the HSE believes the extension will be ready for use by June or July 2012.

### **Industrial Relations (Amendment) (No. 3) Bill 2011: Order for Second Stage**

Bill entitled an Act to make further and better provision for promoting harmonious relations between workers and employers, to amend the Industrial Relations Acts 1946 to 2004, to amend the Employment Permits Act 2006, the Organisation of Working Time Act 1997, the Protection

of Employees (Employers' Insolvency) Act 1984 and the Terms of Employment (Information) Act 1994, and to provide for related matters.

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

Question put and agreed to.

### **Industrial Relations (Amendment) (No. 3) Bill 2011: Second Stage**

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I move: "That the Bill be now read a Second Time."

The Bill's main purpose is to implement the commitment in the programme for Government to reform the joint labour committee, JLC, system and to provide for the more comprehensive measures required to strengthen the legal framework for employment regulation orders, EROs, and registered employment agreements, REAs, in sectorial wage-setting mechanisms under the Industrial Relations Acts 1946 to 2004 in light of deficiencies in the original legislation identified in the July 2011 High Court judgment in the John Grace Fried Chicken case.

The Government has been clear on the need for reform. To do that it is necessary to make our economy more flexible, more competitive and more productive. In the programme for Government, we pledged to restore the national minimum wage and to reform the JLC system. While we need a robust system to protect vulnerable workers, we also need a system that is sufficiently flexible to maximise job opportunities.

The independent review report on statutory wage-setting mechanisms — the Duffy Walsh report — found the system was in need of radical overhaul and that substantial competitive gains in some sectors worst affected by job losses could be achieved by reforming the structure of decision-making to make it more responsive and flexible to the needs of particular sectors. This is particularly important at a time of enormous challenge for job creation. With the numbers out of work at record levels, it is vital we do all we can to protect those in jobs and to give those out of work the best chance possible to get back to work in key sectors of the economy. The system was designed in another era and needs to be modernised to reflect the current environment.

The fact the process of making EROs was found by the High Court to be unconstitutional, together with the identified lack of adequate Oireachtas scrutiny of this process, only underscores some of the main features of the recommendations for reform that were put forward by the independent review report. The High Court action in the John Grace Fried Chicken case was only one of a continuing series of legal challenges to the statutory wage-setting mechanism systems. A challenge to the electrical contracting REA was successfully defended in the High Court in 2010 by the State. It is, however, under appeal to the Supreme Court. In addition, there are several pending High Court challenges to the current electrical and construction REAs, all of which challenge the constitutionality of the legislation underpinning the REA system.

Following the High Court ruling of July 2011, it has been my priority to prepare and deliver a comprehensive reform package as the implications of the High Court judgment are not confined to the JLC system. What is required is a programme of reforms to the JLC and REA systems that can address all of the recommendations for reform put forward in the Duffy Walsh report, as well as the broad implications of the High Court ruling in the John Grace Fried Chicken challenge.

The Bill is divided into three Parts. Part 1 deals with general and preliminary matters such as the Short Title. Part 2 deals with reforms to the REA system. Part 3 deals with the JLC

system and the making of EROs. Part 2 also makes the necessary amendments to four sections in the Industrial Relations Act 1946 to provide for new procedures for registering, varying and cancelling REAs. Agreements may be registered with the Labour Court under the Industrial Relations Act 1946 and they are then made universally applicable to all employers and workers to whom they relate, even those who are not signatories to the agreement.

The recent High Court judgment confirmed the Oireachtas may devolve certain law-making powers on other bodies, such as Ministers, the Government or the Labour Court. However, it also made clear that where the Oireachtas devolves a law-making power on some other body, it must give that body guidance as to how the law-making power is to be used. That guidance should be set out in primary legislation by way of clear principles and policies.

Section 5 sets out more detailed principles and policies than currently exist in the 1946 legislation. These are the principles and policies to which the Labour Court must have regard before registering an employment agreement. The additional principles and policies would apply only where an employment agreement relates to more than one employer. Currently, there are 73 REAs on the register maintained by the Labour Court. Some 50 of these agreements are specific to individual employments and were registered because the parties wished them to be binding in law. In future, it will be simpler and easier for a single-employer agreement to be registered than one which relates to a number of employers or to an entire sector. New REAs may not come into force until they have been confirmed by the Minister. Sections 6 and 7 make necessary changes to the 1946 Act to ensure that variations or cancellations of new or existing REAs must also be confirmed by the Minister before such variations or cancellations would have effect. Henceforth, the confirmation, variation or cancellation of an REA may be annulled by either House of the Oireachtas within a specified period. The new procedures introduced in the Bill will not affect the validity of the more than 70 REAs made and in force before the commencement of Part 2, when enacted.

Section 5 also amends the Act to provide that every application to register an employment agreement must be accompanied by confirmation by the parties to the agreement that they are substantially representative of the employers and the workers to whom the agreement applies. The original provisions regarding the representativeness of the parties to an agreement had given rise to controversy, especially in scenarios where a group of employers might constitute a minority of the total number of relevant employers but, nonetheless, employ the majority of the workers normally employed within the relevant sector. In establishing the representativeness of a trade union party to an REA, the court will have regard to the number of workers represented by the trade union. Similarly, the Labour Court must have regard to the number of workers employed by the employers involved in promoting the registration of the agreement. A consequential provision under section 7 amends the 1946 Act in that the Labour Court may cancel an REA if either the worker or employer parties have ceased to be substantially representative of workers or employers concerned.

Section 6 amends the Act to reflect the recommendation of the Duffy Walsh report concerning the introduction of a time-bound process by which the terms of an REA may be varied by the Labour Court in exceptional circumstances without obtaining the consent of all parties to the agreement. The amendment, which is based on a recommendation in the report, is intended to facilitate more rapid adjustment to changing economic circumstances and the imperative of maintaining employment.

Section 7 makes the necessary changes to the Act to enable the Labour Court, on its own initiative or acting on the request of the Minister, or following an application by an interested person, to conduct a review of the circumstances of an industry to which an REA applies to

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establish whether there has been a substantial change in the circumstances of the relevant industry and whether the continued registration of a particular REA is desirable.

Section 8 amends the Act to provide a new straightforward enforcement mechanism to secure compliance with REAs instead of resorting to a criminal prosecution. A complaint about non-compliance by an employer with an order of the Labour Court for compliance with an REA may be brought before the Circuit Court by or on behalf of the worker concerned or the Minister if he or she considers it appropriate to do so. The Circuit Court shall make an order directing the employer to comply with the terms of the Labour Court order.

Section 9 amends the Act by introducing new inability to pay provisions in respect of REAs. While these are substantially the same as those proposed in regard to EROs, to which I will refer later, the inability to pay mechanism would only apply where the REA itself permits it to apply. Accordingly, where an REA so provides, an employer in financial difficulty may apply to the Labour Court seeking temporary exemption from the requirement to pay the rates of remuneration in the agreement.

Part 3 deals with the JLC system and the making of EROs. Section 11 amends the 1946 Act to provide that the Labour Court will, following the commencement of this Act and at regular five year intervals thereafter, conduct a review of each JLCs. Following such review the Labour Court may recommend that a JLC be abolished; a JLC be amalgamated with another JLC; or that the establishment order for a JLC be amended.

The Duffy Walsh report had recommended that reviews of the establishment orders of existing JLCs be undertaken periodically to ensure the range of establishments to which they apply remains appropriate and that necessary amendments might be made to the establishment orders by which they were created. I intend to proceed in advance of the enactment of this Bill to apply to the Labour Court requesting the abolition of a number of JLCs that were identified in the report as having ceased to function effectively or to be unduly small in terms of the numbers employed. I shall ensure the general review of the establishment orders of all remaining JLCs shall take place before a JLC proposes a new ERO under the terms of the Bill, when enacted.

The High Court in the John Grace Fried Chicken case declared section 42 of the 1946 Act to be unconstitutional because it was invalid having regard to the provisions of Article 15.2.1 of the Constitution, which provides that the sole and exclusive power of making laws for the State vests in the Oireachtas. The High Court judgment found that section 42 failed to prescribe sufficient principles and policies to govern the exercise of the powers conferred on JLCs under the Act. Section 12, accordingly, introduces the necessary amendments to the 1946 Act to establish the “principles and policies” to which a JLC must have regard from now on when formulating proposals to submit to the Labour Court for EROs.

The new provisions will guide the formulation by JLCs of proposals on the fixing of remuneration and conditions of employment and will also provide for the regulation of the JLC’s own decision-making process. The constitutionality of the restored JLC system should be strengthened as the Bill not only provides for a direct role by the Minister in making EROs in future, but also ensures that, with regard to all such orders, including orders for the establishment, variation or abolition of JLCs, he or she may refuse to make any order that he or she considers inappropriate. If the Minister is not satisfied that it is appropriate to make an order, he or she may refuse to do so and notify the Labour Court of the reasons for the decision. These measures are also complemented by the standard scrutiny procedure for the laying of orders before both Houses of the Oireachtas.

Whereas previously an ERO could provide for any number of different rates of pay for different categories of workers, the Bill provides that a JLC may make proposals for a basic rate and two service-related increments. The Government has decided, moreover, to examine how the fixing of the two additional higher rates might take account of the standards and skills recognised for the sector concerned. The adult wage rates that may be proposed by a JLC will also be linked to sub-minimum rates that will apply in the same proportions as were originally fixed under the National Minimum Wage Act 2000 in respect of employees aged under 18 years, first-time job entrants, and employees undergoing training.

The Bill provides for a commonsense or straightforward definition of “remuneration” for the purposes of formulating proposals for EROs, which excludes the following matters from the scope of employment regulation orders: pay or time off work in respect of public holidays; Sunday premiums or equivalent compensation for Sunday work; payments in lieu of notice; or redundancy payments. JLCs will no longer set Sunday premium rates or other specified conditions of employment covered by universal standards provided for in existing legislation but the special position of Sunday working will still be recognised under the Organisation of Working Time Act 1997

Section 12 inserts a new provision in the 1946 Act to provide for the regulation of the decision making procedures the reception of representations by a JLC and a requirement that the committee’s chairman shall have regard to a relevant Labour Court recommendation in the event of a casting vote being exercised. These provisions address a significant weakness in the constitution of JLCs, as the original legislation did not contain an express provision whereby an affected party could make an objection directly to the Labour Court before it made an ERO nor did it require the chairman of a JLC to include details of the objections made in his or her report to the Labour Court. The Bill provides that the chairman must furnish the court with all the material considered by the JLC in formulating the proposed ERO, including submissions received from interested parties. It also provides that the court can hear all interested parties before making a decision on the proposals.

The Bill provides that a JLC chairman will be responsible for facilitating the parties represented on a committee in seeking to reach agreement and, where no further efforts are likely to advance the resolution of the difference between the parties, the outstanding matters may be referred to the Labour Court. It also sets out clear guidance regarding the factors to be taken into account by the Labour Court in making a recommendation in the circumstances of a reference made by a JLC that has failed to reach agreement upon specific proposals. In the event that agreement is not reached within a joint labour committee following its consideration of a Labour Court recommendation made in these circumstances, the JLC must vote on the issues in dispute and if the votes are tied, the chairman of the JLC shall exercise a casting vote having regard to the recommendation of the court.

Section 13 inserts a number of amendments to replace provisions struck down by the High Court judgment in the John Grace Fried Chicken case. The High Court judgment highlighted how questions about the appropriateness of criminal sanctions exacerbated concerns about the delegation of broad regulatory powers to bodies such as JLCs and the Labour Court. The new Bill follows the recommendation of the Duffy Walsh report by introducing an alternative enforcement mechanism to criminal prosecutions. The new enforcement mechanism will offer an alternative to a criminal prosecution by enabling a complaint about non-enforcement to be brought before the Labour Court.

The new provision will enable a complaint about contravention of an employment regulation order to be made to a rights commissioner. Up until now the District Court could, in the event of a successful prosecution, order payment to the worker concerned of the difference between

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the remuneration prescribed by an ERO and the amount actually paid. The Bill establishes a new remedy for workers which puts them in a stronger position than they were before for the purposes of claiming money from employers who are found not to have complied with EROs. The objective is to bring sanctions for breach of EROs into line with the generally accepted standard that sanctions should be effective, proportionate and dissuasive.

Where an employer fails to carry out a determination of the Labour Court the new Bill ensures that it can be enforced by the employee, the trade union or the Minister in the Circuit Court without hearing the employer or any evidence on the complaint. The court may order the employer to pay interest on the award. The compensation payable to a worker by virtue of a rights commissioner's decision or a determination of the Labour Court shall be given priority in the distribution of the assets of a company being wound up or in bankruptcy.

The new enforcement mechanisms are strengthened by enabling the Minister to present a complaint to the rights commissioner in circumstances where a breach of an ERO has occurred and it is unreasonable to expect the employee to present a complaint. The complaint so presented by the Minister shall be treated in the same way as if it were a complaint from the employee.

Section 14 provides for a derogation from the scope of EROs for companies in cases of financial difficulty. These provisions mirror the mechanisms for claiming an exemption from the requirement to pay the rates of remuneration in an REA at section 9.

The basis for claiming an exemption on grounds of inability to pay is less restrictive than the equivalent measure under the National Minimum Wage Act 2000 which has never been used to date. While the objective of the provision in the Act of 2000 was that the relief sought by an employer would be available in cases where a majority of employees so agree, the new provision covers situations where a majority of employees may not necessarily agree, but where it can be proved to the satisfaction of the Labour Court that there is a genuine, albeit temporary, inability to pay and that appropriate safeguards can be assured.

The maximum period of an exemption will be 24 months and must be for a minimum of three months. An employer will not be entitled to seek an exemption if he or she has already been granted an exemption in respect of the same workers in the previous five years.

In the absence of an agreement with the majority of the workforce, the Labour Court must be satisfied that the employer has informed the workers concerned of the financial difficulties of the business and has attempted to reach agreement with the workers concerned; the employer is unable to maintain the terms of the ERO; and requiring the employer to comply with the ERO would result in a substantial risk that a significant number of the workers concerned would be laid-off or made redundant, or that the sustainability of the employer's business would be significantly adversely affected.

The Labour Court must also have regard to whether granting an exemption might have an adverse effect on employment levels and cause a distortion of competition in the sector to the detriment of employers not party to the particular application. In addition, the Labour Court must have regard to the implications of granting an exemption for the long-term sustainability of the employer's business.

Section 15 provides that, in the context of the reconstitution of existing joint labour committees, all current independent members of the JLCs would cease to hold office and that new appointments will be made. Independent members will in future hold office for a period not exceeding five years.

Section 16 provides for consequential amendments to the Employment Permits Act 2006 and the Organisation of Working Time Act 1997.

Section 17 amends the Protection of Employees (Employers' Insolvency) Act 1984 to ensure that payments due to a worker arising from a decision of a rights commissioner or a determination of the Labour Court made under this Bill when enacted will be treated as debts for the purposes of employees' rights on the insolvency of their employer. Section 18 strengthens the provisions relating to informing workers of their statutory entitlements by requiring the employer of any worker to whom an ERO or REA applies to include the terms of that ERO in the written statement of terms of employment to be given to the worker under section 3 of the Terms of Employment (Information) Act 1994. The section also provides for prompt rectification of incomplete or incorrectly stated terms by allowing a NERA inspector to give directions to the employer concerned.

The present arrangements for effecting compliance with the obligation to provide employees with a written statement of their terms of employment have proved unsatisfactory. The only remedy for employees has been to make a complaint to a rights commissioner and seek compensation, which can be up to four weeks' remuneration. This procedure can result in delays and is often contrary to the best interests of employees. Improving the arrangements for providing timely information are preferable to focussing exclusively on an eventual award of compensation. The new approach will enable matters to be rectified earlier at workplace level thereby avoiding unnecessary recourse to rights commissioners and on appeal to the Employment Appeals Tribunal.

It is my intention on Committee Stage, and following further more detailed consultation with the social partners and other interests affected, to bring before the House a number of amendments in order to clarify or strengthen certain provisions of the Bill, in particular, those dealing with the principles and policies applying to the framing of REAs and EROs, the timeframe for the variation of REAs, and the provisions regarding the granting of temporary exemptions from the obligation to pay the terms prescribed under EROs and REAs.

To complement the provisions of the amending legislation, I intend to proceed with the following additional reforms: taking steps to reduce the number of JLCs currently in place from 13 to 6, through a process of abolition or amalgamation, using my powers under section 40 of the Industrial Relations Act 1946; and standardising benefits in the nature of pay, including overtime and the conditions under which it becomes payable, across sectors covered by JLCs either by means of a nationally-agreed social partnership protocol or a statutory code of practice, through a request to be made to the Labour Relations Commission to initiate social partner consultations to this end. I will arrange for the preparation of a new statutory code of practice on Sunday working to provide guidance to employers, employees and their representatives in sectors covered by EROs, on arrangements that may be put in place to comply with the options specified at section 14 of the Organisation of Working Time Act 1997. The rights commissioner or Labour Court will have regard to this code in making a decision, and implementation and enforcement will be as per the Act of 1997. I intend to request the Labour Relations Commission to prepare the code. The code of practice will subsequently be given formal status by means of a ministerial order.

Together with the restoration of the minimum wage to €8.65 per hour with effect from 1 July 2011, the reform of the statutory wage setting machinery operating at sector level, and putting the JLC and REA systems on a more secure legal and constitutional footing, represents a significant commitment by the Government to protect the lowest paid and most vulnerable workers. The overall effect of these reforms will be to substantially reduce the burden of record-keeping and compliance on employers. The Bill will make the long-established mini-

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imum wage setting mechanisms fairer and more responsive to changing economic circumstances and will eliminate rigidities that are considered to have had a negative impact on competitiveness and jobs in the affected sectors.

I commend the Bill to the House.

**Deputy Willie O’Dea:** The JLC system was introduced by Seán Lemass via the Industrial Relations Act 1946. The original purpose of the scheme was to protect people who did not have access to the normal method of collective bargaining based on trade union representation. In today’s Ireland, it covers migrant workers, part-time workers and women who are compelled to work in low paid jobs such as waiting and cleaning because their husbands have lost their jobs. My objective is to achieve the best possible deal for these people. CSO figures indicate that the average wage in the JLC sector is €300 per week. These are the people at the bottom of the heap. Last week we debated the issue of agency workers, who constitute a very different category to those affected by the Bill before us.

We all agree that the JLC system needs reform if it is to be made more efficient but some of the arguments for reform have relied on the myth that reducing pay at the lower end of the scale creates employment. Irish businesses have been failing not because of pay levels but due to an unprecedented collapse in consumer spending. In some cases, the collapse has been ten times greater than other eurozone countries. Reducing further the wages of low income workers will result in a further drop in consumer spending and, ultimately, job losses and lower economic growth. These workers spend all their income and consequently a cut in their wages will inevitably mean a drop in demand, higher unemployment and a bigger bill for social welfare.

All the recent economic studies dispel the myth that cutting wages at the lower end creates additional employment. There is no evidence to support the theory that minimum wages have a negative effect on employment in the sectors to which JLCs apply. European Commission data reveals that Irish labour costs in the food and accommodation sector are 6% below the EU average. These costs are based on 2008 figures and the gap has since widened because labour costs in Ireland have fallen or remained flat while costs in other EU countries have increased. Ireland suffers from some of the most significant levels of low pay in the eurozone and most of these low paid workers are in sectors covered by the JLC.

I observed the Minister’s reaction to the debates that have taken place on the Bill and I listened carefully to the contributions by Deputies on the previous two Bills. It is clear that a significant number of Members from his party would prefer to consign the JLC system to history. I suspect he shares that view but I understand the exigencies of coalition Government. I do not suggest people are not entitled to their points of view but it just happens that I profoundly disagree with them regarding this cohort of workers.

Anybody who follows the debates surrounding the Bill or the various statements that emanate from the Government would have to conclude that the thrust is towards the contraction and eventual abolition of the JLC system. I recently met representatives of an organisation called the Coalition to Protect the Lowest Paid and they gave me a copy of the ten point action plan they are submitting to the Government. The coalition is concerned to ensure that workers do not lose protections as a result of the rationalisation of the JLC system. The ten point plan suggests that legislation should provide for the possibility of creating new JLCs to cover new situations that are not envisaged at present. Anybody who expects to see new JLCs will be sadly disappointed, however, given the Government’s desire to consign the entire system to oblivion.

The coalition made several valuable points to which I will briefly advert. In regard to legislation on permitting JLCs to set a basic adult rate and only two supplementary minimum rates, it points out that the one size fits all approach does not always work. In this case, it may limit

the effectiveness and flexibility required to address the concerns of both workers and employers.

It argues for the provision for achievement of skills in supplementary rates above the adult basic rate in certain JLCs. It also draws attention to an area of potential exploitation in training rates where new workers are paid below the basic rates with little ability to access higher rates for their skill sector. The coalition proposes that training rates be permitted only to give workers access within a defined period to the achievement of skills commensurate with higher rates. I support that proposal and will bring amendments on Committee Stage to amend the Bill accordingly.

In respect of the regular reviews that will take place under the Bill, the coalition argues that representatives of employers and employees must be able to raise issues and reach agreement on a consensual basis. Confrontation will ensue if arbitrary decisions are imposed on people.

While it has no difficulty in reducing the record keeping requirement for employers on EROs and REAs — and I am all for this — it argues that employers should be compelled to maintain sufficient records to allow monitoring of their compliance with legal obligations to their workers.

Shortly after the Minister took office he outlined his thinking on JLCs. His proposals differed significantly from those set out in the Duffy Walsh report but because of whatever has happened in between and, I presume, political pressure from his partners in Government, he has apparently moved much closer to that report. One must ask, however, how much he agrees with it. There are several significant differences between the Bill's provisions and the recommendations of the Duffy Walsh report. While the report recommended the inclusion of an inability to pay clause, it advised that derogations should only be granted where the alternative was a substantial loss of employment or distortion of the marketplace. The derogation granted by the Bill appears to be considerably wider. It can, for example, be granted based on the notional long-term sustainability of an enterprise or if the Labour Court is influenced by any other matter that it considers relevant.

We should not forget this debate concerns the wages of people at the bottom of the pay scale. The Government is reluctantly maintaining the JLC system. Nevertheless, it is allowing employers to opt out of whatever small wages these people are being granted. The Labour Court can consider not just the long-term sustainability of the business, the imminent loss of employment and distortion of the market, but any other matter it considers relevant. That is very wide. I need hardly add that the Duffy Walsh report suggested that the derogation should be given for a period of 12 months. The Bill gives it for two years, which is a considerable change.

The Duffy Walsh report also proposed, as we did ourselves, principles and policies which must be taken into account when formulating proposals for a JLC. Section 12 of the Bill deals with this. It seems to me that the principles proposed in the Bill are quite restrictive and will severely limit the flexibility of JLCs to act in the best interests not just of their own sector but of the economy as a whole. The Coalition to Protect the Lowest Paid, which I spoke about a moment ago, suggested a number of additional principles and policies. As the Minister has already indicated his intention to amend this section of the Bill on Committee Stage, he might consider these. The coalition proposes, for example, that one of the principles to be taken into account should be the impact on working poverty and adequate income. It states that appropriate rates are needed, not only to ensure that the principles of social equity are maintained, but to ensure that people will take up positions in the industry. Wages set at too low a level can result in labour market distortions. Another principle or policy it suggests is to do with consumer demand. It states that to ensure the economy is not harmed by wages so low that

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they undermine the purchasing power of the workers affected and therefore reduce demand in the economy, Exchequer finances and the social protection budget should be taken into account. It makes the obvious point that deteriorating wage levels will have an impact on tax and, as a consequence, on social welfare.

The other thing that concerns me about the principles and policies outlined by the Minister is that the general level of wages in comparable sectors, including sectors outside the country, can be taken into account when setting wages. What does this mean? What countries can be used in this comparison — the United Kingdom, which is the only country with which we have a common landmass? Can a hotel in Skibbereen be in competition with a hotel in Belfast? The wording seems to be wide enough to allow comparisons not only with the United Kingdom but also with countries on the European mainland and perhaps anywhere in the world. One could argue quite logically that a person who gets out of bed in the morning in California and decides where to go on holidays could just as easily choose Tahiti or Timbuktu as Ireland. The concept of comparable jurisdictions including those outside Europe is a strange one, and this will have to be tightened up and pinned down on Committee Stage.

Then there is the question of the Sunday premium, which is now gone. The Minister says he wants to give workers their rights under the Organisation of Working Time Act, but they have had those rights since 1997. What he is saying is that he will introduce some sort of statutory code to give guidance to the Labour Court on what this Act means. We could find that it is far better to let the Labour Court make up its own mind on what this Act gives workers rather than to take away its flexibility by imposing some sort of quasi-statutory system. In any case, the Sunday premium is gone. The 1997 Act itself recognises that Sundays are different. We have had to put up with an awful lot of guff since this debate started about how the meagre payments workers in this sector are getting for Sunday work are destroying the economy. We are told they are massive payments — people are coming up with the most extraordinary examples — and that the system is totally inflexible and cannot be changed. The hotel sector, of its own accord, changed the ERO governing that sector to reduce the standard Sunday work premium from time and a half to time and a third. I am not quite sure whether it was double time originally, but anyway, it was reduced to time and a third. Many of the people affected are working for €10 an hour. One third of ten is three. Let us say somebody is working for four or five hours on a Sunday — that is €50 before tax. Is this what is bringing down the economy? I very much doubt it. The vast majority of people who work on a Sunday are now subject to time and a third, but there is a substantial cohort of people who, because they are rostered for a seven-day week, are working for a flat rate on Sundays. When this debate took place in the UK in the early 1990s, there were the same sorts of suggestions, largely from employers' groups. The Sunday premium was abolished in the UK in 1993, but this did not create one single job.

I am surprised that the Labour Party so tamely accepted the dismantling of the Sunday premium, given that the people who are benefiting from it are those who are right at the bottom of the pay levels — and it was pretty meagre anyway in the overall context of labour costs in this country.

Another aspect of the Bill which quite frankly disturbs me is the new involvement of the Minister. In the judgment in the fried chicken case, to which the Minister adverted, the High Court held that these JLCs were making what were tantamount to laws. It said they were doing something very important but were not governed by any principles. The JLCs were so important that they had the final say in these matters — or at least, the Labour Court had the final say. The High Court made the point that there was no reference to the Minister; the Minister did not have to sign off on decisions. Anticipating trouble, the previous Government,

in the Industrial Relations (Amendment) Bill 2009, which unfortunately did not become law, introduced involvement by the Minister. Section 9 of that Bill states that when something is all agreed and sanctioned by the Labour Court, the Minister shall, as soon as practicable after receiving a copy of the proposal — that is, the ERO — from the Labour Court, make an employment regulation order. The Minister did not have a substantial impact; his role was pretty passive. The aim was to provide that when a proposal had been agreed and sanctioned in whatever form by the Labour Court, it would go to the Minister and enjoy the authority of ministerial authorisation. It would have the ministerial stamp. It was not in any way suggested in the 2009 Bill or any of the Bills we put forward in Opposition that the Minister should have any greater say in the matter. With all due respect, the employer and workers on the one hand and the Labour Court on the other have all the requisite expertise. The 2011 Bill, which we are discussing, states in section 12 that the Minister will sign off on proposals. Of course, the 2009 Bill provided, and my Bill should have provided even if it did not, that the order would be laid before both Houses of the Oireachtas and a resolution proposing to annul it had to be put forward within 21 days. The Oireachtas had the right to annul it within 21 days if an appropriate resolution was put forward. However, there was no suggestion that the Department would have this all-encompassing power to say “yea” or “nay”.

When I first looked at section 12 of the Bill I realised it is not just a question of the Minister signing off or being passive in this case. The first part of the section provides that the Minister will sign off when he or she is satisfied that sections 42A and 42B have been complied with. Sections 42A and 42B deal with the procedure to be followed when formulating an ERO and what must be taken into account when doing so. That is not too bad, even if it is going a great deal further than was ever envisaged. The Minister is being asked to second guess the Labour Court, as it were, as regards whether proper procedure has been followed and all the matters stated have been taken into account.

However, when I read further I was flabbergasted, to say the least. In addition to that, the Minister can simply turn down a proposal for an ERO if “he or she considers it appropriate” to do so. A later section in the Bill provides that the Minister must give reasons in writing to the Labour Court. That reminds me of the Director of Public Prosecutions, DPP, giving reasons for prosecuting or not prosecuting a case by simply writing that he or she decided to prosecute because he or she considered there was enough evidence to secure a conviction or that he or she had decided not to prosecute because there was not enough evidence to secure one. There is a serious danger here once the Minister gets rid of this system. The Duffy Walsh report recommends that these should be reviewed every five years, while the Bill provides that it be at least every five years. At any time when a proposal is made — possibly not the first one because politics will dictate otherwise — or when the review comes up from time to time, the Minister can simply say “no”. He or she can say they do not think it is appropriate because the economy has changed. The Minister has *carte blanche* to say “yea” or “nay”.

Formerly, JLCs were overseen by the Labour Court. To get departmental authority we had proposed the inclusion of the Minister, or the 2009 Bill proposed it, but under this Bill the Minister is effectively being given a veto instead of being included as somebody to sanction this if there is no obvious glaring error. That gives the Department and the Minister, if he or she is so minded, the power to wind down and get rid of the entire JLC system over whatever period suits him or her.

My other concern is the redress provisions. I accept that I put forward legislation in the House in which the redress provisions were nothing to write home about, but my understanding is that the law at present, under the Industrial Relations Act 1946, provides that if somebody is not being paid their proper wage or they do not have the proper conditions under the terms of an ERO, they can simply make a complaint to NERA. NERA has the right to prosecute

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the employer but in 99.9% of cases the threat of prosecution is enough to bring the employer to heel. The system is quite efficient. The only inefficiency is that there are not enough inspectors to get around quickly enough. They are only scratching the surface. However, that is provided for in sections 45 and 7 of the 1946 Act.

The Duffy Walsh report suggested an alternative. Incidentally, it did not suggest getting rid of the criminal sanction. An alternative means one has two choices and one can choose one or the other. The authors recommended that as an alternative to a criminal prosecution a complaint could be brought before the Labour Court and that NERA be authorised to bring such a complaint. In other words, one can automatically approach NERA and it will bring the complaint before the rights commissioner initially and then the Labour Court. The authors further recommend that NERA be authorised to serve a compliance notice on an employer when a contravention is detected.

What the Bill proposes, however, is entirely different. There is no automatic involvement of NERA. It will become involved if somebody is not bringing a case in a situation where NERA considers that it is unreasonable for them not to bring a case or make a complaint. NERA can decide to represent the person. However, to apply to a rights commissioner is not a very difficult procedure. If one goes to one's local Deputy, he or she will fill out the form to apply to the rights commissioner. I cannot imagine in what circumstances it will be reasonable for a person not to make the simple complaint to a rights commissioner.

There are two significant differences here, despite what the Minister said in his speech and what is said in the explanatory memorandum of the Bill. The criminal sanction is gone. The section that provided for it was deemed unconstitutional by the High Court. Second, resort to NERA is no longer automatic. I will outline what is very strange about this Bill. Under section 18 workers have the right to be informed about their rights. What sanction do they have if they are not informed about their rights? They can complain to NERA and the inspector can issue a directive. It is an extraordinary situation that a person has a quick and easy remedy involving NERA when they do not get information about their rights, but they must go around the world, wait months for the rights commissioner and, if one is outside Dublin, wait at least six months for the Labour Court and ultimately go to the Circuit Court when their pay is, perhaps, €5 per week less than it should be.

Why does a different procedure apply for people who are deprived of their rights as opposed to when people are deprived of information about their rights? The explanatory memorandum attempts to supply an answer. It states that the present arrangement for effecting compliance with the obligation to provide employees with a written statement of their terms of employment have proved unsatisfactory, as the only remedy for employees is to make a complaint to a rights commissioner and this can entail delays pending the outcome of a hearing. We are worried about the delays and hassle that will inevitably result from applying to a rights commissioner as regards not getting information about one's rights, but the Bill insists on it when one is trying to vindicate those rights. There is a glaring contradiction there.

My general point is that there are very significant differences between this Bill and what was proposed in the Duffy Walsh report. The Labour Party appears to have readily accepted what is being proposed, perhaps because its opposition to the Minister's proposals was a little synthetic in the first place or perhaps because its members have been hoodwinked about what is in the Bill. They should read it very carefully before signing off so readily on it. Certain trade unions fall into the same category. I recall a trade unionist referring to the debates on this Bill and he mentioned the other Opposition parties. He must have been out of work the day I put forward a Bill in the House and must have had something in his ears during the contributions I made. *C'est la vie.*

However, this Bill seriously diminishes the rights and protections of workers in the most vulnerable sector of the economy. Despite the Government's overwhelming majority, I will do my best to ensure it is radically amended on Committee Stage. I welcome the Minister's intention to bring forward amendments but the Bill will have to be amended considerably more than that. The real action will take place on Committee Stage but I cannot support the Bill unless it is radically amended as I have suggested.

**Deputy Peadar Tóibín:** In response to the last speaker, perhaps the last 15 years clouded the judgment of the union man with regard to the depths of the new-found reformation.

**Deputy Willie O'Dea:** Perhaps he was not studying Sinn Féin's policy north of the Border.

**Deputy Peadar Tóibín:** Go raibh míle maith agat a Cathaoirligh. Ní mór dúinn cuimhnigh sa chéad dul síos ar an bhfáth gur chruthaigh an Rialtas na JLCs sna daichidí. Chruthaigh siad iad chun tuarastal agus coinníollacha mhuintir an íseal pá a chosaint. Chruthaigh siad iad chun oibrí na hÉireann a chosaint ó dhúshaothrúó fhostóirí neamh-scrupallach. Is léir ón nuacht is déanaíó thaobh Vita Cortex agus eile go bhfuil borradh ar an méid fostóirí neamh-scrupallach agus tá brú uafásach ag teacht ar oibrí. Sin an fáth gur cóir dúinn gach cosaint a chur i bhfeidhm comh luath is is féidir.

Last July, Sinn Féin brought its own legislation on joint labour committees, JLCs, to the Houses. However, our Bill has been stalled by the Government on Committee Stage. My party, in partnership with the trade union movement, has campaigned for the past six months for watertight legislation on this issue. While the Bill has many positive attributes, Sinn Féin cannot support the negation of the Sunday premium as it will cut the wages of the working poor. The matter is as simple as that.

It should be remembered in all of this that the joint labour committee system was developed to safeguard the rights and entitlements of low paid workers. The committees were established to prevent workers being exploited and hundreds of thousands of people being pushed into poverty. The recent legal challenge and subsequent court ruling necessitated legislative change and presented the Government with an opportunity to further enshrine in legislation the rights and safeguards of low paid workers. The lack of urgency demonstrated by the Government on this matter caused concern to many of those involved in this area. The failure of the Minister to introduce legislation promptly was the reason Sinn Féin, in consultation with the trade union movement, drafted and submitted a Bill for the consideration of the Oireachtas. Responding to our legislation, the Government stated it would bring forward a Bill before the end of the term but produced it at the eleventh hour in late December.

On publishing the Bill the Minister stated: "I have been determined to strike a balance between protecting vulnerable workers and providing reforms that would make systems more competitive and more flexible so to allow for the creation of jobs in these sectors." This is not a case of trading workers' rights against job creation. The Government's own report, the Duffy Walsh review, found no evidence of a connection between the protections and pay rates of joint labour committees and employment levels. It found that "lowering the basic JLC rates to the level of the minimum wage rate is unlikely to have a substantial effect on employment."

There is no doubt that if the wages of certain workers were pushed down, some employers would be able to employ more people. It is also the case that the severe strain many businesses are under has caused many of them to grab on to the potential of lower wages as a drowning person would grab a life raft. However, there is no evidence to substantiate the view that JLCs undermine employment in general.

7 o'clock

[Deputy Peadar Tóibín.]

There is, not surprisingly, a lobby by some employers to drive down wages to increase profits. This lobby appears to have found a willing partner in the Government because many of the changes in the Bill are not about creating jobs, enhancing competitiveness or safeguarding the rights of workers but are largely ideologically driven. It should be remembered that the Minister and his senior officials and personally appointed advisers receive multiples of the wages awarded to JLC workers. As always, there has not been any drive to reduce their wages. Perhaps the Minister and officials believe they can justify receiving a salary ten times higher than the wages of the JLC workers who work for them.

It is incorrect to argue that our competitiveness and unemployment levels are the result of joint labour committees or the cost of low paid workers. A myriad of other costs, including energy, rent, rates and credit, could be tackled by the Government but it has failed to do so. For example, it has not invested in transport and broadband infrastructure, two areas in which investment would significantly enhance competitiveness. They are being ignored because of vested interests with strong voices. Unfortunately, the working poor do not have well financed lobbyists to plead their case. Workers did not bring the State to the brink of bankruptcy or call on the Government to bail out hard pressed bankers, bondholders and developers. The registered employment agreements, REAs, in construction did not decimate the building industry and JLC workers in retail did not crash that sector.

Let us consider the responses and achievements of the Government thus far. In the past year, its economic policies have delivered increased unemployment, emigration and business closures and brought about a return to recession. The Minister contends he is seeking to enhance competitiveness and employment, yet the impact of the Government's actions on the economy, business and citizens is the polar opposite. He speaks of competitiveness but fails to implement obvious opportunities to enhance competitiveness.

The Government has tried to hide behind the troika on the issue of who is responsible for competitiveness problems. The troika did not demand changes to the joint labour committees. The Government has built a public relations wall over the last year, stating the troika is forcing various negative policies on it leaving it with no choice but to comply. My party has met representatives of the troika on two occasions and is aware that this is not the case. Water and household charges are not set in stone with the troika but reflect the ideological preferences of the Fine Gael-Labour Party coalition. The same is true of the Government's decision to repay unguaranteed unsecured bondholders in full and its plan to sell off €5 billion worth of State assets. The troika knows the world in 2012 is a different place from the world in 2010 when the document was drawn up. While it seeks a deficit reduction, it is flexible on how this objective is achieved. The policies being pursued reflect the priorities of the Government and its lack of negotiating skills.

Let us contrast the Government's approach to legislating on joint labour committees with its agreement with the troika to introduce civil fines for abuse of competition rules. Its decision to drop the latter suggests the Government is more at home with the large multiples which sometimes abuse dominant market position and the cosy cartels such as those in the concrete industry than with those who fall under the joint labour committees.

The biggest issues facing the competitiveness of our retail and small business sector are levels of demand and upward only rents. The retail sector is suffering badly and while I do not wish to be a harbinger of doom, the closure of some retail and small manufacturing businesses in recent weeks will be followed in the month ahead by many more closures. Many of the businesses which did their utmost to get through to the new year must now face the reality. The retail sector has shed 50,000 jobs in the past three years and a further 40,000 jobs are at risk.

Having promised to end upward only rents to address the excessive Celtic tiger rents which are crippling competitiveness, the Government, rather than finding a resolution to the problem, has hidden behind the advice of the Attorney General. To add insult to injury, the budget included additional measures to subsidise property speculation. The Government did not seek to drive down property costs and rents. Its priority was not employers and workers but landlords and speculators. It is transforming our economy and society into a debt repayment agency and all other concerns — jobs, enterprise or workers — are deemed secondary.

Deputy Olivia Mitchell and other Fine Gael Deputies are of the view that joint labour committees are not required as a national minimum wage is in place. A minimum wage should not be the objective but should function as a floor under which no one is forced to work. If some of those on the benches opposite were to try to manage on the minimum wage, it would focus their attention. The knock-on impact of the drive to reduce wages for the low paid will be to reduce demand in the domestic market. Given that those on low wages tend to spend all of their earnings, reducing their wage has a disproportionately large impact on the economy and demand.

Turning to the detail of the Bill, I ask the Minister to provide clarity on a number of issues and, where necessary, consider directing his Department to further amending it on Committee Stage. I share the previous speaker's concerns about the new powers the legislation affords the Minister in the area of employment regulation orders. I ask him to outline how Ministers may effect change in this regard in future.

With regard to section 5, which substitutes section 27(2) of the 1946 Act, I hope the Minister is in a position to clarify that the test of the term “substantively representative” of the workforce will be that it ensures and enhances trade union recognition in sectors that have been traditionally filled with the most vulnerable employees, many of whom work in isolation without representation.

In continuing to balance the rights of workers with the rights of employers, section 5 adds principles and policies to which the Labour Court must have regard in considering whether to register an agreement. The Labour Court must explicitly have regard to the potential impact on employment levels and yet only have regard to the desirability of a fair and sustainable wage. The word “desirability” is too weak. Less consideration is given to the need for a fair wage. An employer can now make the case that he or she might employ more people if wage rates are kept low or might make workers redundant if a fair wage is struck. The Labour Court can only consider the desirability of a fair wage. It appears to me and to others that this tilts rights away from vulnerable workers.

Why does the legislation direct the Labour Court to have regard not only to the general levels of wages in comparable sectors but also adds, “including, where enterprises in the sector in question are in competition with enterprises outside the State, the general level of wages in such comparable sectors in other relevant jurisdictions”? These additions seem driven by the fallacy that workers covered by EROs and REAs are overpaid compared to those in other jurisdictions. The addition of other jurisdictions is a charter to drive down wages here. Let us be clear. We do not want to be a State which prides itself on driving down wages.

The EU labour cost survey in 2008 showed that labour costs in retail, hotels and restaurants were below the EU average and that the operating costs to labour costs ratio was on a par with the EU average. By including a specific clause in the legislation, the Government may allow for a reduction in wages. If the worry is the ability to compete with businesses in the North, I would welcome the Government working with my colleagues in the Northern Ireland Executive to develop a truly national approach to tackling low pay and creating all-Ireland harmonisation rather than taking a regional approach in the Twenty-six Counties. If one is

[Deputy Peadar Tóibín.]

looking for a solution to competitiveness on the island of Ireland, that is the only way it will be resolved in the long run.

Section 9 provides for a temporary exemption from the Act. Will the Minister assure us that businesses seeking an exemption must make a full disclosure of their financial standing to the Labour Court, including remuneration of directors and managers and payments to companies associated with directors? This is a can of worms in which paper walls and company walls can hide information and rights from workers in sister companies.

Section 11 allows for a periodic review of the JLCs and directs that the Labour Court must have regard to the impact of EROs on the employment levels, especially entry level. Consistent with the approach throughout the legislation, this insertion places the ideology that fair wages cost employment on a statutory basis and is open to exploitation. The subtext is that one can have fair wages or decent employment levels but not both. We believe one can have decent employment levels and fair wages.

How can the Labour Court quantify the effect a fair wage will have on employment levels? Will this be done using mathematical and economic models or will it be left to the assumption current at any given time? The disparity between the rights of workers and employers is further highlighted in section 12 which directs that the JLC must have regard to the legitimate financial and commercial interests of the employers but only have regard to the desirability of agreeing a fair wage. As I said, this leads to a hierarchy of priorities and favours one citizen's rights over those of another. It gives an enhanced legal standing to the profits of the business over the need for a fair wage.

These provisions are repeated in the direction to the Labour Court. I do not know if the Labour Party members opposite are, like the Minister for Education and Skills, out of practice or have completely given up the ghost on low paid workers. However, writing into law that the concerns of the employer is more important than the worker is a disgrace and I hope this Bill will be amended in committee.

In section 12, the Minister again draws on comparators in other states in regard to wage rates here. It would appear that the Government is involved in a race to the bottom in this regard. I question the Labour Party on section 12, which amends section 42 of the original Act to remove the rights to public holidays, Sunday working, payments in lieu of notice and redundancy from JLC agreements. Workers will now rely on the minimum legislative safeguards in regard to public holidays, payments in lieu of notice and redundancy. Everyone in this Chamber is well aware of how businesses have circumvented their responsibilities. All one has to do is look at companies such as Vita Cortex.

Given the avalanche of retail and manufacturing businesses which are on the edge of collapse, the Government must do all in its power to strengthen workers' rights. However, there is no set rate for Sunday working in legislation. The removal of this from the responsibility of the JLC process will reduce the premium low paid workers can expect. We are not talking about staff who can choose to work on Sundays but about low paid workers, many of whom have no choice but to work on Sundays. We are talking about people who have difficulty feeding their families, paying their bills, paying their mortgages, going to doctors, etc. We are talking about people who will take a major wage hit if this happens. It will fall to the most vulnerable workers to try to negotiate terms around these issues. Does anyone on the benches opposite believe this will result in increased wages or that wages will remain as they are? The Government should amend this legislation to ensure that JLC workers receive premium rates for working Sundays. The constitutional challenge to the JLC framework could and should

provide an opportunity to enhance the rights and rates of pay for low paid workers but instead these have been eroded.

Aspects of this legislation appear to be ideologically driven and the Labour Party has acquiesced to that ideology. Do Labour Party members believe this legislation is a progressive step to further enhance the rights of low paid workers? If the Government is serious about tackling competitiveness and promoting jobs, it should bring forward complementary legislation in regard to the major costs small businesses face and increase investment in education and infrastructure.

John Spicers Bakery has operated in my home town since the 1830s. It is an iconic brand in County Meath and I am sure the Minister is aware of it. That business has shed 27 staff in the past three days. I believe there are 15 staff left and that they are hanging on by a thread. There are a number of organisations under the remit of the Department of Jobs, Enterprise and Innovation, such as the county enterprise boards, Enterprise Ireland, etc., which will give advice to new businesses to get them up and running.

John Spicers Bakery is an old business which has been in operation for more than 150 years. I call on the Department to visit the bakery and into other businesses in a similar situation. There is no point going in after the business has closed. When a business is suffering extreme difficulty, there should be a facility whereby the Department, through one of its functionaries, will go into the business, help it to analyse its business plan, work out whether the business is feasible, analyse the costs and see whether the Government can effect changes to reduce those costs. If the business is viable and it is struggling for a short period of time, employment grants should be given to ensure employment levels are retained. This happens in Germany and should also happen here. Will the Department go into John Spicers Bakery and other businesses like it?

If the Government really means what it says about competitiveness, I urge it to look at all the issues we have brought forward in this and past contributions. The Government should amend this legislation to ensure that a balance is struck between employers and employees, rather giving priority to employers in this Bill.

**Deputy Mattie McGrath:** I too am delighted to speak on the Bill. I congratulate the Minister who, in fairness to him, has been very proactive since assuming this portfolio. He is interested and passionate about getting to the bottom of the problems that are diminishing job numbers on a daily or weekly basis. While we may get lost in many of the Bill's technical issues, I want to speak as a small employer who understands many of the issues involved. Next month, I will have been in business for 30 years. I currently employ eight people, but I have often employed up to 12 or 15. While they are not huge numbers by any means, those sort of small businesses have built our economy, yet they have received no State supports by way of huge grants from the IDA, Enterprise Ireland or county enterprise boards. I never received any grants, nor did I look for them. I may have sought one or two employment grants, but never succeeded in getting them. There are many people throughout the country who have had the same experience.

It is a delicate job for the Minister and his Department to protect vulnerable workers while allowing flexibility for businesses to remain in place. The last speaker, Deputy Tóibín from Meath, said that many issues were wrong, including low wages. In his own constituency, Spicers is shedding jobs because of competition. The vast majority of companies, especially smaller businesses that have grown larger, have had a great relationship with their workers over the years. Some of them did not have unions and did not need them because they were fair. In turn, their employees worked hard for the company, as well as for themselves and their families. That happened in many communities but in the past 40 years, up to 2004 or 2005, legislation

[Deputy Mattie McGrath.]

was brought in to protect workers and rightly so for much of it, but unfortunately we never seemed to repeal the old legislation.

When I was first elected to the Dáil, I was lobbied continuously, and still am — I am sure the Minister is also lobbied — about all the EROs, JLOs and little empires that were set up, including NERA, the National Employment Rights Authority. They were established from the perspective of being necessary and having the required *modus operandi*, including good operations and vision, but they got carried away. It became more cumbersome, awkward and difficult for employers to maintain their workforces, as well as making plans to develop in future. Employers had to deal with such a plethora of agencies, rules and regulations that they would have had to be legally qualified to understand and assess them. If an employer had five employees, he or she needed a secretary specifically to deal with all the book-keeping and other paperwork, not to mention all the inspectors that were arriving. To cap it all, we got NERA.

I ran a long campaign to have NERA stood down. It should have been changed from the National Employment Rights Authority to being a national employers support agency. I certainly saw this coming, as most people did. There was no help for employers who got caught up in industrial relations issues. Once greed set in, we lost sight of honest men and women who wanted to work and provide for their families by contributing to the company and the community. Not only did it set in with some greedy employers who wanted to drive down wages to make more profits, but SIPTU and many other unions also had a role to play in this. They lobbied and all got cosy under the various schemes that were brought in by previous governments to enhance industrial peace. We got industrial peace, thankfully, but at what cost to the economy? What good is it now having a plethora of quangos that we cannot get rid of? We cannot get rid of them because they are too embedded in legislation and cannot be touched. The Construction Industry Federation and many other agencies were involved around the one table, but they forgot where the crumbs were falling. They also forgot where their meals were coming from because they killed the goose that laid the golden egg. They went over the top completely and now we are trying to pick up the pieces.

Having just come from a meeting with the troika, I have learned a lot in the past two hours. I am glad the Technical Group has had an opportunity to meet the troika for a first meeting. The troika may be blamed for everything, but it should not be blamed for half of it because it had to come in here. The troika did not come here soon enough; it should have been here two years earlier. Now that the troika is here, however, it is a convenient scapegoat for everyone to blame.

I challenge the Jack O'Connors and other union leaders to come to the table and be honest about ordinary workers and lower paid people. I am meeting self-employed people daily, as well as workers and — worst of all — people with no jobs. I compliment the Minister for Social Protection, Deputy Burton, on indicating recently that she will consider giving something to self-employed people under the PRSI scheme when they cease business. When their jobs are gone, their families face a human tragedy because they cannot get a shilling. Is that fair? Who is speaking for them? Where is the Construction Industry Federation or the small business association? They are not there. They are able to negotiate all these rates and other issues they want to apply, but they got carried away completely. We had a government, of which I was a member, which was too willing to give them everything, no matter what. They wanted to buy industrial peace at whatever cost. That is why the Croke Park agreement cannot and will not deliver. It is not delivering, it will not deliver and cannot do so. I cannot see why the troika is not looking at that because it is nonsense. I will not say what the troika representatives said this evening because they asked us to be respectful until they leave on Thursday. Nonetheless,

anyone undertaking a peripheral examination would know that there is a lot wrong in this system and it is not all about employers.

The Vita Cortex dispute was mentioned in Cork. I can say that the Ronan family were damn good employers in south Tipperary for decades. When NAMA was set up, I said it was like a wild animal in the woods and no one knew where it would end up. By hell, do we know now where it is ending up? We might have banned stag hunting, but we will have to bring in some sort of hunting for these NAMA officials and the racket that is going on in there. No one knows where it will end up, yet millions of euro due to small and medium-sized businesses are now tied up in NAMA for one reason or another. It is no good to this State or employers and it is worse for employees. What is happening down there is a scandal, yet their money is tied up. I wanted to say that although I might be attacked for doing so. The Ronan family gave exemplary employment to hundreds of people in south Tipperary. It was all fine and dandy while Vita Cortex and other companies were going well, but not now because of the money that is tied up in NAMA. I am not defending Jack Ronan in this instance, although I know many members of the family. There is more going on under the surface in all these cases than what is seen.

We can have all the attacks from our Sinn Féin colleagues on this, but Deputy Tóibín could see for himself at first hand when he asked the Minister to intervene. I support him on that because people should go in. That is why I said that NERA, the National Employment Rights Authority, should be changed to the national employers support agency. Employers are struggling and are on their knees. I was talking to an employer recently who employs six or seven people in a small business. She is spending her life savings to try to keep the business afloat, but that cannot last beyond 2012. She will be broke, her life savings will be gone and so will her business. It is not good enough. State agencies must support businesses that are trying to maintain the *status quo* and keep people employed. Entrepreneurs will get us out of this mess, not unions and others sitting around tables who negotiated all these lovely deals. They wanted things to be grand and cosy, but the ordinary workers did not benefit.

Debate adjourned.

### **Private Members' Business**

#### **School Guidance Counsellors**

**Deputy Brendan Smith:** I move:

“That Dáil Éireann:

- confirms that schools are legally obliged to provide guidance and that the provision of ‘appropriate’ guidance is a statutory requirement under the Education Act 1998;
- recognises that the budgetary decision to include guidance provision in the standard allocation is an effective increase in the pupil/teacher ratio at post-primary level;
- condemns the Government’s decision that will result in 700 schools losing up to 1,000 qualified guidance counsellors around the country, which will further result in guidance counselling being provided from within the standard teacher allocation;
- acknowledges that guidance counsellors provide a critical service to students by encouraging students to go on to third level, selecting which courses to study and also in offering advice and support relating to a range of personal issues;

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- notes the ESRI’s report entitled ‘Improving Second-Level Education: Using Evidence for Policy Development’ which states that the removal of guidance counselling in schools will impact most on young students from disadvantaged backgrounds in terms of going on to third level;
- agrees that guidance counsellors are the only persons in a school setting professionally qualified to provide guidance counselling to students;
- condemns the position that post-primary schools are now faced with, where they must either cut an essential service to students or drop another subject leading to reduced subject choice;
- acknowledges that at the end of February and in June this year a significant number of teachers will retire from our schools, many of whom will be qualified guidance counsellors; and
- calls on the Minister for Education and Skills, Ruairí Quinn T.D., to:
  - explain the rationale behind his decision and the effect it will have, not only on the number of career guidance counsellors in post-primary schools, but also on subject choice in these schools;
  - publish any impact analysis carried out within his Department relating to this decision and the effect it will have on the career guidance profession and on vulnerable students;
  - clarify if the section relating to the provision of ‘appropriate’ guidance in the Education Act 1998 still applies and what the Minister now deems to be ‘appropriate’ guidance following Budget 2012;
  - ensure that all second level students have access to career guidance and counselling services following Budget 2012 and that schools must continue to provide a certain level of guidance counselling;
  - ensure that only those teachers professionally qualified as guidance counsellors will be allowed to provide guidance counselling to students and that no other member of school management or teaching staff will be allowed to provide guidance to students;
  - clarify who will provide career guidance and counselling provision to students in the event that a school chooses not to replace a school guidance counsellor that retires in February or June this year;
  - clarify if he envisages any guidance posts being advertised in the coming academic year and what the effect will be on specific postgraduate qualifications in guidance; and
  - reconsider this decision that will result in the obliteration of the guidance counselling profession and have a severe social impact on young vulnerable students, particularly those with mental health problems or from disadvantaged backgrounds.”

I propose to share time with Deputies Martin, Calleary and McConalogue.

Following the recent budget, career guidance and counselling provision at second-level will be managed by schools from within their standard teacher allocation. The Fianna Fáil Party believes this decision will lead not only to the end of the guidance counselling profession but its effect will be felt most by vulnerable and disadvantaged students.

This decision is an effective increase in the pupil-teacher ratio despite the Government giving the message at the budget that there was no increase. In the next school year, second-level schools will be faced with the choice to let go up to 1,000 guidance counsellors in 700 schools or let go other teachers, maybe in the science or language disciplines, leading to reduced subject choice. We may have bigger classes but likely casualties will be also foundation classes at leaving certificate level in subjects like maths and Irish. Again, the weakest students will suffer. The Government and the Minister for Education and Skills are, once again, hitting the wrong people with this decision.

Our motion refers specifically to the requirement to provide appropriate guidance under the Education Act of 1998, which was implemented by our party leader, Deputy Martin. We note the importance of career guidance and counselling right through second-level and we note that young vulnerable people need this support. We note the ESRI report, which states clearly, that the removal of guidance counselling in schools will impact most on young students from disadvantaged backgrounds in terms of going on to further and third-level education and we also note that guidance counsellors are those in a school-setting professionally qualified to provide guidance counselling to students. We ask the Minister to clarify, without further delay, what will constitute appropriate guidance as required in the Education Act 1998 following his decision.

A report of the inspectorate of the Department of Education and Skills some years ago stated:

“Guidance in schools refers to a range of learning experiences provided in a developmental sequence, that assist students to develop self-management skills which will lead to effective choices and decisions about their lives. It encompasses the three separate, but inter-linked, areas of personal and social development, educational guidance and career guidance”.

A former chief inspector of the Department stated, as recently as 2009, that best practice involved the appointment of qualified guidance counsellors in the majority of schools and the whole school approach to the delivery of the guidance programme. That report recommended that all students have access to the services of a qualified guidance counsellor. Schools must now decide whether to deliver a guidance service or maintain subject provision and current class size. Guidance counsellors leaving the system before the next school year will not be replaced, with very serious consequences for the number of guidance counsellors in the school system within the next few years.

I hope the Minister can inform this House if his Department carried out an impact analysis on this decision. The Minister and other Members discussed the teaching of maths some time ago and the need to ensure we had people with appropriate qualifications in the classroom. Why are we going in the opposite direction in respect of career guidance and counselling, a system and method that is working very well?

Apart from the impact on the pupil-teacher ratio and on subject choice, we are concerned about the severe social impact of this decision on young, vulnerable students. There is widespread and supportive evidence on the importance of guidance and counselling. That evidence is contained in the National Development Plan 2000-2006, the Learning for Life: White Paper on Adult Education, the commission on the points system and the OECD report. The OECD report clearly outlined the benefits of career guidance in helping to reduce early school leaving

[Deputy Brendan Smith.]

and improving transitions from the education system to the labour market and overall a better use of educational resources. That is what we need when resources are scarce. The ESRI report is clear in its analysis of the benefits of career guidance and counselling. There is serious complexity involved in the work of the counsellor. Over the years that work and demand has grown and fortunately there has been an excellent ongoing professional development service with participation exceeding 90%. Guidance counsellors work at the coalface of education dealing with some very difficult and challenging social, personal and educational issues on a daily basis. We are all conscious of those serious challenges and the guidance counsellors' professional advice and support on a one-to-one basis is critical. Most of those issues could not be dealt with in a group setting. Many of these issues have greatly increased in the current economic climate. In many respects guidance counsellors are part of the school management and care team, liaising with staff and students, acting as advocates for students and being instrumental in drafting and implementing school policies around the welfare of students.

Our students need this help, that guidance and that support. Guidance counsellors constantly deal with referrals from the principal, deputy principal, year heads and class tutors, as well as having an open-door policy with students. They liaise with outside agencies and families; they help their students through their difficulties. Guidance counsellors are well-placed to identify issues as they arise and help ensure students receive necessary supports. Guidance counsellors have an enormous input and role in educational guidance, for example in the area of subject choice, college applications, personal references and individual advice on further education. Changes proposed by the Minister would see the loss of this support with the further implication for students making uninformed decisions affecting further study options and could well lead to increased numbers dropping out of courses and schools due to the lack of these necessary supports and advice at the critical time.

Research has shown that poor, insufficient, and absent guidance in schools is a significant cause of drop-out in further and higher education. We know the cost of drop-out to the individual, the family and the society. Career guidance also helps prevent early school leaving at second level. I have always recognised that guidance counsellors have worked tirelessly to create the professional service that is currently available within the Irish education system. They are a highly committed group of professionals who have the welfare of their students at heart. We are all conscious that hard choices have to be made but with cuts affecting other services the need for this professional and vital service within our schools is even more necessary.

It is simply not acceptable for the Minister to state that the appointment of 300 assistant principals will mitigate the career guidance and counselling loss. I welcome those appointments but year heads have a totally different role within school than guidance counsellors. Students need assistance in completing CAO forms, the HEAR, DARE and UCAS forms. Such work over the years has contributed to better access to further and third level education and we have made great progress in that regard. The access schemes at third level institutes will be greatly diminished without career guidance support. Last week in the House, the Minister stated that he had no doubt leaving certificate students will receive sufficient guidance, particularly in January, when they are completing their CAO forms. Guidance and counselling is not about the completion of forms and additional activity in January. The work of the counsellor is complex and essential and the present method of allocating teaching resources must be maintained.

Last April, we had the first debate on education in this Dáil when I tabled a Private Members' motion on behalf of Fianna Fáil, seeking the support of Dáil Éireann in prioritising and protecting funding for education. The Minister for Education and Skills, on behalf of the

Government, generously agreed with the motion and it received the unanimous support of the House. This evening's motion calls on the Minister to ensure that a key and integral part of our education system is not dismantled.

If a service is not available in a school, households with a high disposable income will be able to buy in the service privately while the student from the less well-off home will, again, be the loser. It is not acceptable that our professional career guidance and counselling service should be dismantled and that the many vulnerable young people who need that assistance should be denied that support at a critical time in their education.

**Deputy Micheál Martin:** For most of last year, a steady stream of announcements and leaks came from Marlborough Street. An enormous amount of time was spent telling journalists how progressive reform was under way in a new era for Irish education. The problem through all of this is that it all added up to nothing more than a statement of intention rather than concrete action.

Budget 2012 was the moment when the warm words and self praise could no longer cover up the reality of a Government whose education policy is deeply regressive and almost designed to maximise the damage inflicted on the most vulnerable pupils. On the day spending for this year was revealed, the Minister, together with most of his colleagues in government and many of his backbenchers, put out statements praising the plans for education. His own statement led with the direct claim that, "Front-line services in schools are being protected". For schools and teachers in every part of the country this statement was an insult. It said that for the Government home school liaison, language support, smaller classes for the most disadvantaged communities and many other activities in place for over a decade are now no longer front-line. The same goes for the career guidance and counselling service in second level schools.

A budget, which Fine Gael and Labour claim will protect front-line education services, will shortly end all support for guidance and counselling in schools. In September, there will not be a single teacher in Irish second level schools paid by the State specifically to help young people cope with the incredible and rising pressures they face in school and in their future lives. If helping a teenager who is finding it difficult to cope and does not know what to do with their life is not a front-line service then nothing is.

The teachers who deliver guidance and counselling in our schools carry a heavy work-load and perform a vital role for our society. The Minister and the Government took a decision to single them out in this budget. A service built up over 40 years has been dismissed as a mere optional extra. It has been adopted without even basic steps being taken to examine its impact on schools and pupils. Not one single piece of advice is available to schools as to what they should do now. The cold hard message of the Government is to say to schools, "It is not up to us; you handle it".

This is a dishonest cut that was proposed specifically so that it might be slipped in without too much controversy. The Government thought that leaving the headline pupil teacher ratio in place would be enough to make people believe its claims. This fell apart immediately and the Government then resorted to the insulting claim that all it was doing, as the Taoiseach told the House during Leaders' Questions, was giving schools staffing flexibility and local autonomy. The Taoiseach said this decision was all about giving schools what they had been looking for. The Department sent a circular to all schools that contained the soothing words, "In this way schools will have discretion to balance guidance needs with the pressures to provide subject choice". No doubt, this evening we will hear more of the same from the Minister and he will attempt to claim there is no need for guidance and counselling.

[Deputy Micheál Martin.]

Let us put aside all of the nonsense and look at the facts. This is a cut that was demanded by no one and was on no one's agenda. The Government's own documents, as well as our pre-budget proposals, showed how to achieve the budget figures without this cut. It first emerged as a possibility in the Minister's own review of his Department's spending, which was finalised on 9 September. The proposal, which was later put through a public relations filter, is to be found in its stark and brutal simplicity in page 15 of the Minister's document. In September, he explicitly raised what he terms, "the option to terminate the dedicated staffing allocation for guidance and counselling". There was nothing about providing it from other allocations, as is now being claimed. In fact, he explicitly talked about redeploying guidance teachers. Last September, he said this would raise difficulties and "could take at least two years to achieve". If it was going to raise difficulties over two years, its implementation in one brutal move this September will raise many more. The budget documentation allows for no transition period or flexibility. These 700 teaching posts will be removed in their entirety in September.

Ministers and desperate backbenchers have been repeatedly claiming that the service can be protected within the staffing quota. Hiding behind the complexity of second level staffing, they have claimed that principals will have discretion to continue to employ guidance counsellors. This does not stand up to even basic scrutiny. Every school in the country has already filled its staffing quota with teachers who are allocated to specific subjects. Many have slightly more teachers than the strict pupil teacher ratio allocation in order to provide required subjects. There is no space within the pupil teacher ratio allocation to maintain the guidance and counselling service. No doubt, the Government will claim this space will be created by retirements. What this ignores is that schools will have no option but to replace retiring teachers with subject specialists. If, for example, a science teacher is retiring the school must replace the teacher with another who can teach science. Most teachers teach subjects that are required for the curriculum. Schools must provide for the core subjects and must provide a minimum number of other subjects. The claim that they will have enough discretion and flexibility to absorb 700 posts in September is either cynical or ignorant. Whichever it is, the devastating impact is clear.

There is no doubt about the legal obligation of schools to provide for the set curriculum. What is less appreciated is the legal obligation to provide guidance. In preparing the Education Act as Minister for Education and Science, I decided to include a provision concerning guidance. I did this for a range of reasons, the most important of which was the guidance works. I looked at the evidence and could see that guidance teachers were performing a vital role for schools, pupils and the wider society. In particular, I could see that pupils from disadvantaged schools benefit most from the service, a fact confirmed by subsequent studies. When reducing the overall second level pupil teacher ratio I also implemented an increase in the number of guidance and counselling posts together with improvements in areas such as in-service training in this field. I chose to keep guidance and mainstream allocations separate because every scrap of evidence showed that guidance is not optional. It is core to the work of schools.

The fact that Ireland has now one of the world's highest school completion rates is, in part, due to the work of our guidance counsellors. It was the experience of many other countries that drop-out rates increased during prosperous times and it was a core objective of ours not to have that happen here. The expanded guidance and counselling service was charged with taking a lead role, and it did this. Equally, it is central to helping pupils in these more difficult times, working with them to negotiate the more complex training and higher education fields.

One of the most cynical and disingenuous things about the education cuts targeted at those most in need is that part of the saving has been earmarked to fund the new literacy and numeracy strategy. The comprehensive review of expenditure confirms this in a number of places. Programmes that have been proven repeatedly to deliver better educational outcomes

are being cut to create space for a public relations initiative. It is more important to the Government to be able to claim credit for things than to acknowledge the work of others.

**Deputy Ruairí Quinn:** A public relations initiative——

**Deputy Micheál Martin:** Yes.

**Deputy Ruairí Quinn:** That does not reflect well on Deputy Martin's predecessor.

**Deputy Micheál Martin:** I was in schools yesterday and this morning. They told me how well literacy and numeracy programmes have worked under existing schemes that the Minister is now savagely cutting. That is the point. The Minister is robbing Peter to pay Paul.

**Deputy Ruairí Quinn:** That is why we stayed static in the PISA results.

**Deputy Micheál Martin:** The Minister should make a more honest and decent analysis of that. One does not cut between five and eight teaches in a DEIS school and terminate the entire guidance counselling service and use part of the money for another initiative that will get PR headlines. If the Minister is to do what he ought to, he should concentrate on protecting the areas that are working and that have been seen to work, not according to my observations but according to independent analysis and evaluation.

When applied to many other areas, this cut is merely petty. When it affects education services that have been in place for years and have been relied upon by schools, teachers, parents, pupils and communities, it is much worse. There is still time for the cut to be reversed. The Minister has already admitted this was a budget put together by people who are not on top of their game. The Government has four years left and a majority that can survive even the current rate of backbench losses. It should do the decent thing and do what the Minister called the termination of counselling and guidance provision. If the Minister pushes ahead with his plan and takes the 700 posts from our schools, he will be doing a great and long-lasting disservice to our education system. This will not be forgotten. The Minister may talk of having to take tough decisions but people will remember that they were wrong, unfair and did immense and unavoidable damage to schools and hundreds of thousands of people. I have a simple plea for the Minister: he should do the right thing.

**Deputy Dara Calleary:** I wish to share time with Deputies Moynihan and McConalogue.

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

**Deputy Dara Calleary:** I welcome the chance to discuss what is in effect the dismantling of modern guidance provision. I thank Deputy Brendan Smith for providing us with the opportunity to do so.

As I was preparing my remarks, I received correspondence from a guidance counsellor in a western school with 800 students. She gave a diary of an average week in the school and an idea of guidance counsellors' activities. Her work involves a 45-hour week, 22 hours of which are in direct contact with individuals or contact with a range of classes. Some 10% of her time is devoted to counselling, an extremely valuable task that involves using her skills and qualifications, which she continues to update. The time spent counselling depends on the severity of the case.

The school in question does not participate in DEIS and has no school chaplain or home-school liaison officer. The teacher has asked all the Deputies to whom she sent her e-mail where students will go next year in times of crisis when she is removed from her role. To whom will teachers refer students? What will happen to students who have no one to help them or

[Deputy Dara Calleary.]

do not have the resources to go to a private career guidance adviser to obtain advice on post-leaving certificate courses, IT or university courses, or when they end up unemployed, applying for the wrong course or dropping out because they are no longer provided for? All of these outcomes increase unemployment, drop-out levels and reduce the status of students within schools.

My correspondent's weekly diary is very interesting. I was relatively ignorant of the role of guidance counsellors until approximately two years ago when I had the honour of opening the guidance counsellors' conference in my role as Minister of State with responsibility for labour affairs. It had nothing to do with education. It involved a group within the education system who focused on industry and business. On the night in question, the group had lecturers from Maynooth and lecturers teaching a range of courses. The event opened my eyes because I am of a generation for whom guidance counselling was Cinderella. It was carried out by very well-intentioned people who believed guidance involved giving one a leaflet for college and telling one that, because one was good at commerce, one should study business. Perhaps that is why I ended up in the House.

With the introduction of the Education Act 1998 by Deputy Martin, Cinderella went to the ball and we now have a complex and comprehensive service in place that looks after career guidance from day one. It is interesting that the guidance counsellor's weekly diary indicates she spends some of her week with first and second year students. Guidance takes place that early in the cycle. The counsellor devotes a considerable amount of her week to fifth-year or pre-leaving certificate students. I do not refer to those filling out CAO forms this week but to those who will be filling them next year. That is when we need to address the needs of students.

Even more important than career guidance is mental health counselling. Anyone who saw "The Frontline" last night or anyone in this job or any other will realise there is a mental health crisis. The counsellor with whom I was in correspondence and many others spend their time dealing with students who are in very serious circumstances, particularly at present. I refer to those who are being bullied and those in very difficult circumstances at home. If a student has difficult circumstances at home, to whom does he turn? He turns to the counsellor in school because he will have developed a relationship with her, based on having spent so much time in school. He will not go to his friends.

Irrespective of the Minister's intentions, which are probably genuine, the reality is that if schools must choose next September between providing core subjects or guidance, the latter will lose out. Where should people in crisis turn? They will go on the public waiting lists or, if they have the resources, to the private sector, thereby reinforcing disadvantage, loss and educational apartheid within schools.

The programme for Government contains ambitious and increasingly grandiose statements about education in light of the cuts affecting DEIS, rural schools, third level and guidance. Education, we are told in the programme, will be a priority for the Government, which will endeavour to protect and enhance the educational experience of children, young people and students. That sounds very hollow in light of the cuts we discussed last week and tonight and which we will discuss again over the coming weeks.

Education is at the heart of a more cohesive, equal and successful society and will be the engine of sustainable economic growth. We all agree with that. I believe this passionately and that education is the way to dismantle and break down social barriers but in order for it to be an engine of economic growth, students need help and to know where the economic growth is. They need to know whether their skills fit particular roles and that they are mentally strong enough to be part of the economic growth. Instead of assisting the engine of economic growth,

we are pulling away an important part of the oil that keeps the engine running. The Minister will know what happens when one pulls the oil away from a system.

Barnardos is not necessarily an organisation associated with this side of the House. Its current chief executive is more associated with the Minister. I will finish with a quote from the organisation:

Barnardos believes that the measures to incorporate Guidance Counsellors within schools' staffing quota will severely affect children and young people. ... The implications for the proposed cuts to Guidance Counsellors are far reaching and will leave many young people at risk.

There is no political agenda here but the agenda of young people.

**Deputy Michael Moynihan:** I thank my colleague Deputy Brendan Smith for tabling this timely motion. This debate on career guidance and guidance counsellors is among the most important we are having. Over recent weeks, we have been contacted by people at the coalface in schools who are providing the best service possible. One of the teachers who contacted me over the past week expressed disgust over the cuts. In one school, in a large urban town, a leaving certificate student died by their own hand — I would rather not dramatise it — and it was the career guidance counsellor who took over in terms of talking the children and entire school through the situation. The teacher who contacted me said the strength and courage of the career guidance counsellor over the very difficult, challenging days, weeks and months were an inspiration. She complimented career guidance counsellors on their dedication and training in becoming qualified, and on the effective way they deal with problems. The teacher asked where the school in question would be had it not had the backup of a career guidance counsellor.

The Minister must consider this very carefully because the service has been built up, particularly over recent years, such that it results in great dividends for students from first year onwards. When students have emotional or family difficulties, career guidance staff are the staff they approach. They represent the trusted face of the school authorities.

These are very serious issues. The importance of career guidance counsellors' service to school communities could not be overstated. If we are serious about ensuring education is central, we must ensure the cut is reversed.

**Deputy Charlie McConalogue:** With my colleagues, I would like to endorse the timely motion put forward by our education spokesperson, Deputy Brendan Smith, which deals with just one of the aspects of the education sector, which has suffered so much in the budget the Minister has just introduced. It is particularly important because, if we look at the education system in the context of a child's life cycle, the support a child gets at one stage of his or her development is critical to the success in the next phase of life. Hence, the importance of a child's earliest years in determining how that child will perform at primary school. Likewise, the importance of doing well and being resourced properly at primary level is critical in order to succeed and be equipped to enter second level and maximise a young person's chance of completing the second level cycle. Similarly, the quality of the services and resources available to students when going through second level will be a key determinant in how those young people progress to third level and whether they will be equipped to make that move and fulfil their potential.

What we have seen from the Government in its short time in office is a dangerous erosion of the services so critical to ensuring students fulfil their potential through our education system. More worryingly, the stirrings from the Government show an attitude of indifference

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to the importance of ancillary supports and to ensuring that those students who are more vulnerable and disadvantaged are served well by our education system and are given a similar chance to make the most of life, as are other students who have been more fortunate in economic background and familial support, for example.

Instead, the Government has at primary level targeted those schools with students in need of a helping hand in its quest to find savings in the education budget. The identifying of DEIS schools to carry the burden of education cuts is discriminatory. It is a real blow to the progress that has been made through improved resourcing of those schools and a real blow to those children going through their doors in regard to ensuring they are well equipped and get the start necessary to go on and do well at second level.

For a Minister who highlighted in bold talk on budget day that he was protecting pupil-teacher ratios, it came as a real shock for hundreds of schools with DEIS categorisation to find out they would be losing 425 teaching posts under the Minister's budget. The pupil-teacher ratios of those students most in need were forced to carry the load for the Government.

At second level, we see the same theme emerge from the Government as its cuts hit at the provision of guidance counselling to students, a measure that would again affect those students who most need the extra help. This is a cut that will hit hardest in those schools and at those students who need the extra assistance and ancillary services the most. Once more, the Minister sold this measure as if it was something one not need be worried about. Again, there was no upfront assessment, as with DEIS, of how this measure would impact on schools. To listen to the presentation of the measure on budget day, one would have been forgiven for thinking that schools were being done a favour. To quote:

At second-level level, guidance provision will be managed by schools from within their standard teacher allocation. In this way, the main teacher allocation can be maintained at 19:1 for schools generally, while schools will have discretion to balance what they allocate for guidance against the competing demands of providing subject choice.

However, when the budget dust settled, the effects of this measure became very clear. What it means in effect is an increase in the pupil-teacher ratio from 19.1 to 19.8.

This leaves many very serious questions which the Minister has failed to address in his comments since the budget. For example, how will we ensure that only those teachers qualified to provide guidance will continue to do so? The Minister is in effect making the necessity to provide counselling and guidance services to students something which is up to school principals to deal with. The necessity for guidance and counselling facilities was not enshrined in legislation by accident. It was put there because it is an essential service for those students who need it. What the Minister has done by removing the ex-quota allocation of hours and guidance resources is to treat it like another subject choice. We now have a situation where, instead of it being clear to principals what are their responsibilities in terms of providing guidance and counselling to students, they will now have to sit down at the start of the year and, at their discretion, deal with the problem of which the Government is absolving itself. The principals are left with the problem of how they ensure that guidance and counselling services can be provided to the students under their care.

This comes at a time when school principals have a much more difficult job than they have ever had before. If the Minister feels, as he said in selling this cut, that guidance and counselling is so important, why is he absolving himself, the Department and the State of the need to ensure the service is actually provided to students and instead foisting the responsibility onto school principals?

What is likely to happen is that much of the progress made in recent years, where postgraduate courses have been established in order to allow guidance teachers to fully qualify as professionals in their area and feed through into the education system, and where students have been able to get professional guidance and counselling in schools, will be rolled back in one fell swoop. As guidance teachers retire or as schools move to recruit new resources, in many cases teachers whose expertise this is not will be asked to provide those guidance services instead. What happens when teachers who are asked to take on this role provide advice which is perhaps not the optimal advice for any student? Who is responsible in that scenario? The measure introduced in this budget will be responsible for many students not getting the type of advice they require in order to make the most of their opportunities.

We have seen in the past the expenses incurred by the State as a result of failing to do its job properly at any one level. This has been particularly significant and obvious in the dropout levels at third level in recent years. In many third level courses, up to 40% of students have dropped out in the first year. The root of that problem goes back in many instances to the fact students were not advised and given the support necessary to help them make a choice that would lead them to take on something suitable to their capabilities and which they would want to pursue. Alongside the fact this will hurt students, therefore, this is also a short-sighted measure in terms of savings to the State. We will see many students making choices which are not optimal for them and wish they will not pursue as a result of not getting the support they needed at the time.

In conclusion, I ask the Minister to revisit this cut and to revise the thrust and theme which emerged in the education line in this budget. In my view and the view of people on the ground in schools at secondary and primary level, this is hitting those who need the support most and who are more vulnerable. As is always the case, those who are starting off and who are more fortunate will have other avenues to find the supports which the State has been providing up to now. Unfortunately, it is those for whom we have the most responsibility, those who need a helping hand, who are being hurt most by this measure. I urge the Minister to reconsider the policy and reverse this cut.

**Minister for Education and Skills (Deputy Ruairí Quinn):** I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“— acknowledges that:

- despite the severe economic crisis caused by the actions of previous Fianna Fáil-led Governments, and in the expectation that an additional 70,000 students will enter the education system over the next six years, the Government has ensured that the reduction in teacher numbers will be less than in other areas of the public sector over the coming years;
- guidance provision will be managed in future by schools from within their standard staffing allocation so that schools will have discretion to balance guidance needs with the pressures to provide subject choice;
- notes that this change is in line with the Programme for Government commitment to give greater freedom and autonomy to school principals and boards of management, including greater freedom to allocate resources and manage staff;
- recognises that all teachers, not just guidance counsellors, have a duty of care to their students and that school management and teachers have a long and proud

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tradition of working together to meet the needs of students, including any necessary supports for vulnerable or ‘at risk’ students;

- acknowledges that, while changes are being made to the way in which guidance counsellors will be allocated in future, all post-primary schools will still be required to provide guidance support for their students in accordance with the Education Act 1998;
- notes that guidance is a whole school activity;

and welcomes:

- the Government’s commitment in Budget 2012 for the filling of 300 assistant principal posts of responsibility in second-level schools and notes that this will ensure significant management supports, particularly for more appointments to the key role of year heads;
- the very constructive and positive work being done by the National Association of Principals and Deputy Principals with all post-primary schools to ensure they are aware of their continuing responsibility to provide guidance counselling services; and
- the intention of the Department of Education and Skills to issue a circular in the coming weeks in order to provide further clarification for schools on the changes to guidance counselling provision announced in the recent Budget.”

With the agreement of the House, I wish to share time with Deputies Patrick O’Donovan and Aodhán Ó Ríordáin.

**An Leas-Cheann Comhairle:** Agreed.

**Deputy Ruairí Quinn:** I welcome this debate and appreciate that I have an opportunity to clarify to the House the nature of this decision and how it may or will impact. At the outset it is important to recognise the overall financial and budgetary context in which Ireland is operating. We are relying on funding being provided through the EU-IMF programme of support for Ireland for the provision of our day to day public services, including the funding of our education system. For the information of Deputies opposite, there is nobody else in the world who will lend us money on terms we can afford. It is also worth reminding the House that this difficult situation has arisen from the catastrophic mistake by the last Fianna Fáil Government in inextricably linking Irish sovereign debt with the debts of bankers and speculators when it introduced the ill-fated bank guarantee in September 2008.

Nevertheless, it is absolutely essential that we close the funding gap between what we take in from taxation and what we spend on our day to day services. This year that gap between what we take in and what we wish to spend will amount to €18 billion, almost double the entire budget for the Department of Education and Skills. It is hoped last December’s budget will close that gap by a further €3.8 billion, reducing our deficit to 8.6% of GDP by year end. However, the target we must reach is 3% and therefore the matter is not over this year.

We cannot be under any illusion about the serious situation in which we find ourselves. As I have stated on many occasions, this country has lost its economic sovereignty. Our finances must be put on a sustainable footing so that we can re-enter the financial markets in order to continue to fund our public services and restore our country’s economic and social well-being.

We must step back from the edge of national insolvency. Listening to the Deputies opposite, one would think this is not the world in which we live.

The education allocation for current expenditure in 2012, including the national training fund, will be €8.6 billion. This represents approximately 17% of all State current expenditure this year. Savings measures announced in my Department's budget will provide net savings of some €76 million in 2012, increasing to some €241 million in 2014. Achieving savings in my Department's budget has required making very difficult decisions, particularly at a time when the school population continues to increase. A key part of our overall budgetary strategy is a requirement to reduce the public sector payroll. Reductions in the public service pay bill and staffing numbers will continue to play a part in expenditure consolidation. One third of all public sector employees work in the education sector so it is simply not possible to completely exempt staffing levels in education from the Government's need — its obligation — to reduce expenditure.

However, unlike in other countries, our school-going population is rising rapidly. Places have to be provided for the extra 70,000 pupils arriving in our schools in the next six years and teachers must be appointed to teach them. As Minister for Education and Skills, I will ensure every child has a physical place in which to go to school. That is why, despite the need to reduce teacher numbers and the other spending reductions that have been made, the overall number of teachers employed in our schools is about 200 below the numbers for 2008. This represents a net overall reduction of about 0.3% in the overall number of teachers in spite of several changes to the pupil-teacher ratio at both primary and second level. This point is too easily forgotten by commentators when discussing the resources available for education. I am glad the counter-motion before the House notes this fact.

Although providing for increased enrolments is a key priority, making some adjustment to teacher numbers is unavoidable given the budgetary constraints. The net impact on overall teacher numbers in our schools has been minimised to the greatest extent possible. In the recent budget announcement for education I made clear that the net impact of the measures relating to second level schools for the school year commencing next September would, after taking account of demographics, amounts to approximately 450 posts.

In spite of these pressures on spending, the Government has shielded, to the greatest extent possible, front line services in schools. There has been no increase of the mainstream staffing schedule general average of 28:1 for the allocation of classroom teachers at primary level. The overall number of special needs assistants, SNAs, will be maintained at 10,575. The overall number of resource teachers will also be maintained at current levels.

I have also prioritised resources for the key reforms I have worked on since becoming Minister for Education and Skills. These include, among other points, an allocation of nearly €10 million in 2012 to commence the implementation of actions in the literacy and numeracy strategy, funding for junior cycle reform and the phased roll-out of high-speed broadband to every second level school over the next three years. I note that the current leader of the Fianna Fáil Party is clearly ill informed as to the drop in levels of literacy in recent years as registered in the PISA report.

I would prefer not to have to reduce teacher numbers at all. However, it is clear that we have shielded front line services in schools at a time when the Government is seeking to make significant reductions in public sector numbers in other areas.

If we are to have a constructive debate it is important there is a full understanding of the detail of the changes we are making to guidance provision and that we explain precisely what this means at school level. Until now, a specific resource was provided to all second level schools for guidance, in addition to the standard teacher allocation. Broadly speaking, this

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equated to an additional allocation of about one teacher for every 500 students. As things stand, and before any changes are made, 42% of second level schools, approximately 730, do not have a full-time guidance counsellor.

I will reiterate the precise detail of the budget measure and explain how it will operate. Guidance posts at post-primary level will no longer be allocated to any post-primary school on an ex-quota basis, namely, on top of the quota allocation the school would normally receive based on its pupil-teacher ratio. That means there will be no specific and separate allocation for guidance provision over and above the number of teachers a school is entitled to under the general teacher allocation of 19:1. In future guidance provision will be managed by school management from within the staffing schedule allocation. In this way principals will have discretion to balance guidance needs with the pressures to provide subject choice.

By bringing about the budget reduction in the number of second level teachers in this way, as I had to do, we can maintain the main staffing allocation at 19:1 for schools generally and allow schools discretion in balancing what they allocate for guidance against all other competing demands. This is very different from the approach taken by the previous Fianna Fáil Government in the October 2008 budget which made a one point increase in the staffing schedule for all second level schools. That approach reduced the teaching allocation to all schools, including DEIS post-primary schools. It also failed to give schools any discretion to allocate their resources as they saw fit.

While the removal of the separate allocation for guidance reduces the overall number of posts available to most schools, all 195 DEIS second level schools will be sheltered. This is because I am introducing a new and more favourable staffing schedule of 18.25:1 for DEIS schools. This is a 0.75 point improvement compared to the existing pupil-teacher ratio 19:1 that applies in non fee-paying second level schools. This means that the DEIS schools will be better positioned to manage the changes in guidance provision within their increased standard staffing allocation.

The budget measures, including those relating to guidance, come into effect from September 2012. Schools will be notified in the normal manner on these changes. My Department will issue a circular shortly that will outline the staffing arrangements in schools for the 2012-13 school year. The circular will also make clear that while the change provides schools with greater autonomy over the use of resources, they cannot ignore their statutory obligations under the Education Act.

Section 9 of that Act sets out a wide range of functions for schools of which subsection (c), relating to guidance, is but one. This has been referred to in much of the media comment on this issue. I have not changed nor do I have any plans to change the Act. Schools will continue to provide for guidance as they have always done.

In the run-up to the budget, I received many representations from parents, schools and teacher unions warning me about what needed to be protected from the changes that they recognised had to be made. The overwhelming majority of representations at second level focussed on the need to protect subject choice. Many commentators have said that removing teachers at second level does not necessarily mean larger classes but may mean a reduction in subject choice, in particular in smaller secondary schools. I listened carefully to those concerns and reflected upon them.

When the previous Fianna Fáil-led Government increased the pupil-teacher ratio at second level in 2008, it made reductions in subject choice inevitable. By bringing guidance within the quota, we have avoided an unnecessary level of compulsion and allowed schools the freedom and autonomy to decide how best to use their resources. Some of the extreme comments made

about this measure are based on a false assumption about how schools, and school principals in particular, will operate the change.

Our schools are caring institutions. I am confident they continue to support vulnerable pupils in their care. All teachers have a duty of care to their students, not just guidance counsellors. By moving from stand-alone allocations into more general allocations of teachers, Ireland is following the practice many other countries use to provide staffing resources to their schools. Some countries even provide funding envelopes, leaving it to schools to decide how many teachers they will employ. While I am not a professional educationalist, I have done much research over the past several years. Two factors always stand out in the provision of a good education system — the autonomy, flexibility and the ability of a school's principal and the quality of teaching. This is what shines through in countries such as Finland and elsewhere.

Those who have claimed that this change spells the end of career guidance may think that they are point-scoring against me. They are not; 42% of second level schools do not have a full-time guidance counsellor. Those on the Opposition benches are being highly critical of schools, making a completely false and erroneous assumption that principals will use this increased autonomy over resources in a reckless manner and abandon guidance provision altogether. They know that is not true.

On the contrary, the changes that have been announced give schools greater autonomy in how they allocate staff resources to best meet the needs of their students, including how they provide for guidance and counselling. It is a change to how resources are allocated to schools not a policy decision to terminate guidance provision as some choose to present it.

The recent budget provided for the filling of 300 assistant principal posts in second level schools over the level originally planned. This will ensure schools have sufficient management positions to ensure appropriate supports are available for all students including the key role of year heads. Teachers with year head responsibilities play an important supportive role for the pupils in their year groups.

Following the Budget Statement, I have met with representatives from the Institute of Guidance Counsellors who were understandably concerned about the change. I assured them that while schools are provided with greater autonomy over the use of resources, the Department would clarify that schools must continue to fulfil their statutory obligations under the Education Act in the provision of guidance. This will be done through the annual circular on teacher allocations issued by the Department. I do not agree with the suggestion that principals and boards of management will abandon or significantly reduce guidance provision. Schools can be trusted to exercise any autonomy granted to them. It is better decisions on teacher allocation are increasingly taken at school level rather than by the Department through directed and restrictive allocation schemes.

Rather than have any pre-formed view of how principals would go about operating the revised allocation arrangements, I urged the representatives from the Institute of Guidance Counsellors to talk directly with the National Association of Principals and Deputy Principals, NAPD. I understand discussions recently took place and proved most useful. It is important such close links are maintained to ensure the changes in guidance provision can be implemented at school level as smoothly as possible. I am confident school management and teachers will continue to work together to meet the needs of the students in their care.

As stated in the Government's amendment to the motion, the Government is trying, as best as possible, to protect front-line services in the education sector at a time of rapidly rising enrolments in our schools. It is also trying to advance other reforms including giving increased control to schools over how they use resources in line with best international practice. Schools will, of course, continue to make provision for guidance and counselling. Decisions on how this

[Deputy Ruairí Quinn.]

will be done will be taken by principals in the best interests of students and the best use of resources available.

While I regret any changes to teacher numbers are required, I fully acknowledge schools will face increased pressure to maintain subjects and subject options. Despite this I have given them more discretion over how they can manage resources in these difficult times. I reject some of the sensationalist claims made on this matter. Some contributions in the national media appear to have presumed that in some instances principals will simply abandon provision for guidance. They would be in breach of their statutory duties if they so did. I have trust and confidence in our second level principals and the boards of management of schools. They will balance the needs of the pupils in terms of guidance with their curricular and other needs in their utilisation of the resources available to them.

I urge guidance counsellors and other teachers to work collaboratively through their school's guidance plan to ensure the educational, pastoral and care needs of pupils are met. I urge this House to have similar trust in our second level school leaders and to support the Government's amendment to this Private Members' motion.

**Deputy Patrick O'Donovan:** The debate on this Private Members' motion has been constructive so far with Members giving responsible contributions. I agree with what has been said on the role played by guidance counsellors in schools. Apart from the career element to guidance counselling, the pastoral element is important too. This was also a concern raised by many who attended my constituency office on this matter.

Despite the debate on this issue in the media over the past several weeks, I was surprised to learn from the Minister that 42% of schools do not have a permanent guidance counsellor. Informing myself from media reports, I assumed every school had access to a permanent career guidance counsellor. I was wrong. Much of the speculation and reporting in the media is equally wrong. I understand there is a statutory obligation on principals under the Education Acts and the previous Minister must be complimented on ensuring that provision was inserted. However, leeways needs to be provided. The Department should examine how the change is being implemented, especially in the first 12 months, to allay the fears of parents and guidance counsellors that this review will be sidelined. I am sure the same concern is being raised with every Member. Will guidance counselling, the responsibility to provide pastoral care and the provision of one-to-one time with students evaporate to make room for something else? The Department should monitor this change through its inspectorate to ensure vigilance is maintained during the first year and thereafter and the Minister should be kept up to date about what is happening in this regard.

Parents are right to be concerned. Change is always difficult in the education sector, as we have witnessed over the past two weeks. People will use the opportunity to make political hay but that is the nature of politics. Many of the changes identified in the budget, some of which are being re-examined, call into question how the Government will make future savings. Education cutbacks will have to be considered on a broader scale. Parents, teachers, managers and departmental officials, who are the stakeholders, will have to sit around a table with the Minister in the near future. This is year one of four and we have witnessed the difficulties that resulted. We can pretend that next year will be easier but the reality is it will be worse.

I would much prefer it if everything was thrown on the table and now is the time to begin work on next year's budget. The Minister avoided an increase in the pupil-teacher ratio, by and large, but rural schools have been affected and I am sure that issue will be raised as well. Rural schools have an issue and guidance counsellors have an issue but it is a long way to the next budget. We can bury our heads in the sand and pretend no savings can be made in the

education sector next year, given 80% of the budget is protected through the Croke Park agreement, or we can be up-front and honest with stakeholders and say we are open to all suggestions to make savings. Many constructive proposals have been made regarding the pooling of resources in smaller schools, sharing principal posts, reviewing the primary school curriculum and the volume of material covered and the review of the junior certificate and so on. There is a willingness among the teaching profession, parents and managers to engage with the Minister for January 2013. Now is the time to do that because we should not cod ourselves. We think it is difficult when all the low hanging fruit has been picked but it will get worse next year. Now is the time to engage with people in a constructive and realistic fashion at the end of the day with one person in mind always, the child. There is a temptation to concentrate on jobs, posts, transfers and school closures and so on but the focus on a teacher's mind when he or she qualifies from day one, which is instilled into him or her, is that the most important person in the education system is the child, not the parent, teacher or manager.

**Deputy Aodhán Ó Ríordáin:** I thank the Minister for his contribution. In keeping with the tone of the previous speaker's contribution, it would be easy to list cuts implemented under previous Administrations but that would not be fair to the people affected by this change. A few weeks ago, the Minister addressed students in the Gallery and it was one of the most inspirational things I have seen in my short time in the House. Many developments in education are incredibly exciting such as reform of the junior and leaving certificates, tackling the dreaded points system, addressing vested interests in the context of school patronage and admissions policies and tackling the issue of literacy and numeracy and the fact that Ireland is slipping down the league table, as the Minister correctly stated. In a short time in the Department, he has, therefore, tackled a significant number of issues that are fundamental to how our education system is structured.

It is impossible to make a cutback in the education system without affecting the quality of provision, which no Member would deny, and nor would they deny that when a €3.8 billion budgetary correction is made, education cannot be ring-fenced. I wish that could be the case but it is not possible.

I spent time yesterday in four of my local schools and I spoke to the members of a particularly impressive student council in Manor House school, who referred to junior and leaving certificate reform, their hopes and dreams and what lies ahead of them. They referred to how important guidance counselling provision is to them in their school. It is not easy to be a young person in modern day Ireland facing into the leaving certificate and university life in the current circumstances. It is not their fault if they happen to be aged 16 or 17 attending secondary school in the middle of a recession and budgetary corrections. A number of the guidance counsellors I met spoke about the impact of the recession on their students and the fact that they hear discussions about what is happening in their kitchens and bedrooms at home. They are aware of financial pressures and their parents have lost jobs. They hear about people in their classes doing stupid things and getting involved in behaviour that they should not.

A guiding hand is important. If we take the sense of vocation out of schools, then we will lose pretty much everything. The position of guidance counsellor is important but it would have been easier to increase the pupil-teacher ratio in secondary schools, as happened previously, which would have result in the guidance counsellor having fewer things to guide the students on because they would have had fewer subjects to study. That is one of the choices, unfortunately, the Minister and the Government faced.

This is a great opportunity for the Government and the Parliament, given the Minister has been so open about the challenges in the education system. It would be easy to say we have the best system in the world but the PISA results say otherwise. It would also be easy to say

[Deputy Aodhán Ó Ríordáin.]

we are the land of saints and scholars but some of our results do not stack up. Spending on education is an open book. For example, it does not make sense to spend €178 million on rural school transport but I have an urban bias and the Minister does not agree with me. Many of us might say it is a great deal of money. However, in the area of guidance, €9 million is spent on school chaplains. It is difficult to unpick this allocation because it is provided for in the deeds of trust of many community schools. We have to unpick aspects of the education budget that do not stand up to scrutiny. As Deputy O'Donovan correctly said, we are talking about students who are our future and who are going through a difficult time. They depend on us, their schools and on teachers who, like all public servants, have been incredibly vilified over the past number of years. They had 14% of their pay taken from them by the previous Administration and they understand why their pay packets are smaller and their days longer.

However, the Minister and I know, and the Government understands, that we have to focus fully on children's capacity to achieve their educational potential and education is a liberator. If one has nothing else, if one's family falls apart or if one is from a dysfunctional community and there are elements in the area that are not working, the only solution that will always work is education and the school in which one has the chance to thrive.

I support the Government amendment to the motion. I accept the Minister's bona fides in this area. I agree with the previous speaker, Deputy O'Donovan, that we must look at and justify some of the matters on which we are spending money in order to ensure, hopefully, that in the future measures such as this can potentially be overturned or lessened. I am not sure that anybody in this House would justify spending €9 million on chaplains.

I commend the Minister on what he is doing to education. This is probably the most exciting time in education in a generation when everything is up for grabs, everything is being challenged, everything is being refocused upon, we are getting down to what really matters — literacy, numeracy and making a junior certificate and leaving certificate that work — and we are challenging the vested interests in terms of the patronage and looking at admission policies so that no child is turned away from any door of any schools for reasons which are not in—

**An Leas-Cheann Comhairle:** I must ask the Deputy to conclude his remarks.

**Deputy Aodhán Ó Ríordáin:** I thank Deputy Quinn.

**An Leas-Cheann Comhairle:** I call on Deputy Crowe. The Deputy has ten minutes and I understand Deputy Adams has five.

**Deputy Seán Crowe:** That is correct.

The Minister's decision in December's budget to subsume the compulsory allocation for guidance and counselling into the general allocation of hours per school has undermined it as a career, will increase the vulnerability of students in need of support and will result in the loss of possibly hundreds of guidance and counselling posts. The Minister has left the Chamber. It amounts to another attack on some of our most vulnerable young people and shows a Government, under the banner of reform, that seems hell-bent on gutting some of our core educational services.

I listened to the Minister's speech tonight. He spoke in terms of freedom and choice, but where is the freedom and where is the choice? He stated a circular is on the way — I am sure there will be a hooray in schools about that. What he is really saying is that the budget cuts being implemented — the Government had choices and could put forward an alternative budget — will be the fault not of the Minister but of the school principal. He spoke of point scoring. Maybe this is point scoring, but it is wrong. In my opinion, the change of policy will

cause significant damage to the education system that is already reeling from cuts to DEIS schools, the reduction in capitation grants, the suspension of summer works schemes, increases to the pupil-teacher ratios, hikes in contribution fees for students, cuts to CE schemes, increases in the cost of school transport and the reduction in the back-to-school clothing and footwear allowance.

The change to school guidance counsellors will cause considerable anger. There is disbelief in schools about what the Minister is trying to do in this regard. Advocacy groups such as Barnardos have clearly stated that forcing schools to choose between retaining a guidance counsellor or losing a core subject will have a significant impact on vulnerable children.

A number of teachers and educationalists to whom I have spoken have made the point that there does not seem to be any real understanding of the vital role of guidance counsellors within a school. Earlier, Members spoke about the role counsellors play in helping students arrive at important career choices. Perhaps even more important, they provide support, particularly in times of crisis. That is what everyone is concerned about in these changes.

Guidance counsellors are often the first point of contact for students when they experience difficulties at home. That is accepted by all sides in this House. They are one of the few free supports available to young people whose families cannot afford private counselling services. School principals should not have to choose between retaining a school counsellor and dropping a core subject, but that is what the Minister is saying tonight. This is freedom of choice. Is this autonomy? Nonsense.

Newly qualified teachers will find it even more difficult to secure a full-time teaching post and this will force more people onto the dole or to emigrate in order to find employment. Consideration must also be given to the fact that guidance counsellors will be expected to return to the classroom and teach a subject that many may not have taught for years. Has that been put into the equation by the Minister? The loss of guidance counsellors will probably result in the loss of IQ testing of incoming first years, psychometric testing of students, and aptitude and interest inventory testing.

Guidance counsellors fulfil an important sign-posting role in directing young people in times of crisis to the appropriate social service provider or health care professional. We all know that through our work with schools. We know we are on the verge of a deepening mental health crisis in the student community and the figures all stack up in that regard. Suicide, self-harm, family separation, violence, neglect and severe learning and behavioural difficulties are becoming more frequent in schools across this State. That is not me scoring points. That is teachers themselves coming forward about this. These cuts will mean that many students will be deprived of the only face-to-face listening service available to them, the only positive connection many will have with an adult — the Minister spoke last week about much of what happens to kids — and the only space to which they can go when they have nowhere else to turn. Most students between 16 and 18 will be left in limbo if they or their parents are unable to provide such supports.

The loss of guidance counsellors will greatly increase the strain on teachers working within the system and in the worst case scenario, could place lives at risk. In saying that, I am conscious of the burden being placed on teachers. The education system relies on the goodwill of teachers and those working within that system. That goodwill is being undermined and gutted. The Minister will lose that goodwill and all the extra tasks that those teachers do. At some stage, teachers will say that they are tired and have done enough. That is what the Minister is doing to this system.

[Deputy Seán Crowe.]

I welcome the change on the moratorium on assistant principals and special duty posts in schools. There have been considerable difficulties in this regard and I suppose the fact that there are some changes there is to be welcomed.

I am concerned that these cuts will undermine the commitments enshrined in the Education Act 1998. I heard what the Minister stated in that regard.

This choice being put on schools is impossible. As I stated at the start, there were choices available in the budget. There could have been alternatives. The Minister is working within a budget envelope, but he is part of the Cabinet that decided that it would go down this track. There are many in society who have done extremely well in the good years and are still doing well, and the big question is: why should vulnerable children have to suffer when there is wealth in Irish society that could be tapped into? That is where the Minister needs to focus his ideas for the future, not on these vulnerable children.

Last week, on the back of a Sinn Féin Private Members' debate opposing cuts to DEIS funds, the Minister admitted to making mistakes and getting it wrong. That is fair enough. Similarly, he must now look again at the issue of guidance counsellors and the impact this will have on schools right across the State.

**Deputy Gerry Adams:** Táimid buíoch do Fhianna Fáil as ucht an rúin seo a chuir romhainn.

The Government's policies are not working. That is the truth of it. Worse, the Government is adding to the mess that it inherited. The evidence is everywhere. It is in mass emigration, mounting job losses, a health service on the rack and one Government decision after another imposing cuts in public services.

In every society, as those of us who live in the real world will be aware, there are citizens who need a leg up. A fairer society has an obligation to give this support. A good Government, a visionary thoughtful Government, will supply this, protect it and build on it, while a unfair short-sighted Government will do the opposite. The decision to cut resources to DEIS schools was an example of this. Last week the Minister was forced to admit that this was a mistake. However, the truth is this was a conscious decision taken by him, a Labour Minister, to cut services to vulnerable young people and it was completely in keeping with the Government's austerity programme.

The Government's austerity programme is aimed at forcing those who can least afford it to carry the greatest burden. This is also the reason the Government targeted disabled young people and DEIS schools and it is why services to our elderly are being cut. It explains why up to 1,000 guidance counsellor posts are to go. If teachers and parents had not caused a row the Government would not have admitted its mistake nor would it have attempted to reverse the decisions. The Government was forced to retreat on some of these bad decisions and the same focus is required in respect of guidance counsellors.

Some of the Deputies opposite are teachers and as such they know better than I that guidance counsellors help young people with subject and career choices and applications for third level programmes. Cabhraíonn siad fosta le scoláirí dul i dtreo postanna a n-oireann dóibh go speisialta, go háirithe ag an uair mhilteannach seo. Without the help of guidance counsellors students might pick the wrong courses. Students from financially disadvantaged backgrounds often apply to college through the higher education access route, while the disability access route is for students with learning or physical disabilities or mental health problems. Students applying through these schemes can avail of reduced points and assistance in college but they have to complete complex application forms. Counsellors also help students with ADD, ADHD, OCD and autism. These are crucial elements of the education system. They help

students identify careers, which is particularly important during this recession. They are also the first port of call for young people under threat or who are experiencing difficulties with their mental well-being.

Today a guidance counsellor from County Louth outlined for me some of the issues she has dealt with in recent times. Incidents included self-harm, rape, family breakdown, bullying, eating disorders, child neglect, alcoholism in families, drug abuse and mental health issues. At a time when self-harm and suicide are increasing, who will help these students if guidance counsellors are not available?

I am also concerned these cuts will result in the privatisation of guidance counselling. The cuts will not affect those who can afford private counselling when their children are facing difficulties. There will always be private counsellors and they also do good work. However, those who cannot afford their services will not get help on any of the aforementioned issues. This means that students from low and middle income homes will be at an even greater disadvantage. The notion of two Irelands is becoming apparent. The Labour Party used to have a slogan, "one Ireland", even if its Ireland stopped at the Border. We are not seeing the emergence of a sense of one Ireland. We are seeing two Irelands, namely, those at the bottom and the rest of us.

I appeal to the House to support this motion in order to ensure our young people have the support they need to reach their educational potential. It is time for the Minister to accept he has made another mistake and correct it. Impím ar Theachtaí eile, go háirithe ar Pháirtí an Lucht Oibre, tacaíocht a thabhairt do dhaoine óga agus vótáil ar son an rúin. Ná deanaigí an gníomh seo.

During my contribution on DEIS schools, I recalled the seanfhocal, mol an óige agus tiocfaidh sí. We should not set aside the wisdom of our ancestors to follow a course that will heap further disadvantage on our society.

**Deputy Finian McGrath:** I welcome the opportunity to speak on this important motion on behalf of the 700 schools which will lose up to 1,000 qualified guidance counsellors. Small schools also appear to be coming under threat.

There is much talk in this House about the importance of education but we need more than talk. We need to support and develop those aspects of the education system that are working and focus on the fact that education is a way out of poverty. I am a product of free education and in my previous job I worked in a small school with 107 pupils. My experience showed me that close relationships between teachers, students and parents work. I hope the Minister supports these schools because we need to focus not only on best practice but also show compassion and support for all our pupils.

Guidance counsellors are a valuable part of our education system and they provide useful assistance to pupils, particularly those who are at risk or in need. They have saved many children by working closely with care services in the HSE and other statutory agencies. The Minister wants to dismantle this service.

These people did not wreck our economy but they are paying the price. This is unfair and unjust and, as the Independent Deputies told the troika, it does not make economic sense. The cost will be higher in ten years time if we allow this to happen. We need to protect education as part of the strategy to get out of this economic mess. Despite mass unemployment and emigration, those who are educated have the best chance of escaping poverty. That is the real world. Disadvantaged schools are constantly trying to give their students a leg up so they have a chance of getting on in life and breaking through the barriers. Many of the pupils in disadvan-

[Deputy Finian McGrath.]

taged schools are extremely bright and talented. They are the future of this country. I have worked with them and I believe in them. We should not hinder their education.

I call on the Government to support our teachers, guidance counsellors and small schools. They have made a huge contribution to this country. I urge the Minister to reconsider his decision to wipe out guidance counsellors and damage our schools and children's education.

**Deputy Mattie McGrath:** I commend Deputy Smith and his colleagues on moving this motion. It is becoming increasingly evident that the Government is hitting the wrong people. We had another debate on education last week. Again the wrong people were being hit. The cut in career guidance counsellors will damage the roots of our educational system.

The 1998 Act provided students with choices and access to guidance counsellors. I am aware, having children who attended secondary school, that the guidance counsellor was the person to ask to meet a family. He or she is sufficiently removed from the classroom to observe student behaviour in a holistic way and can reach wise decisions in conjunction with other teachers and principals.

Will students be forced to choose between subjects and guidance counsellors? Private guidance counsellors will be available to those who can pay. The same applies in respect of grinds. The Minister admitted last week that he was out of touch. He could be guided back to touch by the qualified teachers who sit on his back benches and go after the poor or lazy teachers who mean that students are forced to take grinds which cost a fortune. He is going after the wrong people. What is going to happen to the students who suffer from disabilities? They will be completely cast aside.

There are a number of excellent schools in my constituency. St. Oliver's in Clonmel is not a DEIS school but it takes a significant number of children from deprived backgrounds. It is doing a tremendous job. We focused on DEIS schools in the cities and forgot about schools in rural towns.

This Government is not being fair. It cannot blame the troika, which is here to help us and sort us out, although I believe it is bleeding us dry. These decisions are being made by the Minister. The Minister for Communications, Energy and Natural Resources lobbied on the issue on behalf of teachers and boards of management in his own constituency. They voted for this at Cabinet. Where is the compassion? Is it Labour's way or Frankfurt's way? Shame on that party for hitting the most needy. As Deputy Adams stated, mol an óige agus tiocfaidh sí.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 18 January 2012.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 13, inclusive, answered orally.*

*Questions Nos. 14 to 28, inclusive, resubmitted.*

*Questions Nos. 29 to 38, inclusive, answered orally.*

### **Foreign Conflicts**

39. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the latest developments in Syria and the use of extreme violence by the State against democracy activists; the role that he and the EU will play in supporting the democracy movement; and if he will make a statement on the matter. [2335/12]

42. **Deputy Joan Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the latest developments in Syria and the use of extreme violence by the State against democracy activists; the role that he and the EU will play in supporting the democracy movement; and if he will make a statement on the matter. [2336/12]

69. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has made any comments at EU level regarding the ongoing situation in Syria and in particular the Arab League supervision; and if he will make a statement on the matter. [1943/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 39, 42 and 69 together.

I have made clear my strong condemnation of the ongoing indiscriminate violence against those calling for greater democratic freedoms and fundamental rights in Syria, most recently in a statement on 20 December and in my reply to question number 47 on 11 January. I will be discussing the current situation in Syria, including the performance to date of the Arab League monitoring mission, with my EU colleagues at next week's Foreign Affairs Council where strong Conclusions are likely to be agreed condemning yet again the ongoing violence and repression.

[Deputy Eamon Gilmore.]

The UN estimates that over 5,000 people have been killed by Syrian forces since last March. I am gravely concerned that, despite the presence of an Arab League observer mission since 27 December, the killings of unarmed protestors and widespread human rights abuses continue and I fully support the call from Arab League Secretary General el-Araby for a complete cessation of all violence in Syria. I also join with others in condemning the utterly indiscriminate bomb attacks in Damascus on 23 December 2011 and 6 January 2012 which resulted in large-scale deaths and injuries.

Ireland and the EU are determined to support those courageous Syrian citizens who are peacefully insisting on greater democratic freedoms and human rights despite an appallingly brutal response. Firstly, the EU has been reaching out, collectively and bilaterally, to the Syrian democratic opposition including the Syrian National Council. In November, the EU's top official-level political committee met informally with SNC President Dr. Bourhan Ghalioun together with other SNC representatives and EU missions in Ankara also met with a SNC delegation. Ireland was represented at both meetings. In addition, individual member states are meeting opposition representatives on an ongoing basis.

Secondly, the international community, including the EU, the UN and the Arab League, has agreed a series of robust economic, political and diplomatic measures to compel the Syrian regime to cease its appalling and unacceptable attacks on those calling for democracy. The Foreign Affairs Council agreed on 1 December additional measures related to the energy, financial, banking and trade sectors, as well as the listing of additional individuals and entities involved in the violence or supporting the regime. This comes on top of extensive existing EU sanctions, including a ban on oil imports from Syria. I entirely support these additional sanctions and the clear position which High Representative Ashton has articulated on Syria, including her statement of 2 December.

The Arab League also agreed sanctions against Syria on 27 November and has put forward a plan which includes the beginning of genuine political dialogue with the Syrian opposition. At UN level, too, there have been clear calls from an overwhelming majority of UN member states, including Ireland, for an end to the violence and human rights abuses in Syria, most recently in a resolution which was adopted by the General Assembly on 19 December. I hope that the Security Council will soon also be able to agree a strong resolution on Syria to make clear its support for those calling for fundamental freedoms in Syria.

Ireland and its EU partners, working with the Arab League, the UN and other international partners, will continue to support all those striving peacefully for democratic freedoms and human rights in Syria.

### **Election Monitoring**

40. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has issued any communication to the Russian Federation over the disputed Duma elections held in December 2011 and subsequent treatment of protestors; if he has discussed the issue with the EU External Action Services; and if he will make a statement on the matter. [2365/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Ireland contributed five short-term observers selected by the Department of Foreign Affairs and Trade. A member of the Oireachtas took part in the observation mission of the OSCE Parliamentary Assembly and a former member of the Oireachtas observed the election at the invitation of a Russian non-governmental organisation. The OSCE ODIHR Election Observation Mission issued a preliminary report on 5 December which pointed to a number of shortcomings in the election campaign and voting process, and in particular in vote counting.

The High Representative of the EU for Foreign Affairs and Security Policy issued a statement on 6 December noting the findings of the OSCE ODIHR preliminary report and expressing the expectation that the issues raised would be addressed by the Russian authorities “to allow for smooth and fair Presidential elections in the spring”. The OSCE ODIHR final report was issued on 12 January.

The conduct and outcome of the Duma elections have clearly provoked a very broad reflection within Russia on the democratic process, including the large scale demonstrations last month.

It is encouraging that the demonstrations have been able to take place in a mostly peaceful environment.

I welcome the commitment made by President Medvedev on 21 December to undertake a comprehensive reform of the political system, including a return to a system of elections for governors, as well as lowering the administrative requirements for the registration of political parties and election candidates.

Looking ahead to the Presidential elections on 4 March, I also welcome the recent official invitation from the Chairman of the Central Election Commission to the OSCE ODIHR to monitor the elections. Ireland intends to contribute observers to this mission.

I have not been in direct communication with the Russian authorities on the matter but I encourage the Russian authorities to take account of the concerns that have been aired both within Russia and by its partners ahead of the Presidential elections in March to ensure that the conduct and the outcome of the election commands the widest possible support.

### **Human Rights Issues**

41. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs and Trade his views and those of the EU on the new Hungarian Constitution; and if he will make a statement on the matter. [2366/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I refer the Deputy to my answer to a previous Priority question on this matter. I would add that, in its statement of 11 January, the European Commission recalled that a stable environment, based on the rule of law, including respect for media freedom, democratic principles and fundamental rights, is the best guarantee of citizens’ trust and the confidence of partners and investors, which was particularly vital in times of economic crisis.

As Hungary prepares for important discussions with the EU and IMF, I trust that it will reflect on the measures necessary to achieve confidence among partners for the benefit of its people. In adopting such a course, and in engaging with the concerns that have been aired both within Hungary and by Hungary’s international partners, Hungary would have the support of Ireland.

*Question No. 42 answered with Question No. 39.*

### **Trade Agreements**

43. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will clarify the nature of free trade agreement with Colombia; and if it is a mixed agreement or not. [2341/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Under the provisions of the Lisbon Treaty, the European Union has exclusive competence for the EU’s

[Deputy Eamon Gilmore.]

Common Commercial Policy. In international trade negotiations, the Commission negotiates on behalf of the Union, on the basis of a mandate that it receives from the Council.

On 1 March 2010, negotiations on a Multiparty Trade Agreement between the EU and two member states of the Andean Community — Colombia and Peru — concluded in Brussels. The Agreement was initialled by the parties in April 2011.

The Commission is of the view that the Agreement is an EU only one. On that basis, it has submitted for approval by the Council draft proposals on the signature and the conclusion of the Agreement by the EU, as opposed to the EU and its Member States. The issue of the designation of the Agreement as one in which the Union has exclusive competence, or one which involves mixed competence requiring approval and ratification by all 27 Member States, will be determined by the Council in the light of its analysis of the Agreement's content and the legal advice that it receives. The Government takes the view that the Agreement covers matters of mixed competence. The Council will take a position on this in the coming months.

In any event, the approval of the European Parliament will be required before the Agreement can be ratified by the EU.

### EU Enlargement

44. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the impact of the 2009 European Court of Human Rights ruling on the Bosnian Presidency on a potential Bosnian application for EU membership; if he will support such an application; and if he will make a statement on the matter. [2374/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I assume the Deputy is referring to the Ruling of the European Court of Human Rights in December 2009 which held that the prohibition in the Bosnian Constitution against those from the Roma and Jewish minorities from standing for election to the Parliamentary Assembly and for the State Presidency violates the European Convention on Human Rights. As outlined by the European Commission in its 2011-2012 Enlargement Strategy, compliance with the European Convention on Human Rights is an essential requirement of the Interim Agreement and the Stabilisation and Association Agreement between the European Union and Bosnia and Herzegovina.

In the absence of agreement on a new Bosnian government since the last elections in October 2010, there has been little meaningful progress towards harmonising the Constitution with the ruling of the European Court of Human Rights referred to by the Deputy. Bosnia and Herzegovina is not yet, therefore, in a position to make a formal application for EU membership and it is likely to be some time before this is possible.

In general, however, Ireland has been, and will continue to be, a firm supporter of the EU accession process and would support the application of any country with a European perspective that meets the necessary requirements for membership and that upholds and promotes the ideals and values of the European Union.

### Foreign Conflicts

45. **Deputy Brian Stanley** asked the Tánaiste and Minister for Foreign Affairs and Trade his position on the current political situation in Syria; and if he will make a statement on the matter. [2353/12]

46. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he has taken at an EU level to raise the massacre of anti-regime protesters in Syria

over the past year; the measures the EU has taken and is considering in the future; and if he will make a statement on the matter. [2387/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 45 and 46 together.

I have made clear my strong condemnation of the ongoing violence and serious repression of human rights in Syria, most recently in a statement on 20 December and in my reply to question 47 on 11 January.

The UN estimates that over 5,000 people have been killed by Syrian forces since last March. I am gravely concerned that, despite the presence of an Arab League observer mission since 27 December, the killings of unarmed protestors and widespread human rights abuses continue and I fully support the call from Arab League Secretary General el-Araby for a complete cessation of all violence in Syria.

The international community, including the EU, the UN and the Arab League, has reacted to the violence in Syria with a series of robust economic, political and diplomatic measures to compel the Syrian regime to cease its appalling and unacceptable attacks on the Syrian people.

The EU Foreign Affairs Council agreed on 1 December additional measures related to the energy, financial, banking and trade sectors, as well as the listing of additional individuals and entities involved in the violence or supporting the regime. This comes on top of extensive existing EU sanctions, including a ban on oil imports from Syria. I entirely support these additional sanctions and the statements of High Representative Ashton on Syria, including on 2 December.

Ireland also fully supports implementation of the sanctions, including an asset freeze and an embargo on investments, imposed by the Arab League on Syria on 27 November. The Government, together with its EU partners, welcomes the leadership which has been shown by the Arab League in tackling the crisis caused by the Syrian regime's lethal repression against its own citizens. The Arab League has brought forward a plan which provides for the withdrawal of all Syrian forces from besieged towns and cities, for the release of all detainees and for the beginning of genuine political dialogue with the Syrian opposition. This plan represents the best way forward for Syria and it is vital that the Assad regime complies fully and without any further delay. I support the Arab League plan to continue its monitoring mission until 19 January and strongly condemn the attack against a group of monitors in Latakia. A frank assessment of the situation will be necessary in the near future about whether the monitoring mission is contributing in the way it should to ending the violence against civilians.

At UN level, there have been clear calls from an overwhelming majority of UN member states, including Ireland, for an end to the violence and human rights abuses in Syria, most recently in a resolution which was adopted by the General Assembly on 19 December. However, it is disappointing that the Security Council has still, after all this time, been unable to agree a robust Resolution on Syria to bring further pressure to bear on President Assad and I hope that it will soon be able to do so. I call upon Security Council members with influence on President Assad to seek to persuade him to immediately relinquish power in order that a political transition may begin.

Ireland and its EU partners, working with the UN, the Arab League and international partners such as the US and Turkey, are determined to maintain strong and united political pressure on the Syrian regime until it ends the violent repression against its own people and begins a process of transition.

### EU Treaties

47. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU colleagues have engaged in the context of the future development of the European Union with particular reference to political, fiscal, social and economic issues with a view to identification of consensus on the issues and the need to generate confidence in European institutions and to clearly illustrate the ability and commitment of the member States to the principles adopted originally by the founding fathers of the modern Europe; if all member states now recognise that the concept cannot survive without the commitment of all members of the Union and that selective opting out will not only damage the economic prospects but will also undermine the fundamental original vision of Europe; and if he will make a statement on the matter. [2319/12]

53. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which agreement has been reached in relation to future amendments to existing European treaties or the introduction of new treaties; if it is intended or expected that approval of any such measures will be done by way of reference to national parliaments, referenda or otherwise; if consideration has been given to the concerns of member states, the constitutions of which require a referendum; if there is general recognition of the need to ensure that fiscal policy in all member states has regard for the well-being of the community at large and that the interests of the most powerful do not obscure those of the smaller countries; and if he will make a statement on the matter. [2320/12]

65. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs and Trade if the precedent to embark on the EU intergovernmental agreement weakens and may defy EU pillars; and if he will make a statement on the matter. [1927/12]

66. **Deputy Michael Moynihan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has considered setting up an Oireachtas sub-committee to consider the EU intergovernmental agreement similar to the model done previously when the Lisbon treaty was being debated; and if he will make a statement on the matter. [1935/12]

96. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views that a constitutional treaty referendum is inevitable in view of the euro crisis; and if he will make a statement on the matter. [38473/11]

99. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has published or circulated any document regarding reforms of the European Union. [2446/12]

100. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has prepared any documents for circulation to other Heads of State and Governments setting out Ireland's position on future reforms of the EU and eurozone. [2447/12]

101. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade the procedures he is putting in place to ensure consultation here regarding potential reforms of the EU and eurozone. [2448/12]

103. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has considered or will consider engaging with Opposition parties on the matter of potential changes to the EU treaties. [2450/12]

107. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding the proposal from Prime Minister Cameron regarding the abolition of labour laws in any forthcoming treaty change negotiations and if this issue was discussed in recent meetings with Chancellor Merkel. [2454/12]

112. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he has taken a particular initiative or stance at EU level to support the concept of a rediscovery of the original European ideals and vision having particular regard to the need to create stability and cohesiveness throughout the European Union at this juncture of the modern era; and if he will make a statement on the matter. [2595/12]

113. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which all European capitals and parliaments have been visited with a view to disseminating a positive message in respect of this country and its economic recovery and in turn hearing the comments from our European colleagues; and if he will make a statement on the matter. [2596/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 47, 53, 65, 66, 96, 99 to 101, inclusive, 103, 107, 112 and 113 together.

Since the current economic difficulties in Europe arose, European leaders have been seized of the need to find a lasting resolution that allows us to put the crisis behind us and to focus on generating growth and jobs as a means of underpinning recovery.

Significant steps have been taken in this regard, including in strengthening budgetary discipline and in constructing stabilisation facilities and firewalls. Important progress on these elements, both of which are of importance to Ireland, was made at the meeting of the European Council last month.

In particular, leaders agreed to further strengthen economic policy co-ordination within the euro area, by way of an intergovernmental agreement, to construct a new “fiscal compact”.

Negotiations are ongoing on a draft Treaty to give legal effect to this agreement.

A first draft text was circulated before Christmas and it is hoped that significant progress towards agreement will have been made before an informal meeting of the European Council scheduled for 30 January. Once agreement is reached, the text will then be prepared for signature and subsequent ratification by each of the participants according to their respective constitutional requirements.

The Government has been clear that we would have wished to proceed at the level of all 27 EU Member States. That would have facilitated inclusion of the new arrangements within the EU Treaties. Unfortunately it was not possible on this occasion.

However, all Member States are represented at the ongoing negotiations, with the UK attending as observers. This is most welcome and work is being undertaken in a spirit of co-operation and compromise, while respecting vital national interests, as has been the guiding approach to previous European negotiations.

The Government has been working intensively, at the negotiating table, in Brussels and in capitals, to make sure that our key points are understood and addressed appropriately. To that end we have offered our views both orally and in writing, including on the detailed elements of the text. Senior Irish officials have been very active in meeting their counterparts, and we have sought to secure the support of all potential allies on issues of importance to us. We will continue to do this as the process evolves.

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Only when a final text is available will it be possible to reach a view on what will be required by way of ratification in Ireland. The test will be whether the proposed Treaty is compatible with the Constitution. As the Government has confirmed previously, the Attorney General will study the legal implications carefully, and will advise on what steps will be necessary to enable Ireland to ratify. Until then it is simply not possible to be definitive. As the Government has made clear many times, if a referendum is required, one will be held.

I should add in taking forward the work mandated in December, there has been no discussion of labour laws.

The House can be assured that whatever path towards ratification is required, it will be fully involved in the process.

The Government is firmly committed to continuing to engage actively with the House on matters related to our membership of the European Union. The Taoiseach met, in the immediate aftermath of the December European Council, with Opposition leaders and provided them with a briefing on developments at that meeting.

The Taoiseach and I also both addressed the Dáil on 14 December on the outcome of the Council meeting, what that would mean for Ireland and setting out our approach during the negotiation of the draft international agreement. We responded to a series of queries and points raised by Members of this House. The Government will continue the practice, initiated for the first time by this Government, of also having statements in this House ahead of each European Council meeting, as well as following such meetings, as was the practice previously.

I note also that it continues to be the practice that I or the Minister of State for European Affairs meets with the Joint Oireachtas Committee on European Union Affairs ahead of each meeting of the General Affairs Council (GAC). These exchanges have proven to be a useful forum for a wide-ranging exchange of views on issues arising on the GAC and European Council agenda. I trust that this will continue to be the case. In addition, I will meet with the Joint Oireachtas Committee on European Union Affairs on Friday of this week to brief the Committee on developments concerning the negotiations on the draft international agreement.

Ireland's commitment to delivering on the terms of its EU-IMF Programme is well understood and accepted. In December, European leaders again welcomed the progress we have made in that regard. Such statements are helpful in rebuilding the international reputation of this country, in generating confidence in our ability to recover, and in creating a positive impression in the minds of international investors.

### **International Agreements**

48. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade his views that Morocco has no right, under international law, to sell the resources of Western Sahara and therefore, that the EU should not be paying Morocco for fishing rights in the waters of Western Sahara; and the steps he is taking to address this ongoing contentious EU foreign policy. [2348/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The wording of successive EU-Morocco Fisheries Partnership Agreements has stated that the Agreements apply to “the waters falling within the sovereignty or jurisdiction of the Kingdom of Morocco”. Morocco regards the Western Sahara and its waters as a part of its territory. However, Ireland and our EU partners do not recognise Moroccan sovereignty over the Western Sahara. Western Sahara is a non-Self Governing Territory. The UN General Assembly has consistently condemned the exploitation and plundering of natural resources and any economic activities which

are detrimental to the interests of the peoples of these territories, and deprive them of their legitimate rights over their natural resources. It is, however, permissible for an occupying power to take measures to provide for the normal economic development of an occupied territory, so long as this is done to the benefit of the people of the territory, and where possible with their consent. If this were not so, the economic development of the people of the territory would be frozen.

In accordance with these principles, the EU included provision in the 2006 Agreement for a proportion of the EU payments under the Agreement to be applied to the benefit of the people of Western Sahara.

My colleague the Minister for Agriculture and Fisheries has reported to the House on the contacts between the European Commission and the Moroccan authorities in relation to the operation of this provision, which has been a key issue in the prospects for a further Fisheries Agreement with Morocco, and a proposed interim extension of the now expired 2006 Agreement. As the Deputy will be aware, the proposed interim extension was not agreed to by the European Parliament, in part because of this issue, which will clearly thus remain central to any consideration by the Commission and by the Fisheries Council of any proposed further Agreement.

### **Human Rights Issues**

49. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on recent developments in Egypt and particularly the use of violence by State forces against democracy activists; the role he sees for Ireland and the EU in supporting the democracy movement in Egypt; and if he will make a statement on the matter. [2334/12]

55. **Deputy Joan Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on recent developments in Egypt and particularly the use of violence by State forces against democracy activists; the role he sees for him and the EU in supporting the democracy movement in Egypt; and if he will make a statement on the matter. [2337/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 49 and 55 together.

I am gravely concerned about the lethal force used against protestors in Egypt during recent demonstrations in Cairo as well as raids last month by Egyptian security forces on local and international non-governmental organisations. I deplore such loss of life and large number of injuries occurring in the midst of Egypt's transition to democracy.

A vibrant and vocal civil society is as essential to democracy as the ballot box. While I am encouraged and welcome that the recent three-phase parliamentary elections to the lower house of the Egyptian parliament appear to have passed off reasonably fairly and peacefully, a democratic society also requires that rights such as freedom of expression and freedom of assembly are fully respected.

I again urge the interim ruling Supreme Command of the Armed Forces (SCAF) to ensure that Egypt fulfils its domestic and international obligations to uphold the rule of law in a manner respectful of human rights and fundamental freedoms during the transition period. In particular, I again call for the SCAF to end anti-democratic provisions such as the thirty-year state of emergency, as a demonstration of its commitment to facilitating real change and reform in Egypt. I also support the calls within Egyptian society for a full transition to civilian rule, the parameters of which must be decided by elected representatives. There must also be a credible, independent investigation into all recent violent incidents involving attacks on protestors, with a view to tackling impunity and determining precise causes and responsibility for

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the deaths and escalation of violence. In addition, the intimidation and persecution of non-governmental organisations must also end immediately.

While the transition to democracy must be Egyptian-led, Ireland and its EU partners are acting to support the democratic transition in two main ways. Firstly, through clear and consistent political support for the democratic transition and democratic values. The situation in Egypt was discussed by EU Foreign Ministers in Brussels on 1 December and will again be considered at the Council's next meeting on 23 January which I shall attend. I fully support the strong Conclusions issued on 1 December as well as the important statements of EU High Representative Ashton on 18 and 30 December. Ireland and other EU member states also engage politically on an ongoing basis with a wide range of government, opposition, parliamentary and civil society interlocutors in Egypt.

Secondly, Ireland and the EU are directly funding a number of organisations working to strengthen democracy and human rights in Egypt. In 2011, Ireland provided €150,000 to UNDP in Egypt for strengthening democratic participation in the Egyptian elections. The EU launched a €20 million civil society package after the departure of former President Mubarak. The EU also offered fully fledged electoral observation missions for both parliamentary and presidential elections though the Egyptian authorities have so far only been willing to accept an EU support programme of €2 million under the Instrument for Stability which will assist the High Electoral Commission in its work and provide support to civil society organisations.

Ireland and the EU will continue to act in support of Egypt and its people in their quest for freedom and a democratic transition.

*Question No. 50 answered with Question No. 36.*

### **Nuclear Proliferation**

51. **Deputy Michael Moynihan** asked the Tánaiste and Minister for Foreign Affairs and Trade the discussions he has held with his EU counterparts in relation to a new round of sanctions on Iran as it continues to pursue an uranium enrichment programme; and if he will make a statement on the matter. [2379/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government is extremely concerned about the latest report of the International Atomic Energy Agency on Iran issued on 8 November which concluded that there are strong grounds for serious concerns regarding possible military dimensions to Iran's nuclear programme. The further confirmation from the IAEA in the past week that Iran has begun uranium enrichment to the 20% level at the Fordow underground nuclear plant is highly disappointing in this context and compounds the international community's serious concerns. Given the complete absence of any signal from Iran that it would be willing to comprehensively address the serious issues raised in the report, the 1 December Foreign Affairs Council approved the extension of EU restrictive measures to a further 180 entities and individuals linked with the nuclear programme or associated organisations. The Council also agreed to examine additional measures "including measures aimed at severely affecting the Iranian financial system, in the transport sector, in the energy sector, measures against the Iranian Revolutionary Guard Corps, as well as in other areas."

The European Council on 9 December endorsed these decisions and asked the Foreign Affairs Council to adopt these measures at its next session on 23 January, which I shall attend. Work is continuing at official level in Brussels on a set of new measures as instructed by the Council and I expect these will be formally agreed by Ministers on 23 January. Any new

restrictive measures agreed by the EU will be in addition to further bilateral measures announced by the US, UK and Canada since the IAEA report, including important US legislation targeting the Iranian financial system signed into law by President Obama on 31 December. Furthermore, on 12 January, Japan announced that it will take concrete steps to reduce its dependency on Iranian oil.

These further restrictive measures are intended to make it clear to the Iranian authorities that the international community is united and committed to increasing political and economic pressure until the valid concerns about possible military dimensions of Iran's nuclear programme are addressed. I urge Iran's leadership to act in the best interests of the Iranian people and return to the negotiating table prepared to make a sincere effort to resolve this issue and end Iran's growing international isolation.

### **Human Rights Issues**

52. **Deputy Brian Stanley** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he is taking to support the International Criminal Court's 2006 arrest warrant for General Bosco Ntaganda's, for allegedly recruiting children under the age of 15 years as child soldiers in the Congo. [2352/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** Ireland has been a strong and committed supporter of the International Criminal Court since its establishment under the Rome Statute in 2002. We support the efforts of the Court to bring to justice those responsible for genocide, war crimes, crimes against humanity and other atrocities.

An arrest warrant was issued by the Court in respect of Mr. Bosco Ntaganda in August 2006. This relates to three counts of war crimes covering the enlistment, recruitment and use in hostilities of children under 15 years of age. These are very serious charges and it is essential that Mr. Ntaganda appear before the Court to answer them.

The Government takes the clear position that the Democratic Republic of Congo is legally obliged to arrest Mr. Ntaganda and should do so.

Ireland, both directly and as a member of the European Union, provides ongoing support, including funding, for the ICC and its work. Ireland's contribution towards the running costs of the Court in 2012 will amount to over €800,000. Ireland has also made voluntary contributions to Trust Funds that support the work of the ICC. In addition, some €40 million has been provided from the EU budget to support the work of the ICC, and related international criminal justice initiatives, since 1995.

*Question No. 53 answered with Question No. 47.*

*Question No. 54 answered with Question No. 34.*

*Question No. 55 answered with Question No. 49.*

56. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the Colombian presidency's control over the country's judicial system; and his views that such power is compatible with a democratic State. [2343/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Colombia has witnessed the longest period of terrorism of any Latin American country (fifty years). Overcoming the consequences of decades of terrorism, as well as the displacement of between two and three million persons, presents significant challenges. The 2007-2013 EU Country

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Strategy paper for Colombia recognises that the “situation as regards human rights and democracy in Colombia is still critical”. Dialogue with the Government of Colombia, bilaterally and with our EU partners, offers the best way to further the objective of supporting democracy in Colombia. I will have an opportunity to seek an update on developments in the country from Vice President Garzon of Colombia during his first visit to Ireland later this month.

Ireland will continue to monitor the situation in Colombia via our Embassy in Mexico and with partners in the European Union.

### **Emigrant Support Services**

57. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress made to date on resolving the issue of undocumented Irish in the US; and if he will make a statement on the matter. [1947/12]

118. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the current and or ongoing position in relation to the possible regularisation of the undocumented Irish in the US; and if he will make a statement on the matter. [2601/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 57 and 118 together.

Addressing the situation of the undocumented Irish and reforming our migration arrangements with the United States remain important priorities for the Government in its relationship with the US Administration and Congress. The Taoiseach and I discussed these issues with President Obama when we met with him on 23 May last year in Dublin. During the course of 2011, I also discussed the issue of Irish immigration with Secretary of State Clinton and Senator Patrick Leahy, Chair of the Senate Judiciary committee. I also met with the Irish Lobby for Immigration Reform and the Coalition of Irish Centres in New York. The Government has provided almost \$365,000 to support that organisation since 2006.

A particular focus of the Government’s efforts has been on the achievement of E-3 visas for Ireland. These E-3s are non-immigrant worker visas, renewable every two years and are currently available to Australian citizens. Provisions which would allow Irish nationals to apply for E-3 visas were amongst those included in the comprehensive immigration reform Bill as introduced in the US Senate last June by senior Democrats, including Senators Harry Reid, Charles Schumer and Robert Menendez. Unfortunately, and not least due to the current US domestic political climate and the Presidential elections taking place there later this year, to date that Bill has not yet received the additional bi-partisan support which it would require to make further progress.

Another significant development occurred at the end of November when draft legislation entitled the “Fairness for High-Skilled Immigrants Act” (Bill No. HR 3012) emerged from the House of Representatives. Although the political climate for any immigration reform measures remains challenging, the broad bi-partisan support which this draft legislation secured suggested that there might be scope to make progress on Irish E-3s. In early December, Senators Schumer, Leahy and Durbin, all of whom hold leadership positions on the Democratic side of the Senate, came together to co-sponsor a further version of the “Fairness” legislation that would include provision under which Irish nationals could apply for up to 10,500 E-3 visas each year.

The Schumer/Leahy/Durbin Bill (number S.1983) also included “administrative waiver” provisions which would allow undocumented Irish migrants in the US to apply for E-3s without suffering certain applicable penalties for having been out of status. Separately, Senators Scott

Brown and Mark Kirk of the Republican Party tabled further stand-alone legislative proposals (Bill number S. 2005) that would also make Irish nationals eligible to apply for up to 10,500 E-3 visas each year but which do not include the additional “administrative waiver” provisions.

Both Bills have since been referred for examination by the US Senate’s Judiciary Committee. While recent developments have been encouraging, the prospects for these Bills are uncertain. Acting on my behalf, our Embassy in Washington, working with the Irish-American immigration community, continues to engage on an ongoing basis with the US Administration at senior levels and with both parties in the US Congress. I will also be in Washington in early February where I will be engaging with key players to further advance our support for an Irish E-3 visa.

### **Middle East Peace Process**

58. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of his statement to Dáil Éireann on 13 July 2011 that the continuing occupation and the creation of illegal settlements on the occupied lands in Israel is the major obstacle to peace in the Middle East, the way he envisages these obstacles being removed, in the light of Israel’s refusal to halt settlement building and end the occupation; and if he will make a statement on the matter. [2344/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy has noted, I have made clear my view that the continuing Israeli occupation of the Palestinian Territories, and the ongoing settlement construction project, are now the major obstacles to a lasting peace between Israel and its Arab neighbours, including the Palestinians. Settlement construction is in the first place illegal under international law, and inherently involves injustice to Palestinians and further erosion of their rights and freedoms. Furthermore, settlement construction not only undermines the ability of Palestinian leaders to pursue negotiations with Israel, but increasingly makes it difficult for such negotiations to be successful, by making the creation of a viable Palestinian state increasingly hard to achieve on the ground. It is difficult not to conclude that this is the deliberate intention of many of those who support the settlement project, which is facilitated and actively supported by the Israeli Government, and which could not proceed without such support. Ultimately, only the achievement of a comprehensive peace agreement will resolve the issues of the occupation and settlements, and the pursuit and support of a peace process remains the major priority of the EU and the international community, despite the many frustrations this has entailed. The two sides are at present tentatively engaged in a talks process initiated by the Quartet last September, and we will continue to do all we can to support this.

However, I agree with the view that more also needs to be done to pressure Israel to suspend actions on the ground which work against peace, in particular the continuing expansion of the settlements. In my view, the international community has not done all it could in this regard. I will continue to argue strongly for more action in this regard, in my contacts both at EU level and elsewhere.

### **International Agreements**

59. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights which, in his statement to the Human Rights Council on 6 October 2011 as part of the Universal Periodic Review of Ireland, he indicated he hoped to sign before the end of 2011, but which remains unsigned. [2340/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights opened for signature in New York in September 2009. To date thirty nine (39) States have signed. Nine of the twenty seven European Union member states have signed. Five States have ratified the Optional Protocol: Argentina, Ecuador, El Salvador, Mongolia and Spain. The Optional Protocol will come into force three months after the deposit with the United Nations Secretary General of the tenth instrument of ratification or accession. As only five States have ratified the Optional Protocol so far it has not yet come into force. My Department has led consultations between Departments on possible signature of the Optional Protocol. A formal proposal asking Departments for their views as to possible signature of the Optional Protocol was circulated in December. Once this consultation process is completed the question of the possible signature of the Optional Protocol will then be examined.

While my colleague, the Minister for Justice and Equality, stated on 6 October 2011 that Ireland hoped to be in a position to sign the Optional Protocol to the International Convention on Economic, Social and Cultural Rights before the end of 2011 during Ireland's Universal Periodic Review, it has not been possible to finalise a decision on this matter pending the completion of the ongoing consultation process. Ratification of the Optional Protocol would be a separate step and would be considered in due course.

60. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress being made on bilateral Economic Partnership Agreements between the EU and third countries; and if he will make a statement on the matter. [1948/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** Since 2002, the EU has been negotiating a series of new trade and development agreements with the African, Caribbean and Pacific (ACP) group of States. The negotiations for these Economic Partnership Agreements are being carried out by the European Commission, on behalf of the European Community and the Member States. They were necessitated by rulings by the World Trade Organisation (WTO) that the unilateral trade preferences which the EU had previously granted to the ACP countries established unfair discrimination between developing countries.

The original aim had been to conclude comprehensive Agreements with six regional groupings of the ACP States by the end of 2007, the deadline set by the WTO. However, following a process of protracted and difficult negotiations, only one of the ACP regional groups, representing Caribbean States, was ready to initial an Economic Partnership Agreement by that date. In order to avoid trade disruption, interim Agreements were agreed and initialled at the end of 2007 with 21 other ACP States, either individually or in regional groupings. These interim Agreements provide for full duty and quota-free access to the European Union market but allow the ACP countries a flexible and asymmetric trade liberalisation schedule.

In recent years, there have been well-founded concerns that there was a need to restore momentum to the negotiations and revitalise the original shared commitment to the achievement of strong Agreements which serve the development needs of the ACP countries. Political leaders from both sides agreed at the EU-Africa Summit in November 2010 “to conclude Economic Partnership Agreements that support socio-economic development, regional integration and the integration of Africa into the global economy”. As a result, the European Commission last year engaged actively and flexibly in renewed negotiations at the regional level. In tandem with this approach, at the end of September the Commission adopted a proposal, for submission to the Council, which would set a deadline of 1 January 2014 for the

conclusion of the negotiations. This proposal is currently under consideration by the European Parliament and the Council.

As Minister of State for Trade and Development, I will be following closely the continuing negotiations for these partnership agreements. I will be working with our partners to help ensure that the EU's negotiating approach is as flexible as possible under WTO law and that the negotiations serve to strengthen the EU's partnership with developing countries. I believe it is essential that we continue to work for Agreements which clearly support the development needs of developing countries, and specifically their programmes to reduce poverty.

### **Overseas Development Aid**

61. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade in the context of his stated commitment to the IATI standard for open data, if he intends to make Irish Aid data freely available before year end. [2349/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** Ireland is working closely with other international donors to improve the quality of international development assistance. In a review undertaken by the OECD in 2011, Ireland's overseas aid programme ranked first among EU member states, in terms of its quality and our commitment to the delivery of effective aid.

Increasing the transparency of information related to development cooperation enables partner governments and civil society organisations to plan more effectively and to hold one another to account for the way aid is used. At the recent High Level Forum on Aid Effectiveness in Busan, Korea, the importance of transparency and accountability of all development resources was strongly endorsed. In recent years, and consistent with a commitment to transparency, the Government has substantially increased the volume of information relating to the Irish Aid programme, which is publicly accessible. Comprehensive and detailed information relating to Irish Aid's country strategy papers and budgets, policy documents and annual reports are now available on the Department of Foreign Affairs and Trade website. We are updating this website to make it more relevant and accessible.

I am currently leading a review of the Government's White Paper on Irish Aid. As part of this process, we will consider how to ensure that information made available on the Irish Aid programme, and aid programmes implemented by our partner NGOs and other organisations, conform even more fully with internationally accepted standards, such as the OECD and other initiatives such as the International Aid Transparency Initiative.

62. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade his approach to the upcoming Rio+20 summit; his views on the implications of last December's Busan summit on aid effectiveness for the Irish Aid programme; and if he will make a statement on the matter. [2350/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** The United Nations Conference on Sustainable Development will be held in Rio de Janeiro in June, marking the twentieth anniversary of the 1992 UN Conference on Environment and Development and the tenth anniversary of the 2002 World Summit on Sustainable Development. The goal of the Summit will be to secure renewed international political commitment for sustainable development. It will focus on the promotion of a green economy in the context of sustainable development and poverty eradication, and agreement on the global institutional arrangements to make this happen. The Minister for the Environment is taking the lead in coordinating Ireland's approach to the Summit, and Irish Aid in the Department of Foreign Affairs and Trade has been actively engaged in the national consultation process. In line with

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our priorities in international development, and Ireland's strong focus on the eradication of extreme poverty and hunger, we are working to ensure that effective responses to hunger and poor nutrition in developing countries will be prioritised at the Rio meeting.

Last December, my predecessor as Minister of State for Trade and Development, Ms. Jan O'Sullivan, T.D., headed the Irish delegation to the High Level Forum on Aid Effectiveness in Busan, South Korea. The Chairman of the Oireachtas Joint Committee on Foreign Affairs and Trade, Mr. Pat Breen, T.D., also participated in the delegation. This major international meeting brought together over 2,500 representatives from Governments, Parliaments, civil society and the private sector to review progress on implementing commitments on making development aid more effective and to agree a global framework to improve the impact of development assistance on the reduction of global poverty.

The meeting agreed an outcome document "The Busan Partnership for Effective Development Cooperation" which was endorsed by emerging economies such as China, India and Brazil, which had not previously engaged in international discussions on effective aid.

The Busan outcome document includes commitments to increase the focus on poverty reduction and on development results, particularly in fragile and conflict-affected states. It commits to ensuring women and girls are prioritised in development and to strengthening the transparency and accountability of development spending. The important oversight role of parliamentarians and the role of civil society as partners in poverty reduction were also clearly recognised.

In the coming months, officials from my Department will engage with the Organisation for Economic Cooperation and Development and the United Nations to support the establishment of a new inclusive 'Global Partnership' which will work to ensure accountability for the implementation of commitments made in Busan. Over the coming months, I will be leading the review of the White Paper on Irish Aid. The commitments made in Busan will be reflected in this review to ensure that Ireland maintains its reputation as an international leader in making development aid more effective, with an overseas aid programme of the highest quality.

### Foreign Conflicts

63. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will call on the Turkish authorities to investigate immediately the death of at least 35 civilians in a military airstrike near the Iraqi border in south-eastern Turkey last December, when no military targets were reported to have been hit in the attack, but which caused the death of so many innocent civilians. [2347/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I assume the Deputy is referring to the airstrike near the town of Uludere in Sirnak Province that took place on 28 December last. The loss of civilian life is in all circumstances a tragedy. Military activity should always be conducted to avoid civilian casualties and States should adhere rigidly to the procedures and rules of engagement for offensive action. I understand that the Turkish Authorities have initiated an official investigation into the incident referred to by the Deputy. They have also expressed regret at the loss of life and offered compensation to the families of the victims.

### Official Engagements

64. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade the visits that are planned for St. Patrick's Day; the number of Ministers travelling; the destinations of same; and if he will make a statement on the matter. [1922/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** St. Patrick's Day offers a unique opportunity to promote Ireland's image and interests abroad. No other country in the world attracts as much public and media attention for its national day as Ireland does. I intend to ensure with this year's programme of travel that targeted use will be made of the marketing opportunity that St. Patrick's Day provides globally. In keeping with this approach, I have proposed a programme of Ministerial visits around St. Patrick's Day 2012 which are designed to have maximum impact on the promotion of Ireland's economic interests. This programme of travel has been drawn up in consultation with the Embassy network and the State Agencies, to ensure that we utilise the opportunity of St Patrick's Day to improve and strengthen relations with Ireland's key business and community contacts.

These proposals are currently under consideration and, once decisions are made, I would expect the Government to make an early public announcement.

*Questions Nos. 65 and 66 answered with Question No. 47.*

### **Human Rights Issues**

67. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding the constitutional plan adopted by the Parliament of Hungary on 30 December 2011; his views that it is in accordance with the intergovernmental treaty suggested last December; and if he will make a statement on the matter. [1941/12]

70. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised on any occasion with the Prime Minister of Hungary, Mr Viktor Orban, concerns that the new Hungarian constitution, signed into law in April 2011, may contravene European Human Rights principles; and if he will make a statement on the matter. [1998/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 67 and 70 together.

I refer to my answers to questions 32 and 41 which I answered earlier today.

### **Diplomatic Representation**

68. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has been in communication with the Vatican recently in relation to Ireland withdrawing its embassy; and if he will make a statement on the matter. [1942/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** On 3 November last year, the day of the Government's decision to close our resident Embassy to the Holy See, I wrote to the Holy See's Secretary of State, His Excellency Cardinal Bertone, to inform him of the Government's decision and why it had been necessary, as well as to express Government's intention to continue our active engagement with the Holy See on issues of mutual interest and concern. On the same day, at my request, the Secretary General of my Department met with the Chargé d'Affaires at the Papal Nunciature in Dublin to inform him of the decision in advance of the public announcement later that day. In the meantime, there has been regular contact at official level between my Department and the Vatican. The closure of the resident Embassy has been completed and the Holy See has agreed to the Government's nomination of the Secretary General of my Department, Mr. David Cooney, as our non-resident Ambassador. Mr. Cooney has travelled to Rome twice since his nomination where he has met with Vatican officials. On his most recent visit, earlier this month, he attended the ordination of the incoming Nuncio, Archbishop Charles J. Brown, by Pope Benedict and con-

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veyed to Archbishop Brown the best wishes of the President, Government and people of Ireland.

I very much look forward to meeting Archbishop Brown on his arrival in Ireland and to working closely with him in his roles of Apostolic Nuncio and Dean of the Diplomatic Corps.

*Question No. 69 answered with Question No. 39.*

*Question No. 70 answered with Question No. 67.*

### Northern Ireland Issues

71. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if North-South co-operation is being adversely affected by budgetary cuts; if North-South relations will be adversely impacted as a result; and if he will make a statement on the matter. [2321/12]

105. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the work of the North-South Ministerial Council. [2452/12]

106. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail the steps to be taken in the coming months to address the priorities of the North-South Ministerial Council. [2453/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 71, 105 and 106 together.

North South Cooperation is currently operating at a very high level. The North South Ministerial Council (NSMC) meets in three formats: Plenary, Institutional and Sectoral. Since this Government came into office, the work of the NSMC has been taken forward at all levels, with a total of 16 Sectoral meetings having taken place, along with an Institutional meeting on 3 October 2011 and Plenary meetings on 10 June and 18 November, 2011. The next Institutional meeting is planned for the late spring, and the next Plenary will be in June.

At the meeting in Plenary format in Armagh on 18 November, discussions covered a wide range of issues, particularly in regard to the economic challenges faced in both jurisdictions. There was also a review of progress across a range of areas of North-South co-operation, including the work of the North-South bodies, particularly as they relate to fostering economic recovery across the island. Opportunities for efficiencies and to make mutual savings through co-operation in areas where there is cross-border duplication of services were also discussed.

The special importance of tourism in the economy, North and South, was recognised as was our wish to work closely with the Executive to ensure that the sector's potential is fulfilled, maximising the benefits of forthcoming initiatives both North and South, including the Titanic centenary in 2012, Derry City of Culture in 2013 and "The Gathering", also in 2013.

The Plenary also examined potential collaboration to meet the emerging challenges in third level education and the important contribution that the agri-food sector makes to the economy.

Ministers noted progress on EU-related matters, including collaboration to maximise draw-down of EU funds from the FP7 research and development programme, progress on current EU programmes and the potential for co-operation on future EU programmes.

The Government's decision to defer further investment in the A5 and A8 road projects was noted by the Council, while a payment of £3 million in accordance with the previously agreed procedure in respect of a project milestone reached was approved. The Government's commit-

ment to provide £25 million for these projects in both 2015 and 2016 was acknowledged and the relevant Departments North and South are to prepare a new funding and implementation plan for agreement at the next NSMC transport meeting with endorsement at the plenary meeting in June 2012.

The Council also discussed ways to progress movement on the North-South consultative forum and agreed to finalise deliberations on this at the next plenary meeting.

In regard to establishing the North-South parliamentary forum, the work undertaken by the Ceann Comhairle and the Speaker of the Northern Assembly and in joint meetings of working groups of the Oireachtas and the Assembly was welcomed.

We also discussed the North West Gateway Initiative and agreed that the NSMC Joint Secretariat would convene a meeting of officials from relevant Departments in both jurisdictions, with a view to a progress report being presented to the next NSMC Institutional meeting. The officials' meeting is to take place early next month.

The appointment of Chairpersons, Vice-Chairpersons and members to the Boards of the North/South implementation bodies and Directors of Tourism Ireland Limited for the next four years was approved.

Arising from the Good Friday Agreement, a number of specific priorities were identified which became the agreed areas of cooperation within the remit of the NSMC. Ministers continue to work on these areas in collaboration with their Northern counterparts. Ministers also identify, where possible, additional opportunities to engage cooperatively in areas where there is scope for joint action.

At its November Plenary, the NSMC discussed progress made on the St. Andrews Agreement Review which is examining, inter alia, those agreed areas of North/South cooperation and whether there is a case for adding to them. The NSMC agreed that, as a way to making progress on this, there will be consultation within the Executive and within the Irish Government, as well as discussion at the next NSMC Institutional meeting, with proposals to be agreed at the plenary meeting in June.

As to the impact of budgetary cuts, it is of course the case that Government has to bring forward major savings across the full range of public expenditure, and the North South bodies are not immune from this process. However, a programme of savings has been agreed with our Northern Ireland colleagues to this effect which will focus on ensuring that the bodies can continue to deliver their core objectives. The Government has also underlined its commitment to infrastructure development as I outlined above.

We shall continue to work with our Northern partners to ensure that cooperation grows to the maximum extent possible. I was in Belfast on 16 January for meetings with First Minister Peter Robinson and deputy First Minister Martin McGuinness to discuss how we can work even more closely in addressing some of the challenges facing both the Government and the Northern Ireland Executive.

**72. Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has had any meetings recently in relation to Northern Ireland and in particular activities in west Belfast; and if he will make a statement on the matter. [2323/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Since becoming Tánaiste and Minister for Foreign Affairs and Trade I have visited Northern Ireland on a number of occasions and, during these visits, have met with my Northern Ministerial colleagues, as well as community representatives. Yesterday, I visited Belfast where I met with the Secretary of State for Northern Ireland and subsequently I participated in a joint meeting with

[Deputy Eamon Gilmore.]

him and with the First Minister and Deputy First Minister. We reviewed matters of mutual concern, including economic cooperation between North and South, focussing on how both parts of the Island can work together to overcome common economic challenges. We discussed how both governments and the Executive could work more closely together on funding issues, such as on EU Programmes and on the International Fund for Ireland. We reviewed plans for the forthcoming Decade of Commemorations, which it was generally agreed should be approached with mutual respect, tolerance and inclusivity, building on the success of the Queen’s visit. We also discussed a range of other issues, such as recent developments on security and related matters.

The Government remains fully committed to the implementation of the Good Friday Agreement. The Programme for Government affirms our commitment to strengthening North South cooperation even further, and to working with our Northern colleagues to develop greater economic collaboration to accelerate the process of economic recovery and job creation on this island. I intend to continue to travel to Northern Ireland on a regular basis to continue building and strengthening relationships.

**Legal Services**

73. **Deputy Alan Farrell** asked the Taoiseach the total cost of legal services paid by the State in 2010 and 2011; and if he will make a statement on the matter. [1894/12]

74. **Deputy Alan Farrell** asked the Taoiseach the fees paid to barristers for services to the State in 2010 and 2011; and if he will make a statement on the matter. [1895/12]

75. **Deputy Alan Farrell** asked the Taoiseach the current tendering process undertaken when accessing legal services; and if he will make a statement on the matter. [1896/12]

**The Taoiseach:** I propose to take Questions Nos. 73 to 75, inclusive, together.

I understand that the Deputy has clarified that the information he is seeking is in respect of the Office of the Attorney General, the Office of the Chief State Solicitor and the Office of the Director of Public Prosecutions.

The total cost of legal services, including barrister and solicitor fees, AG’s Scheme, expert witnesses, stenographers, etc for the three Offices in 2010 and 2011 was as follows:

Year	€m
2010	€43.528
2011	€38.233 (Provisional Outturn)

Of these costs the following were payments to barristers:

Year	€m
2010	€27.106
2011	€23.768 (Provisional Outturn)

It is open to all barristers to apply to be placed on panels from which the Offices engage barristers. As set out in the *Programme for Government* the Department of Public Expenditure and Reform has been examining the possibility of tendering for procurement of barrister and solicitor services and the potential benefits involved.

The Department has accepted that, for the present, it would be preferable not to introduce competitive tendering in the normal sense as the Offices have been successful in reducing legal fees over recent years.

### Consultancy Contracts

76. **Deputy Billy Kelleher** asked the Taoiseach the names of all external public relations and consultancy persons and organisations used by his Department for the years 2010 to 2011; the amounts paid to each in tabular form; and if he will make a statement on the matter. [1882/12]

**The Taoiseach:** The following table details the Consultancy services used by my Department from 2010 to end of 2011. No Public Relations services were used by my Department during this period.

Year	Details	Amount Paid
2010	Mercer (Ireland) Ltd	€23,595
	Mazars	€2,500
2011	QTS LTD	€1,271
	Towers Watson (Ireland)	€12,100

### Expenditure Reviews

77. **Deputy Billy Kelleher** asked the Taoiseach if he will publish his Department's comprehensive spending review submitted in advance of Budget 2012; and if he will make a statement on the matter. [1883/12]

**The Taoiseach:** The 2011 Comprehensive Review of Expenditure was published by the Department of Public Expenditure and Reform last year. Both the Review and my Department's submission to it are available on the Department of Public Expenditure and Reform's website — *www.per.gov.ie*.

### Departmental Advertising

78. **Deputy Arthur Spring** asked the Taoiseach the amount of money spent by him on advertising with international, national and local media for each year since 2006. [1885/12]

**The Taoiseach:** The table below details the amount spent by my Department and Subhead Programmes on advertising from 2006 to date:

Year	Details	Amount spent on Advertising
2006	Department	€85,924
	National Forum on Europe	€166,192
	Taskforce on Active Citizenship	€62,465
	Change Management Fund*	€76,641
2007	Department	€58,205
	National Forum on Europe	€331,446
	Change Management Fund*	€201,518
2008	Department	€50,030
	National Forum on Europe	€838,354
	Change Management Fund*	€968.00

[The Taoiseach.]

Year	Details	Amount spent on Advertising
2009	Department	€25,880
	National Forum on Europe	€2,406
	Change Management Fund*	€3,402
2010	Department	€17,212
	Change Management Fund*	€9,372
2011	Department	€107,365
2012 (to date)	Department	€124.00

\*These amounts were recouped from the Change Management Fund, Department of Finance.

A breakdown of expenditure by national and local media is not readily available.

### Public Relations Contracts

79. **Deputy Arthur Spring** asked the Taoiseach the amount of money spent by his Department with public relations companies each year since 2006. [1886/12]

**The Taoiseach:** The table details spend by my Department on public relations from 2006 to date. Expenditure relates to the National Forum on Europe and the Taskforce on Active Citizenship, both of which were discontinued in 2009.

Year	Total Spend on Public Relations
2006	€78,650
2007	€150,524
2008	€6,245
2009	Nil
2010	Nil
2011	Nil
2012 (To Date)	Nil

### Departmental Programmes

80. **Deputy Denis Naughten** asked the Taoiseach if his Department runs a graduate internship programme; and if he will make a statement on the matter. [1887/12]

**The Taoiseach:** My Department does not run a graduate internship programme but from time to time it participates in such programmes run by other Government Departments, other Governments, EU/international institutions, universities, colleges or other organisations. Examples of internship programmes in which my Department has recently participated include the FAS JobBridge Scheme; the FAS Work Placement Programme; the Willing Able Mentoring (WAM) Programme run by the Association for Higher Education Access and Disability; and the Bellevue Scholarship Programme which is administered jointly by the Office of the German President and the Robert Bosch Foundation.

### Ministerial Staff

81. **Deputy Catherine Murphy** asked the Taoiseach the names and salaries of each person serving as a special adviser and-or the names and salaries of each person directly appointed by a Minister or Minister of State to any other position within his Department in the Department

of the Taoiseach on each of the following dates 1 December 2011, 1 December 2010 and 1 December 2009; and if he will make a statement on the matter. [1888/12]

**The Taoiseach:** The details requested are set out in the tables:

01 December 2011

Name	Title	Annual Salary
Mark Kennelly,	Chief of Staff	€168,000
Andrew McDowell	Special Advisor	€168,000
Paul O'Brien	Special Advisor	€80,051
Angela Flanagan,	Special Advisor	€80,051
Mark O'Doherty	Special Advisor to Chief Whip	€80,051
Pauline Coughlan	Personal Assistant	€64,257
Sarah Moran	Personal Assistant	€75,390
Gerard Deere	Personal Assistant	€64,257
Theresa Diskin	Personal Assistant	€66,519
John Lohan	Personal Secretary	€40,233
Feargal Purcell	Govt. Press Secretary	€116,295
Joanne Lonergan	Assistant Government Press Secretary	€86,604
Cathy Madden	Deputy Government Press Secretary	€96,295
AnneMarie Durcan	Personal Secretary to the Taoiseach	€40,233
Clarie Urquhart	Personal Secretary to Chief Whip	€46,935
Colum Coomey	Personal Assistant to Chief Whip	€43,715
Derek Grubb	Civilian Driver to Leader of Seanad	€32,964
Miriam O'Callaghan	Personal Assistant	€64,750
Total		€1,414,600

01 December 2010

Name	Title	Annual Salary
Joe Lennon	Special Advisor	€188,640
Gerry Steadman	Special Advisor	€126,718
Brian Murphy	Special Advisor	€132,687
Padraig Slyne	Special Advisor to Chief Whip	€96,295
Peter Clinch	Special Advisor	€181,243
Deirdre Gillane	Special Advisor	€98,424
Sineád Dooley	Personal Assistant	€66,519
Peter Lenehan	Personal Assistant	€50,178
Annette McManus	Personal Assistant	€48,297
Denise Kavanagh	Personal Assistant	€57,251
Yvonne Graham	Personal Assistant	€53,532
Sarah McLoughlin	Personal Assistant	€53,532
Aoife Ní Lochlainn	Personal Assistant	€46,426
Elaine Hogan	Personal Secretary	€42,446
Colette Waters	Personal Secretary	€39,223
Eoghan O Neachtain	Government Press Secretary	€138,658
Mark Costigan	Deputy Government Press Secretary	€103,136

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Name	Title	Annual Salary
John Downing	Deputy Government Press Secretary	€109,382
Nicola Stapleton	Personal Assistant to Chief Whip	€45,125
Shauna Curran	Personal Secretary to Chief Whip	€22,792
Maura Stynes	Personal Secretary to Chief Whip	€23,167
Damien Cassidy	Civilian Driver to Leader of the Seanad	€32,964
Total		€1,756,635

01 December 2009

Name	Title	Annual Salary
Joe Lennon	Special Advisor	€221,929
Gerry Steadman	Special Advisor	€137,737
Brian Murphy	Special Advisor	€137,737
Padraig Slyne	Special Advisor to Chief Whip	€100,392
Peter Clinch	Special Advisor	€213,092
Declan Ryan	Special Advisor	€97,109
Oliver O'Connor	Special Advisor	€177,547
Sineád Dooley	Personal Assistant	€66,519
Peter Lenehan	Personal Assistant	€50,178
Annette McManus	Personal Assistant	€48,297
Denise Kavanagh	Personal Assistant	€57,251
Yvonne Graham	Personal Assistant	€53,532
Sarah McLoughlin	Personal Assistant	€53,532
Aoife Ní Lochlainn	Personal Assistant	€46,426
Elaine Hogan	Personal Secretary	€42,446
Colette Waters	Personal Secretary	€39,223
Eoghan O Neachtain	Government Press Secretary	€138,658
Mark Costigan	Deputy Government Press Secretary	€103,136
John Downing	Deputy Government Press Secretary	€109,382
John Sheridan	Personal Assistant to Chief Whip	€46,558
Margaret Fogarty	Secretarial Assistant to Chief Whip	€21,398
Linda Weir	Personal Secretary to Chief Whip	€20,453
Damien Cassidy	Civilian Driver to Leader of the Seanad	€32,964
Total		€2,015,496

**Departmental Properties**

82. **Deputy Dara Calleary** asked the Taoiseach his view that he or any agency funded by him that own properties in office complexes in which a management company is in place, should take an active role in the running of such management companies including the appointment of a nominee to the board of the companies in order to protect the investment of taxpayers' money. [1890/12]

**The Taoiseach:** My Department is based only in Government Buildings in accommodation owned by the State. The National Economic and Social Development Office, which is the only

agency under the aegis of my Department, is based only in office accommodation that is leased through the Office of Public Works.

Accordingly, questions about participation in the running of management companies do not arise for my Department or NESDO.

### Ministerial Appointments

83. **Deputy Joanna Tuffy** asked the Taoiseach the number of advisers, programme managers and press officers and communications personnel employed by the Government in the years (details supplied); and if he will make a statement on the matter. [1891/12]

**The Taoiseach:** The information requested by the Deputy is detailed in the tables:

#### Year 1993

Special Adviser	Programme Manager	Press Officers	Communications Personnel [includes Government Press Secretaries/Press Office support staff and Communications Unit (where applicable)]
2	1	3	8

#### Year 1997

Special Adviser	Programme Manager	Press Officers	Communications Personnel [includes Government Press Secretaries/Press Office support staff and Communications Unit (where applicable)]
3	1	2	9

#### Year 2002

Special Adviser	Programme Manager	Press Officers	Communications Personnel [includes Government Press Secretaries/Press Office support staff and Communications Unit (where applicable)]
6	1	4	14

#### Year 2007

Special Adviser	Programme Manager	Press Officers	Communications Personnel [includes Government Press Secretaries/Press Office support staff and Communications Unit (where applicable)]
4	1	4	9.8

#### Year 2011

Special Adviser	Chief of Staff	Press Officers	Communications Personnel [includes Government Press Secretaries/Press Office support staff, Communications Unit and the Government News website (where applicable)]
4	1	5	13.8

[The Taoiseach.]

Records for 1989 are not readily available.

### Live Register

84. **Deputy John McGuinness** asked the Taoiseach the most recent unemployment figures at the Tallaght social welfare office, Tallaght, Dublin 24; if he will include a comparison with the previous year's figures for the same month; and if he will make a statement on the matter.

[1893/12]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** The Live Register series gives a monthly breakdown of the number of people claiming Jobseekers Benefit, Jobseekers Allowance and other registrants as registered with the Department of Social Protection. Figures are published for each county and local social welfare office.

The most recent Live Register figures available are for December 2011. The table contains the numbers signing on in Tallaght local office on the last Friday of December 2010 and on the last Friday of December 2011. It should be noted that the Live Register is not a definitive measure of unemployment as it includes part-time workers, and seasonal and casual workers entitled to Jobseekers Benefit or Allowance.

Persons on the Live Register in Tallaght Local Office by sex and age, December 2010 and 2011

		December 2010	December 2011	Annual change	% change
Males	Under 25 years	1,549	1,439	-110	-7.1
	25 years and over	5,689	6,320	+631	+11.1
	Total males	7,238	7,759	+521	+7.2
Females	Under 25 years	820	849	+29	+3.5
	25 years and over	2,120	2,598	+478	+22.5
	Total females	2,940	3,447	+507	+17.2
All persons	Under 25 years	2,369	2,288	-81	-3.4
	25 years and over	7,809	8,918	+1,109	+14.2
	Total persons	10,178	11,206	+1,028	+10.1

Source: CSO Live Register

### Departmental Agencies

85. **Deputy Maureen O'Sullivan** asked the Taoiseach the number of State agencies currently financed by the Exchequer; the number of board members attending each State agency; the expenses issued for each meeting; if any review of the membership of board members is to be taken in order to monitor attendance levels or lack of attendance by any member; and if he will make a statement on the matter. [2057/12]

**The Taoiseach:** The National Economic and Social Development Office (NESDO) is the only State Agency under the aegis of my Department. The NESDO was established under the

NESDO Act 2006 and is the body corporate for the National Economic and Social Council (NESC).

The composition of the NESDO, as set out in the Act consists of the chairpersons and deputy chairpersons of the NESC, the National Economic and Social Forum (NESF) and National Centre for Partnership and Performance (NCPF).

Following the dissolution of the NESF and NCPF on 1 April 2010, the membership of NESDO now only comprises the Chairperson of NESC. Historically, the position of Deputy chair of NESC is assigned to an Assistant Secretary in my Department. I intend to fill this position in due course once the current restructuring of my Department is completed. No expenses are paid in respect of membership of NESDO or attendance at its meetings. Attendance is recorded in the minutes of each meeting.

The composition of the NESC, as set out in the Act, consists of a Chairperson and Deputy Chairperson and members appointed on the basis of nominations received from representatives of trade unions, business and employers, farmers' organisations, environmental sector, community and voluntary sectors, in addition to a number of public servants and independent experts. The NESC meets on a monthly basis and attendance is recorded. Members are entitled to claim for travel and subsistence for their attendance at each meeting and €2,002.77 has been claimed by members from 9 March, 2011 to date.

### **Departmental Bodies**

86. **Deputy Sean Fleming** asked the Taoiseach if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2082/12]

**The Taoiseach:** The National Economic and Social Development Office (NESDO), which is the body corporate of the National Economic and Social Council (NESC), is the only body under the aegis of my Department of which holders of designated positions of employment are required to complete ethics returns. Within NESDO, there are seven positions for which ethics returns are required, comprising two designated Director positions (the Chairperson and Chief Officer) and five designated positions of employment under the Ethics in Public Office Act 1995.

The question of making ethics returns for the calendar year 2011 arises for 34 serving staff in my Department. This number includes special advisers and holders of designated posts of employment. The two Ministers of State in my Department and I also have obligations under the Ethics Acts.

### **Departmental Staff**

87. **Deputy Sean Fleming** asked the Taoiseach the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2098/12]

**The Taoiseach:** Three people retired from my Department in 2011 and the total cost of lump sums involved amounted to €698,906. The National Economic and Social Development Office is the only non-commercial State agency under my aegis and there were no retirements in 2011.

### Departmental Expenditure

88. **Deputy Brendan Smith** asked the Taoiseach the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2141/12]

**The Taoiseach:** The total budget allocated to my Department in 2011 was €21,039,000. The provisional outturn was €17,597,761, a reduction of €2.7 million on the 2010 outturn.

The table details the provisional outturn in each subhead at the end of December 2011.

	Subheads	2011 Revised Estimate	2011 Provisional Outturn
A1	Salaries, wages and allowances	12,499,000	11,291,317
A2	Travel and subsistence	275,000	229,107
A3	Incidental expenses	1,517,000	1,353,415
A4	Postal and Telecommunications	370,000	309,918
A5	Office Machinery & Office Supplies	900,000	791,580
A6	Offices Premises Expenses	430,000	488,783
A7	Consultancy Services	50,000	13,371
	Admin Total	16,041,000	14,477,489
B	National Economic and Social Development Office (Grant-in-Aid)	2,325,000	2,280,216
C	Commemoration Initiatives	85,000	76,131
D	Tribunal of Inquiry	3,500,000	1,600,725
	Gross Total	21,951,000	18,434,560
E	Appropriations-in-Aid	-912,000	-836,799
	Net Total	21,039,000	17,597,761

### Global Economic Forum

89. **Deputy Seán Ó Fearghaíl** asked the Taoiseach if he intends to publish a review of the Second Global Economic Forum held in Dublin Castle; if he will indicate when any such report will be published; and if he will make a statement on the matter. [2538/12]

**The Taoiseach:** The Second Global Irish Economic Forum took place in Dublin on 7-8 October 2011. The Report of the Forum was published by my colleague, Eamon Gilmore TD, Tánaiste and Minister for Foreign Affairs and Trade on 24 November last. The Government has endorsed 12 initiatives identified in the Report which are prioritised for action before March 2012. Detailed assessments and action plans are also being prepared for the remaining initiatives contained in the Report.

### Passport Applications

90. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade the current policy in relation to renewal of Irish passports by Irish-born citizens who are currently resident in the UK. [2025/12]

91. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding a non-resident (details supplied) who is seeking to renew their Irish passport. [2026/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 90 and 91 together.

The Passports Act, 2008 requires that before issuing a passport to a person, the Minister for Foreign Affairs and Trade shall be satisfied as to the identity of each applicant and that the person is an Irish citizen. Documentary proof in respect of identity and entitlement to citizenship are required for all passport applications. These requirements are outlined in the passport application form notes that accompany each application form. Details are also available on the Department's website *www.passport.ie*.

In the context of mitigating the risk of passport fraud the Department requires that those witnessing passport applications certify that they are satisfied as to the identity of the applicant. For those Irish citizens who are resident overseas this would ordinarily mean that the witness would also live overseas and that the application is submitted through the nearest Irish Embassy or Consulate. A separate application for APS2 E (English version) and APS 2G (Irish version) are used for this purpose. For citizens resident overseas the range of those who may witness applications is very extensive and significantly beyond the requirement for citizens resident in the State, who may only have their application witnessed by a member of An Garda Síochána. The list of acceptable witnesses include police officers, a member of the clergy, medical doctor, lawyer, bank manager, elected public representative, notary public/commissioner for oaths, peace commissioner, school principals/vice principal or accountant.

The last passport recorded as having been issued to a person of the name and details supplied was a passport of one year's validity, expiring in October 2004. Given that the previous passport for this citizen had been reported as lost; the length of time which has passed since the expiry of its passport; the fact that the application was submitted in Ireland for someone resident overseas who would have had to travel to Ireland without a passport, the Passport Service sought to exercise additional care in relation to this application. The request to have the application witnessed by a person in the applicant's country of residence — in this case Britain — who could identify the applicant and that it be submitted through the Passport Office in London, which is best placed to confirm the *bona fides* of the witness, was prudent and appropriate, consistent with policy, and served to minimise the risk of identity theft and fraud.

I have asked the Passport Service to assist the citizen in resolving any outstanding issues with the application. If he makes contact with Ms. Assumpta Griffin, Head of the London Office, or Ms. Fiona Penollar, Head of the Molesworth Street Office in Dublin, whichever is most convenient to him, they will assist in processing his application at the earliest opportunity.

### **Departmental Bodies**

92. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2076/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Each year, under the terms of the Ethics in Public Office Acts, officers of my Department at Counsellor/Principal Officer level and above and others holding certain specifically designated posts are required to furnish the Department with a written statement of any registrable

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interests they may have. The total number of staff involved is approximately 180. There are no public bodies under the aegis of my Department.

### Departmental Staff

93. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2092/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Twenty five staff retired from my Department in 2011. With regard to staff of this Department, the calculation and payment of superannuation benefits is a matter for the Minister for Public Expenditure and Reform. There are no State agencies under the aegis of my Department.

### Departmental Expenditure

94. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the total allocated budget for his Department in 2011; and the actual outturns in each of his Department's subheads at the end of 2011. [2135/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Department was responsible for two Votes in 2011: Foreign Affairs and Trade (Vote 28) and International Cooperation (Vote 29). The total allocation for both Votes in 2011 was €740.5m. The provisional gross expenditure outturn for 2011 is €726.7m. It should be noted that this figure may be subject to adjustment in the Appropriation Accounts in due course. The provisional outturn figures by subhead are set out in the following tables:

Vote 28 Foreign Affairs and Trade

	Allocation 2011	Provisional Outturn 2011
ADMINISTRATIVE EXPENDITURE	€000	€000
A1 SALARIES & ALLOWANCES	90,260	92,026
A2 TRAVEL & SUBSISTENCE	6,080	4,376
A3 TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	4,688	3,841
A4 POSTAL & TELECOMMUNICATIONS	7,408	6,548
A5 OFFICE EQUIPMENT AND EXTERNAL IT SERVICES	15,386	14,968
A6 OFFICE PREMISES EXPENSES	26,282	21,870
A7 CONSULTANCY SERVICES AND VALUE FOR MONEY AND POLICY REVIEWS	108	28
TOTAL ADMINISTRATION EXPENSES	150,212	143,658
PROGRAMME EXPENDITURE		
B1 REPATRIATION & MAINTENANCE OF DISTRESSED IRISH PERSONS ABROAD	79	36
C1 SUPPORT FOR IRISH EMIGRANT GROUPS	12,883	11,562
D1 INFORMATION SERVICES	652	424
E1 CONTRIBUTIONS TO INTERNATIONAL RELATIONS (GRANT-IN-AID)	100	100

	Allocation 2011	Provisional Outturn 2011
ADMINISTRATIVE EXPENDITURE	€000	€000
F1 NORTH SOUTH AND ANGLO-IRISH CO-OPERATION	3,000	2,998
F2 INTERNATIONAL FUND FOR IRELAND	195	150
G1 CULTURAL RELATIONS WITH OTHER COUNTRIES (GRANT-IN-AID)	846	772
H1 IRISH AMERICAN ECONOMIC ADVISORY BOARD	28	13
I1 CONTRIBUTIONS TO INTERNATIONAL ORGANISATIONS	47,440	48,407
J1 ACTIONS CONSEQUENT ON TITLE V OF THE TREATY ON THE EUROPEAN UNION	418	226
K1 ATLANTIC CORRIDOR PROJECT	250	250
L1 TRADE PROMOTION FUNDS	400	315
TOTAL PROGRAMME EXPENDITURE	66,291	65,253
GROSS EXPENDITURE	216,503	208,911
X1 APPROPRIATIONS IN AID	43,997	44,512
NET EXPENDITURE	172,506	164,400

## Vote 29 — International Cooperation

		Allocation 2011	Provisional Outturn 2011
	ADMINISTRATION (a)	€000	€000
A.1 -	SALARIES WAGES AND ALLOWANCES	18,626	17,518
A.2 -	TRAVEL AND SUBSISTENCE	2,747	2,013
A.3 -	TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	2,920	1,439
A.4 -	POSTAL AND TELECOMMUNICATIONS SERVICES	1,920	1,595
A.5 -	OFFICE EQUIPMENT AND EXTERNAL IT SERVICES	2,020	1,193
A.6 -	OFFICE PREMISES EXPENSES	3,910	2,874
A.7 -	CONSULTANCY SERVICES AND VALUE FOR MONEY AND POLICY REVIEWS	1,400	748
	Subtotal	33,543	27,380
B. -	OTHER SERVICES PAYMENT TO GRANT-IN-AID FUND FOR BILATERAL AND OTHER COOPERATION (GRANT-IN-AID)	365,633	365,633
C. -	EMERGENCY HUMANITARIAN ASSISTANCE	51,000	50,997
D. -	PAYMENTS TO INTERNATIONAL FUNDS FOR THE BENEFIT OF DEVELOPING COUNTRIES	34,354	34,354
E. -	CONTRIBUTIONS TO UNITED NATIONS AND OTHER DEVELOPMENT AGENCIES	39,500	39,500
	Gross Total (b)	524,030	517,864

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		Allocation 2011	Provisional Outturn 2011
	ADMINISTRATION (a)	€000	€000
F. -	APPROPRIATIONS-IN-AID	1,153	1,500
	Net Total	522,877	516,364

### Trade Missions

95. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade the plans he has to travel to China for a trade mission. [38574/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I hope to visit China on an official visit at a mutually convenient date in the coming months. This visit will provide the opportunity to build on the excellent bilateral relations that exist between our two countries; to have discussions with my opposite number in China on matters of mutual concern; to promote Irish interests; and to further enhance our political, trade, investment, education and tourism links with China. The Government attaches great importance to widening and deepening bilateral relations with China, including the political and economic relationships. China is a key high-growth and high-potential market for Ireland under the Strategy and Action Plan for Irish Trade, Tourism and Investment to 2015. The local market team, set up under the Strategy, includes all of the State Agencies present in China in addition to the Embassy in Beijing and the Consulate-General in Shanghai. The team is chaired by our Ambassador in Beijing and has been actively working to build on our growing economic and trade relationships with China.

Ireland had a modest trade surplus with China in 2010. Total merchandise trade between Ireland and China was worth almost €5.3 billion in 2010. Trade in services during the same period was worth €2.3 billion. Over 130 Irish companies now have a permanent business presence in China — an increase of 300% over the last five years.

*Question No. 96 answered with Question No. 47.*

### Tax Code

97. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if the corporate taxation rate here will be preserved if EU treaty changes go ahead. [38475/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** At the European Council last month, important steps were taken in relation to budgetary discipline within the euro area and firewalls, both of which are issues of importance to Ireland, and progress was made towards taking Europe beyond the current crisis. In particular, leaders agreed to further strengthen economic policy coordination within the euro area, by way of an intergovernmental agreement, to construct a new ‘fiscal compact’.

Negotiations are on-going on a draft Treaty to give legal effect to this agreement. Corporation tax is not an issue in those negotiations. For Ireland, as a small open economy with a heavy concentration of foreign direct investment, our corporation tax rate is critical to supporting our economic recovery and employment growth. What was agreed at last month’s European Council does not open the question concerning our 12.5% corporation tax rate and the Government’s firm position in the matter has not changed.

As a quite separate matter, the European Commission made a formal proposal last year concerning a Common Consolidated Corporate Tax Base (CCCTB). That proposal is being discussed in the normal way and, as has been made clear on many occasions, Ireland will play a constructive role in that regard.

### EU Summits

98. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade his views that the recent EU and USA summit was successful in building a stronger and fairer rules-based system in the global economy; and if he will make a statement on the matter. [39473/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The EU-US summit, which took place in Washington on 28 November 2011, was regarded by both sides as a success. The transatlantic economy accounts for around 50% of global GDP and remains a cornerstone of the global economy. While the global economy is being rebalanced with significant emerging players, the EU and the US together remain well-placed to exercise strong influence in pioneering the rules and standards that will shape global trade and investment. The summit was a timely opportunity for a focussed discussion on the situation in the Eurozone, as well as other international issues of mutual interest and concern. Both sides re-stated the commitment made by the G20 meeting in Cannes last November to support the multilateral trading system, to resist protectionism, to stand by the mandate of the Doha Development Agenda and to pursue fresh, credible approaches in 2012 in order to advance the negotiations and pursue new opportunities.

The summit also highlighted the success of the Transatlantic Economic Council (TEC) on a range of trade and regulatory issues. The core objective of the TEC is to build a more closely integrated transatlantic marketplace, by strengthening trade and investment links. The TEC, which held its meeting on the day following the summit, has achieved good progress in a number of areas including secure trade; electric vehicles and related infrastructure; regulatory practices; small and medium-sized enterprises; and in the Information Communications Technology sector. Leaders urged the TEC to step up co-operation between regulators and standard-setters in developing compatible approaches to emerging technologies in key sectors such as nanotechnology and raw materials. The summit also instructed the TEC to pursue its work on strategic economic questions, including investment, innovation policy and the protection of intellectual property rights.

A key outcome of the summit was the launch of a joint High-Level Working Group on Jobs and Growth, which will be co-chaired by U.S. Trade Representative Ron Kirk and EU Commissioner for Trade, Karel De Gucht. The Working Group will identify and assess options for strengthening the EU-US trade and investment relationship, especially in those areas with the highest potential to support jobs and growth. The Working Group will report its findings, conclusions and recommendations by the end of this year and will present an interim report on the status of its work in June.

*Questions Nos. 99 to 101, inclusive, answered with Question No. 47.*

102. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on his plans regarding participation in bilateral trade delegations in the coming months. [2449/12]

104. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will detail arrangements he has made to participate in trade promotion visits in the next six months. [2451/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 102 and 104 together.

Trade missions are a valuable support to Irish business in developing markets abroad and particularly important in the context of the export-led growth which is crucial to our economic recovery. In general, proposals for trade missions to be led at Ministerial level are submitted by Enterprise Ireland on the basis of the priority markets being targeted by their client companies.

Following the transfer of certain trade promotion functions to my Department from the Department of Jobs, Enterprise and Innovation, Enterprise Ireland now submits such proposals simultaneously to both me and the Minister for Jobs, Enterprise and Innovation, reflecting the close involvement of both our Departments in trade-related matters. The Export Trade Council, which I chair and which will hold its next meeting in February, will also consider the overall programme of trade missions in the context of our priority markets.

Both Minister Bruton and I are currently considering proposals from Enterprise Ireland for trade missions during 2012. My colleague, the Minister of State for Trade and Development, Joe Costello TD, and I, intend to be active in promoting trading opportunities both through specific missions proposed by Enterprise Ireland and in the course of other working visits abroad.

*Question No. 103 answered with Question No. 47.*

*Question No. 104 answered with Question No. 102.*

*Questions Nos. 105 and 106 answered with Question No. 71.*

*Question No. 107 answered with Question No. 47.*

### **Middle East Peace Process**

108. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has made any contact with the Prime Minister or President of Israel. [2455/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have not been in contact with President Peres or Prime Minister Netanyahu since I took up office. I intend to visit Israel and the Occupied Palestinian Territories at the end of this month. I expect to meet with Foreign Minister Liberman, with whom I have already had contact, and I would hope also to be able to meet with Prime Minister Netanyahu.

### **Global Economic Forum**

109. **Deputy Seán Ó Fearghail** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends to publish a review of the Second Global Economic Forum held at Dublin Castle; when any such report will be published; and if he will make a statement on the matter. [2519/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The formal report of the Forum which includes full details of the outcomes of the working groups that took place during the event was published on 24 November, 2011 and can be viewed on the Forum's website — [www.globalirishforum.ie](http://www.globalirishforum.ie). The Forum was a very positive and successful

event that has contributed in a significant way to our economic recovery, to further enhancing our strategic relationship with leading members of our Diaspora and to projecting a positive image of Ireland abroad.

Having reviewed the outcomes of the Forum, the Government has endorsed 12 initiatives identified in the Report which will be prioritised for action between now and March 2012. The Taoiseach undertook to provide Forum participants with an update on progress on these initiatives by St Patrick's Day 2012. Updates will also be published on the website.

### **Diplomatic Representation**

110. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has had meetings with the US ambassador or any US official regarding the decision to close the embassy in Iran and that no pressure in this regard has been exerted by the EU European External Action Service; and his views that significant opportunities for trade with Iran exist, particularly for the construction and food processing industries but are constrained by the fact that Irish foreign policy is subservient to US and EU policy in relation to Iran. [2564/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As I have previously reported to this House, including in my reply to Parliamentary Question 15 on 10 November, the decision to close the Irish Embassy in Iran was taken following a review of overseas missions carried out by the Department of Foreign Affairs and Trade which gave particular attention to the economic return from bilateral missions. We experienced no pressure from any third country to close our Embassy in Tehran and I had no meetings with the representative of any foreign government on the matter. In light of the current pressures on public finances, the Government decided that the low volume of trade over a prolonged period did not justify maintaining a full diplomatic Mission in Tehran. Ireland will continue to have full diplomatic relations with Iran and the Government intends to seek the appointment of a non-resident Ambassador. The Government remains committed to maintaining and developing our relations with Iran including, to the extent that it may be possible, in the economic area. I can again confirm that there were absolutely no other factors taken into consideration in the Government's decision to close the Embassy in Tehran or any other overseas mission.

### **Foreign Conflicts**

111. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will oppose any UN or EU external action proposed for a no-fly zone over Syria. [2587/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There is no serious proposal at UN or EU level for a no-fly zone over Syria at present and it is very unlikely that one will emerge given that there is considerable resistance, not least within the ranks of the Syrian opposition and within the region, to any idea of outside intervention in Syria. Any no-fly zone in any case could only be authorised or properly mandated through a UN Security Council Resolution and there is no prospect of this at present, given clear Russian and Chinese opposition to such a step or any idea of external intervention in Syria. Any proposal to establish a no-fly zone would also have to be endorsed by the Arab League and by Turkey. As I have outlined in replies to a number of oral Parliamentary Questions today, the focus of this Government and the international community has been on increasing diplomatic and political pressure on the Assad regime to halt its violence and repression. In this context, the EU, the UN, the Arab League and other partners, have reacted to the violence in Syria with a series of robust economic, political and diplomatic measures to compel the Syrian regime

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to cease its appalling and unacceptable attacks on the Syrian people. This includes several rounds of EU sanctions, most recently on 1 December.

The Government, together with its EU partners, particularly welcomes the leadership which has been shown by the Arab League which has brought forward a plan which provides for the withdrawal of all Syrian forces from besieged towns and cities, the release of all detainees, unrestricted access for international media, observers and aid workers, and for the beginning of genuine political dialogue with the Syrian opposition. This plan represents the best way forward for Syria and it is vital that the Assad regime complies fully and without any further delay. I support the Arab League plan to continue its monitoring mission until 19 January and strongly condemn the attack against a group of monitors in Latakia. A frank assessment of the situation will be necessary in the near future about whether the monitoring mission is contributing in the way it should to ending the violence against civilians.

The international community is determined to maintain strong and united political and economic pressure on the Syrian regime until it ends the violent repression against its own people and begins a process of transition.

*Questions Nos. 112 and 113 answered with Question No. 47.*

### **EU Enlargement**

114. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the position in the matter of European enlargement and-or consolidation; and if he will make a statement on the matter. [2597/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The December General Affairs Council and the European Council considered the recommendations contained in the European Commission's Enlargement Strategy 2012 and Progress Reports, and adopted Conclusions on same. The Councils' saw important progress made on the EU enlargement portfolio. The Conclusions adopted highlighted, in particular, the transformative power of enlargement which helps generate far-reaching political and economic reform in the enlargement countries that in turn benefits the EU as a whole. They also noted that enlargement continues to reinforce peace, democracy and stability in Europe.

Of particular significance was the signature of the Accession Treaty with Croatia by the Heads of State or Government on 9 December and confirmation of an Accession date of 1 July 2013. With the signature of the Treaty, Croatia becomes an Acceding State, with interim privileges such as the right to attend Council meetings as an observer, until accession makes it a full member State. The Ratification process has now begun and Croatia is due to hold a referendum on EU membership on 22 January 2012. Croatia's progress towards full membership is a clear signal to other countries in the Balkans with a European Union vocation that the aspiration to membership can be realised. There are two countries currently negotiating for EU membership: Iceland and Turkey. Iceland continues to make good progress given its close alignment with much of the EU *acquis* due its membership of the EEA and Schengen. Its progress was commended by the Council. The Intergovernmental Conference with Iceland, held on 12 December 2011, saw a further five chapters opened, with four of these provisionally closed. 11 chapters out of 35 have now been opened with Iceland with 8 of these provisionally closed.

While no new chapters were opened with Turkey in 2011, the country is proceeding with reforms and the government plans a new Constitution, in part to bring it more in line with EU standards. The immediate prospect for further chapters to be opened is dependent on reforms

which Turkey is required to carry out. Of course, Turkey's continued refusal to fulfil the terms of the Ankara Protocol and normalise relations with Cyprus remains a serious concern and a brake on progress in the accession negotiations.

The European Council also considered the Commission's opinion on Serbia's membership application which recommended that "the Council should grant Serbia the status of Candidate country taking into account progress achieved so far and on the understanding that Serbia re-engages in the dialogue with Kosovo and is moving swiftly to the implementation in good faith of agreements reached to date". However, the European Council deferred a decision on granting Serbia Candidate status to the February General Affairs Council and the March European Council, pending further progress on the Belgrade-Pristina dialogue.

A decision on whether to open enlargement negotiations with Montenegro, as recommended by the Commission, was similarly deferred to allow for the Commission to report on rule of law issues "with a view to opening accession negotiations in June". In the meantime, it was agreed to proceed with the drafting of a negotiating framework. Montenegro was granted Candidate status in December 2010 but the opening of negotiations was delayed until it was deemed to have made sufficient progress on seven key priorities identified by the Commission.

The other official Candidate is Macedonia, which was granted Candidate Status in 2005 (at the same time as Croatia and Turkey) but with whom negotiations have yet to open in the absence of progress on the name issue with Greece. The Council welcomed the progress made by Macedonia in key reform areas but noted that further efforts were needed in a number of areas, including the safeguard of fundamental rights and freedom of expression.

### **Overseas Development Aid**

115. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the full extent of the support offered through the medium of international aid to the persons of Haiti in the aftermath of the earthquake; the degree to which commitments entered into have been delivered; the full extent of the rehousing programme and social economic rehabilitation to date; and if he will make a statement on the matter. [2598/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** The devastating earthquake which struck Haiti on 12 January 2010 killed more than 230,000 people and injured 300,000 others. The earthquake destroyed much of Port-au-Prince and the surrounding areas, left approximately 1.5 million people homeless and caused losses and damage estimated at approximately €5.9 billion.

Two years on, a massive and sustained humanitarian operation has yielded remarkable results. Almost a million people have moved from camps to homes. Under extremely challenging conditions, five million cubic metres of debris have been removed — half of the amount generated by the earthquake. 400,000 houses have been inspected for damage, and shelters have been provided for 420,000 people. Schools and hospitals have been rebuilt, and more children are being educated today than before the earthquake. These are significant achievements that should be recognised and fully acknowledged.

While it is important now to focus on longer-term development, we should remember that the humanitarian crisis in Haiti is not yet over. More than 500,000 people still live in camps, and a cholera epidemic continues to claim lives. The underlying structural challenges, including under-development and governance, also need to be addressed as we move from crisis to recovery.

Large-scale investment will therefore continue to be required in order to provide immediate relief and to rebuild housing, revitalize urban planning, reconstitute destroyed communities

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and develop new communities. While US \$4.5 billion worth of assistance has been pledged by the international community, UN figures indicate that only US \$2.38 billion of this has actually been disbursed to date. We will therefore continue to urge other donors to act on their commitments and to provide long-term, coordinated and predictable funding to help move Haiti from crisis to recovery.

For our part, we in Ireland have worked hard to meet our own commitments to the people of Haiti. Some 90% — or €11.5 million — of the €13 million pledged at the Haiti Donor Conference in New York in March 2010 has now been committed. We intend to meet our entire pledge in the coming months.

Irish funding has prioritised the needs of the most vulnerable populations, including women and children as well as the basic humanitarian needs of the population more generally. Support has been provided to UNICEF, Concern, Goal, Plan, World Vision and Haven in 2010 and 2011 for the provision of clean water and sanitation, shelter and housing to the affected population.

€1 million was also provided to the Haiti Reconstruction Trust Fund for projects managed by the World Bank in line with priorities agreed with the Haitian authorities.

Since the earthquake, there have also been 18 deployments of the Irish Aid-administered Rapid Response Corps to Haiti to assist in areas such as logistics, engineering and water and sanitation. Volunteers have deployed to work with organisations such as the UN World Food Programme (WFP), Concern Worldwide, Goal and the UN Office for the Coordination of Humanitarian Affairs (OCHA).

### **Foreign Conflicts**

116. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he and his EU and UN colleagues continue to monitor the stabilisation of the western Balkans with particular reference to the need to focus on stability in the region as a prelude to ongoing peace and prosperity throughout Europe in general; and if he will make a statement on the matter. [2599/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The UN and the EU maintain a number of Missions whose mandates include the monitoring of the situation in the Western Balkans.

In Kosovo, these include UN Interim Administration Mission in Kosovo (UNMIK), the EU Rule of Law Mission (EULEX Kosovo), and the UN mandated NATO-led Kosovo Force (KFOR). Eight members of An Garda Síochána serve with EULEX Kosovo, while the Department of Foreign Affairs and Trade has deployed two individuals to senior positions within the Mission. Ireland currently contributes 12 Defence Forces personnel to KFOR. In Bosnia and Herzegovina, both main international peace operations are from the European Union: the military stabilisation Operation Althea and the European Union Police Reform Mission (EUPM BiH). One member of An Garda Síochána and one civilian deployed by the Department of Foreign Affairs and Trade are currently serving with EUPM BiH. Seven members of the Defence Forces are presently deployed to EUFOR Althea.

These Missions are integral to the stability of the region and are complementary to ongoing EU-related reforms, particularly in the context of enlargement. The Commission's Enlargement Strategy for 2012 adopted the theme of 'transformation', encapsulating an enlargement process which helps countries transform into modern, dynamic societies upholding and promoting European values and ideals.

Ireland has supported, and will continue to support, the enlargement process as a significant force for change in the Western Balkan region which can bring about lasting and sustainable peace and prosperity.

Croatia's success (the Croatian Accession Treaty was signed in December last year and, following ratification, is set to enter into force on 1 July 2013) has given a boost to the prospects of the other Western Balkans countries. While the December European Council deferred taking a decision on the granting of candidate status to Serbia until the Council in March this year (when its application will be considered again), we trust that reforms that have been implemented by Belgrade will be sufficient to overcome any lingering concerns. A decision to open enlargement negotiations with Montenegro, a Candidate since 2010, has been deferred until June, but work will start in the meantime on drafting a negotiating framework. Macedonia was granted candidate status in 2005, but the opening of negotiations has not been possible in the absence of a resolution to the name issue.

There are a further three countries in the Western Balkans which are regarded as potential EU candidates (Albania, Kosovo and Bosnia & Herzegovina) and progress towards achieving candidate status will be according to a country's own merits and track record in implementing Stabilisation and Association Agreement obligations.

### **Overseas Development Aid**

117. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline the ongoing situation in the Horn of Africa with particular reference to war, famine, starvation, human rights, ethnic cleansing and genocide; the extent to which the international community is bringing positive pressure to bear on the issues; and if he will make a statement on the matter. [2600/12]

119. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the degree to which overseas development aid continues to be required at previously identified locations throughout the world; the extent of the new demands that have presented in the past 12 months; the degree to which the international community is collectively responding; and if he will make a statement on the matter. [2603/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** I propose to take Questions Nos. 117 and 119 together.

During 2011 many countries, particularly those in Africa, continued to face significant developmental and humanitarian challenges. Global turbulence, such as the continuing financial and economic crisis and volatile food prices, had a major impact on food security. Ongoing and protracted conflicts caused untold suffering for millions of people. At the same time, millions more continued to live with the effects of natural disasters and their legacies.

In many instances, people already affected by crises faced additional threats, with their livelihoods made more insecure by the effects of climate change. An earthquake in Japan demonstrated that even high-income countries with sophisticated preparedness mechanisms in place can still fall victim to disaster. Elsewhere in 2011, contested elections in Côte d'Ivoire led to countrywide violence and needless death and destruction. The birth of a new country in South Sudan, the UN's newest member, was a milestone and largely peaceful, but followed by some violence and displacement. Instances of cholera spread across large swathes of Central Africa and to Haiti, the poorest country in the western hemisphere, and already struggling to overcome the devastating 2010 earthquake. Meanwhile, massive flooding led to further suffering and loss in Pakistan, Colombia, Thailand, the Philippines and much of Central America. In the

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Sahel region of western Africa, indicators at the end of last year were already pointing to alarming levels of food shortages and a potential crisis ahead.

Tackling such challenges is not easy. Indeed, the situation in many countries remains fragile and some of those receiving help today will continue to require assistance in the years ahead. Meeting these demands requires not only an effective humanitarian and emergency response: it also means preparing for new crises, building resilience and working with development actors to address the underlying causes of conflict and disaster. It is tackling these challenges, comprehensively, coherently and effectively that has gained Ireland its international reputation in the field of development cooperation and humanitarian endeavour.

Confronting these difficulties also requires financial commitment — and I am proud to say that the Ireland has played its part in this regard, through the provision of over €66 million in official emergency, humanitarian or recovery-related funding and direct assistance in 2011 as a key part of our projected overall development assistance outturn of €659 million. While total figures for humanitarian aid provided by other donors in 2011 are not yet available, the UN said late last year that it expected to match the contribution of over US \$7 billion made in 2010 to its Consolidated Appeals Process, which benefitted over 380 humanitarian organisations in 27 countries and helped 55 million people.

Perhaps no region better illustrates the scale of the challenges involved than the Horn of Africa, where ongoing drought in 2011 left 12 million people in desperate need of assistance. The epicentre of the crisis continues to be felt today in conflict-ridden Somalia, where 250,000 people are estimated by the UN to be living in famine conditions. The overall situation in much of the south of the country remains dire and access and the delivery of humanitarian assistance remains hugely problematic, with Al Shabaab revoking the operations of a number of humanitarian organisations in areas under its control. Across the Somali border however, a much more positive picture is already emerging in Ethiopia and Kenya; two countries whose authorities have worked hard over many years to build resilience and enhance the coping mechanisms of those vulnerable to external shocks or disasters. Thanks in part to support from Ireland, instruments such as Ethiopia's Productive Safety Nets Programme, have already saved many hundreds of thousands of lives from the worst effects of this crisis.

For its part, the Government remains actively involved at EU and international level in pushing for a strongly coordinated approach to the humanitarian crisis in the region. I particularly look forward to my own upcoming visit to Ethiopia, where I will have the opportunity to discuss some of the issues involved and to exchange views on ways in which we can ensure sustainable long-term food security across the region as a whole. In this context, I can assure the Deputy that we will continue to call on the international community to increase its efforts in the period ahead.

Finally, at a national level, total Irish Aid funding allocated towards the relief effort in the Horn now stands at almost €12 million and will reach at least €20 million by the end of this year.

*Question No. 118 answered with Question No. 57.*

*Question No. 119 answered with Question No. 117.*

120. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which he has identified or prioritised the locations to which Irish bilateral or multilateral aid should be focused both directly and through non-governmental organisations; and if he will make a statement on the matter. [2604/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** As Minister of State with responsibility for the development programme, I am very conscious of the need to ensure that development aid reaches the areas or locations of greatest need and that it makes a real difference there. Our aid programme has an international reputation for its quality, its effectiveness and for making a real difference in the lives of millions of poor people.

All Government funding for overseas development assistance is strongly linked to the objectives outlined in the White Paper on Irish Aid. To ensure this is effectively delivered to those most in need in developing countries, we work in partnership with Governments, local communities, Non Governmental Organisations, and key multilateral partners such as the United Nations and the European Union.

The White Paper is very clear that the Irish Aid programme focuses its work on the least developed countries of sub-Saharan Africa, and, in particular, on the poorest and most vulnerable within those countries. Over 70 per cent of assistance goes to sub-Saharan Africa. It aims to build capacity in our priority countries to deliver essential services such as education, health and social protection. It aims to provide these services within a framework of good governance and respect for human rights. Through our programmes of development cooperation Ireland is assisting in putting in place the foundations of a sustainable and prosperous future in Africa, when development assistance will no longer be necessary and where our relations will be informed by mutual interests and good relations.

### **Foreign Conflicts**

121. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the situation in Burma continues to be positively monitored by the international community; and if he will make a statement on the matter. [2605/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government remains closely engaged at both European Union and international level in monitoring the situation in Burma and in supporting the Burmese people in their struggle for democracy and human rights. The European Union has maintained sanctions against the Burmese regime since 2006. The decision to impose sanctions was made in response to reports of systematic and gross violations of human and political rights by the regime against the Burmese people and ethnic minorities.

In the April 2011 session of the Foreign Affairs Council, Ministers renewed sanctions against Burma for a further twelve months. This was done in light of the deeply flawed elections of November 2010 and the continuing flagrant violations of human rights in Burma.

In renewing sanctions, Ministers reiterated their commitment to the people of Burma and demanded the release of all political prisoners and respect for human rights and fundamental freedoms in Burma.

While Ireland is a strong supporter of maintaining sanctions until genuine progress on human rights and political reform takes place, we do not view sanctions as an end in themselves. We have been encouraged by recent movements including the opening of dialogue between the Burmese Government and Aung San Suu Kyi as well as approval of the registration of her political party, the National League for Democracy. We also view positively the negotiation of a cease-fire deal between the Burmese Government and ethnic rebels, the recent visits to Burma of US Secretary of State Hillary Clinton, and British Foreign Secretary William Hague, and the reported release last week of a significant number of Burmese political prisoners.

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Ireland and our international partners will be following developments in Burma over the coming months and, in particular, will pay close attention to April's by-elections in which Aung San Suu Kyi is intending to stand.

The European Union remains ready to respond positively to genuine progress towards democratisation and respect for human rights.

### **Export Markets**

122. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the degree to which new markets have been identified with the likelihood of greater potential for the future; and if he will make a statement on the matter. [2607/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As a small, open economy with relatively modest levels of domestic demand, Ireland is reliant on trade. *Trading and Investing in a Smart Economy*, the Government's Trade Strategy and Action Plan for the integrated promotion of overseas trade, tourism and investment, seeks to build on our strengths in existing markets and develop exports and tourism in emerging economies. The UK, USA and our Eurozone partners continue to be key markets for Ireland given our strong knowledge and understanding of these markets and the embedded relationships that include historical and cultural linkages. However, the Government is of course fully committed to developing and expanding engagement with key high potential markets, such as the so called BRIC countries — Brazil, Russia, India and China. We are already increasing our trade footprint in these markets. In the four years between 2006 and 2010 our Merchandise Exports to them have increased by 69% and our Services Exports by an even more impressive 130%. I am confident that a range of trade mission during the year ahead will help to build on the progress already achieved in these and other markets.

Local market teams chaired by the local Ambassador or Consul General and comprising representatives of the locally based State Agencies have been established in all of the priority markets, both established and new, identified in the Trade Strategy. These teams prepare detailed annual market plans and report on progress to the Export Trade Council, which I have established to monitor implementation of our Trade Strategy. It is my intention to hold the next meeting of the Export Trade Council next month when the Council will have the opportunity to review local market plans for 2012 as well as progress reports for 2011.

### **Middle East Peace Process**

123. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which, through the influence of the EU and UN, he can continue to positively affect issues in the Middle East; and if he will make a statement on the matter. [2608/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I accord a high priority to the resolution of the conflict in the Middle East. I will continue to do all I can to support and encourage both Israelis and Palestinians to work actively to achieve this, and this will be a key feature of my intended visit to the region later this month. I will also continue to urge a stronger involvement by the EU, the Quartet and other parties. The extent to which progress is made will of course depend on the strength of engagement by the international community as a whole, and above all on the genuine commitment of the parties to the conflict to the steps and risks necessary to bring it to an end.

### Human Rights Issues

124. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the degree to which human rights and other issues in Iran continue to be the focus at EU and UN level; and if he will make a statement on the matter. [2609/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As I have previously stated, the human rights situation in Iran is profoundly disturbing, and the period since the Presidential election of 2009 has been characterised by an intensification of human rights abuses on many fronts. I am particularly disturbed by the increase in the number of executions in Iran last year. Hundreds of individuals were executed in 2011 after unfair trials, without the right of appeal and for offences which according to international standards should not result in capital punishment. I strongly condemn the continuing imposition of the death penalty against minors in violation of Iran's obligations under the Convention on the Rights of the Child, such as the public execution by hanging of Alireza Molla Soltani in September last year.

A further disturbing trend is the practice of secret executions in Iran which has been highlighted by the UN Special Rapporteur on the situation of human rights in Iran. In his most recent report to the General Assembly, the Special Rapporteur expressed his concern that the death penalty is regularly used in cases where due process rights were denied to the accused and that secret group executions inside prisons reportedly occur in alarmingly high numbers without the knowledge and presence of families and lawyers. I share his concerns regarding secret executions and also the widespread use of the death penalty for drug related offences in Iran.

EU High Representative Ashton, in a statement issued on 5 January, expressed her concern regarding the worrying increase in executions in Iran last year contrary to the worldwide trend towards the abolition of the death penalty. I fully support her call on Iran to halt the execution of Sakineh Ashtiani and Pastor Yousef Nadarkhani and all pending executions and introduce a moratorium on the death penalty.

I reiterate my call upon the government of Iran to respect fully its obligations under international human rights instruments. We have seen the continued repression of civil and political rights in Iran, including in relation to freedom of expression and assembly, arbitrary arrest and torture in detention. This highly targeted repression has been particularly stringent against not only academics but also members of Iran's religious and ethnic minorities, political activists, journalists and bloggers, human rights defenders and members of the legal profession in Iran who represent clients detained by the authorities. These actions are in clear violation of Iran's international obligations under the International Covenant for Civil and Political Rights, of which Iran is a signatory.

I fully support the strong Conclusions on human rights in Iran issued by the Foreign Affairs Council on 10 October last year. The EU has repeatedly raised human rights issues in Iran with the Iranian authorities and adopted a travel ban and asset freeze against those responsible for grave human rights violations in April last year, further extended to additional persons last October. This sends an important political signal to those in the judicial system and elsewhere in the Iranian regime who perpetrate human rights abuses. Ireland will continue to be active at EU level in pressing for stronger EU action in relation to the human rights situation in Iran.

At UN level, Ireland co-sponsored a General Assembly resolution in October last year expressing the international community's deep concern at the human rights situation in Iran, and calling upon the Government of Iran to take a number of specific and urgent steps to

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improve the situation, including providing unfettered access to the Special Rapporteur appointed last year to examine Iran's human rights situation.

At a bilateral level, my Department engages in ongoing dialogue with the Iranian Ambassador and his Embassy on these issues. My officials regularly hold meetings with the Ambassador to convey our grave concerns at the human rights situation in Iran. Ireland will continue to raise human rights in Iran, bilaterally and at the EU and UN, at all appropriate occasions.

### **Fiscal Policy**

125. **Deputy Brendan Griffin** asked the Minister for Finance if he will make efforts to secure sustainable access to capital that would enable a comprehensive stimulus package to be provided for the economy, to help persons return to work and secure growth of the economy; and if he will make a statement on the matter. [1889/12]

**Minister for Finance (Deputy Michael Noonan):** I understand that the Deputy is referring to the possibility of securing private capital, both from home and abroad, to establish a fund which would help stimulate growth and provide jobs. As previously outlined in my reply to the Deputy on 11 January, one of the primary avenues the Government has used to explore such possibilities is through the Global Irish Economic Forum. The first Global Irish Economic Forum brought together 130 globally connected Irish business leaders to explore how the Irish at home and abroad, and those with a strong interest in Ireland, could work together and contribute to our economic recovery.

In early 2010, the Global Irish Network was launched and now comprises over 300 of the most influential Irish and Irish-connected individuals abroad. Members of the Network, who come from a diversity of fields and are based in almost 40 countries, provide Ireland with an invaluable resource of international expertise from which we can draw as we work towards economic recovery.

As the Deputy may be aware, the Government was determined that the Global Irish Economic Forum in 2011 would have concrete outcomes. I, along with the Taoiseach, Tánaiste and other Ministers participated fully in discussions. The report of the Forum confirms that there was an overwhelmingly positive response from Forum participants when requested to be part of the implementation of some of the initiatives identified at the forum. In particular, participants committed to providing internships for graduates in their companies, mentoring start-up companies, communicating positive messages about Ireland and using their influence to harness positive media coverage of Ireland, and participating in a financing project for Irish start-up companies. I am aware that the Department of Foreign Affairs & Trade is in contact with these participants to move this process along.

An additional priority of this government has been to incentivise foreign-based entrepreneurs and venture capitalists to place their investments in Ireland. With this in mind, Budget 2012 included an extension of the three year tax Relief for start-up companies and enhancements to Ireland's attractive R&D tax credit regime. As the Deputy will also be aware, the establishment of NewERA and the Strategic Investment Fund within the National Treasury Management Agency (NTMA), which the Government announced last September, is a major initiative in this sphere.

The Strategic Investment Fund, will, following appropriate legislative changes to the investment policy of the National Pensions Reserve Fund (NPRF), channel commercial investment from the NPRF towards productive investment in the Irish economy. As well as money from the NPRF, the Fund will seek matching commercial investment from private investors and

target investment in areas of strategic significance to the future of the Irish economy. It will comprise a series of sub-funds targeted at commercial investment in critical areas of the Irish economy, including infrastructure, venture capital and provision of long-term capital for SMEs. The NPRF will take a lead role in the development and implementation of each sub-fund.

In November 2011, the NPRF announced a significant commitment of €250 million to a new Irish infrastructure fund (the “Irish Infrastructure Trust”). This fund will seek to invest in assets designated for disposal by the Government and commercial State enterprises and also in new infrastructure projects in Ireland. The new fund, which will be an important source of new capital for infrastructure investment in Ireland, has been established by Irish Life Investment Managers while AMP Capital, a leading global infrastructure manager, will be the fund’s discretionary investment manager. The fund is seeking commitments of up to €1 billion from institutional investors in Ireland and overseas and has already received commitments of €300 million, including the NPRF’s €250 million.

Finally, the Government is currently finalising a comprehensive Action Plan for Jobs which will set out further measures to be taken in 2012 to support job creation. The Action Plan will be published in the coming weeks. Following on from the Jobs Initiative, the broad range of policy measures in this area is testament to the focus that this Government places on returning sustainable growth to the economy and in so doing, putting people back to work.

### Copyright Law

126. **Deputy Maureen O’Sullivan** asked the Minister for Finance his plans regarding protecting the integrity of Amhrán na bhFiann in view of the fact that the copyright of the English language version has expired; if he will confirm which version is considered the official anthem; with whom the copyright of the Irish language version rests at this point; and if he will make a statement on the matter. [1892/12]

**Minister for Finance (Deputy Michael Noonan):** In response to the Deputy’s question I can confirm that copyright protection in relation to the National Anthem will run out in December 2012. The main purpose of ownership by the State of the copyright to the original version of the National Anthem was to ensure that it was freely available for general use. The situation will remain unchanged on the expiry of copyright. Records show that the acquisition of the copyright protection of the National Anthem relates to the music and English text. The State does not hold copyright of the Irish language version of the Anthem. The Irish version of the Anthem that is accepted as being the official translated version of the Anthem is the one that was written by Liam Ó Rinn perhaps as early as 1917. A copy of this version can be found on the Department of the Taoiseach’s website.

### Tax Code

127. **Deputy Finian McGrath** asked the Minister for Finance the ruling under which various utilities suppliers are now permitted to charge VAT on the whole bill including the carbon tax. [1899/12]

**Minister for Finance (Deputy Michael Noonan):** The amount on which VAT is chargeable, in accordance with section 37(1) of the Value-Added Tax Consolidation Act 2010, is the total consideration receivable by the supplier, “including all taxes, commissions, costs and charges whatsoever” but not including the VAT itself. VAT is governed by the EU VAT Directive, with which Irish VAT law must comply. Article 78 of the VAT Directive provides that the taxable amount shall include “taxes, duties, levies and charges, excluding the VAT itself”.

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In this respect, where a supply of service, such as a utility bill, includes carbon tax, VAT law dictates that VAT should be calculated on the carbon tax element of the charge as well as the charge for the service. The same situation applies in the case of other excises, including for example excises on petrol, auto-diesel, tobacco and alcohol products.

Guidance in relation to the VAT treatment of the total consideration receivable by a supplier is set out in the *VAT Guide*. This publication is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

128. **Deputy Peter Mathews** asked the Minister for Finance if a person (details supplied) in Dublin 16 owes the Revenue Commissioners any money; and if he will make a statement on the matter. [1978/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that, having reviewed the circumstances of the person in question, they have arranged for the issue of an amended certificate of tax credits for the year 2012 which will reflect the correct DSP pension that is payable in respect of the person and his spouse and allocate the correct amount of tax credits due to the person. I understand that Revenue has contacted the person concerned on the matter.

### Tax Collection

129. **Deputy Terence Flanagan** asked the Minister for Finance if he will advise as to when he first heard about pension tax liabilities (details supplied); and if he will make a statement on the matter. [1995/12]

131. **Deputy Simon Harris** asked the Minister for Finance the amount of money the Revenue Commissioners aim to recoup to the Exchequer from the cross-sharing of information between the Departments of Finance and Social Protection which resulted in 150,000 pensioners receiving letters from the Revenue Commissioners last week stating that they were not tax compliant; and if he will make a statement on the matter. [2016/12]

140. **Deputy Michael Lowry** asked the Minister for Finance if he will confirm the social protection payments that are considered as earnings for tax purposes and on which an individual may be liable for tax if receiving income from any other source; and if it is the intention of the Revenue Commissioners to pursue these social welfare recipients for tax on these payments. [2145/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 129, 131 and 140 together.

I am informed by the Revenue Commissioners that the data in question was supplied by the DSP to Revenue and at the end of November 2011, Revenue advised my Department that the aggregate amount of additional tax likely to be collected from the exchange of pensions data from the DSP to Revenue and other compliance activities with the DSP was so material that we could factor it in to the Budget arithmetic and an estimated amount of €45 million for 2012 and €55 million for a full year was included in the Summary of 2012 Budget and Estimates Measures in that regard. I am further advised that until that relevant data is analysed in more detail, it is not possible to say how much will be recovered for the Exchequer.

I am informed by the Revenue Commissioners that the main Social Protection payments that are taxable include:

- State Pension (Contributory)
- State Pension (Non-Contributory)
- State Pension (Transition)
- Illness Benefit
- Invalidity Pension
- Occupational Injury Benefit
- Interim Disability Benefit
- Disablement Benefit (when payable in the form of pension rather than as a one off payment)
- Death Benefit Pension
- Widow/er's or Surviving Civil Partner's (Contributory) Pension
- Widow/er's or Surviving Civil Partner's (Non-Contributory) Pension
- Deserted Wife's Benefit
- Deserted Wife's Allowance
- Prisoner's Wife's Allowance
- One-Parent Family Payment (Unmarried parent, Separated Spouse, Prisoner's Spouse)
- Guardian's Payment (Contributory)
- Guardian's Payment (Non-Contributory)
- Carer's Allowance
- Carer's Benefit
- Jobseeker's Benefit and Short-Term Enterprise Allowance, excluding Jobseeker's Benefit paid to systematic short-term workers.
- Unemployability Supplement (payable with Disablement Pension)
- Blind Pension
- Constant Attendance Allowance (payable with Disablement Pension).

In the case of illness benefit, interim disability benefit and occupational injury benefit any child dependent element is exempt from tax. Up to and including the 2011 tax year the first 36 days injury benefit, interim disability benefit and occupational injury benefit were exempt from tax. However, with effect from 1 January 2012 this exemption no longer applies to interim disability benefit and occupational injury benefit. The first €13 per week of jobseeker's benefit and short-term enterprise allowance is exempt from tax.

Regarding this issue of the pursuit of back tax on the payment details recently provided to Revenue by the DSP, I am informed by the Revenue Commissioners that their normal

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approach to compliance is to put the right arrangements in place on a current year basis and to focus the attention of compliance staff on the cases which represent the greatest risk. By law, Revenue cannot go back more than four years except in cases where fraud or negligence is involved.

I am further informed that as part of Revenue's day-to-day compliance strategy they regularly take a group of cases, analyse them and on the basis of that analysis devise a policy for other cases in the same sector. Revenue's approach in these DSP pension cases will be no different. Accordingly, as soon as possible Revenue will examine in detail the 2,500 largest cases where there is a mismatch between Revenue's own records and the DSP record, and where there is non-DSP income of €50,000 or more. In addition, they will be examining the nature of the information continuing to be received from those pensioners who are contacting Revenue. This analysis will inform their approach to this project thereafter.

### Tax Code

130. **Deputy Kevin Humphreys** asked the Minister for Finance the charges, duties or taxes that are applied to UK publications such as newspapers, magazines or periodicals on sale here; and if he will make a statement on the matter. [2009/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the supply of printed material, including UK publications, is liable to VAT. The general position is that books are zero-rated, newspapers and periodicals are subject to VAT at the reduced rate (currently 9%) and stationery and other printed material are liable at the standard rate (currently 23%).

*Question No. 131 answered with Question No. 129.*

### Departmental Staff

132. **Deputy Simon Harris** asked the Minister for Finance the number of additional staff that have been assigned to the telephone helpline established by the Revenue Commissioners and Department of Finance to deal with the concerns of the 150,000 pensioners who recently received letters from the Revenue Commissioners stating that they were not tax compliant; and if he will make a statement on the matter. [2017/12]

133. **Deputy Simon Harris** asked the Minister for Finance the number of calls that have been received by the telephone helpline established by the Revenue Commissioners and Department of Finance to deal with the concerns of the 150,000 pensioners who recently received a letter from the Revenue Commissioners stating that they were not tax compliant; and if he will make a statement on the matter. [2018/12]

146. **Deputy Ciarán Lynch** asked the Minister for Finance the overtime costs that were incurred and the number of staff involved in dealing with client queries over the weekend following the letter issued by Revenue regarding the taxation of pensions; and if he will make a statement on the matter. [2297/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 132, 133 and 146 together.

I am advised by the Revenue Commissioners that the telephone calls resulting from the issuing of letters to pensioners following the updating of DSP pension information onto Revenue's records are being handled through the Commissioners general PAYE lo-call tele-

phone service. The number of staff engaged on PAYE telephone duties varies over the course of the year in response to the levels of customer contacts and at this time of the year, normally, some 100 members of staff nationally are deployed to handle telephone contacts.

Over the period Thursday 5 January 2012 to Wednesday 11 January 2012, up to 180 members of staff were involved in call answering duties each day on the PAYE lo-call service. In addition, in response to the high volume of telephone contacts from pensioners the PAYE lo-call service opened especially on Saturday 7 January and some 200 staff members attended for telephone duty that day. Regarding the overtime cost attributable to staff attendance for the exceptional opening of Revenue's lo-call service on Saturday 7 January, I am advised by the Revenue Commissioners that it will not be possible to give a precise figure for the cost involved until the overtime claims from the staff in question are submitted and paid. This normally takes some weeks from the date of the overtime.

I am further informed by the Revenue Commissioners that for the period from Thursday 5 January 2012 to Wednesday 11 January 2012 (inclusive), some 52,000 calls were answered nationally by Revenue's lo-call telephone service. This number includes calls that did not relate to the letters issued following the updating of DSP pension information onto Revenue's records and it is not possible to distinguish between these call types.

The Revenue Commissioners also advise that the average waiting time for a call to be answered was 12 minutes during the special opening on Saturday 7 January and that average wait time had fallen to well under 5 minutes by Friday 13 January 2012.

### Departmental Bodies

134. **Deputy Sean Fleming** asked the Minister for Finance if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2075/12]

**Minister for Finance (Deputy Michael Noonan):** In the timeframe allowed, it has not been possible to collate the information requested. However, as soon as the information for my Department and bodies under my aegis has been collated, it will be forwarded to the Deputy directly.

### Departmental Staff

135. **Deputy Sean Fleming** asked the Minister for Finance the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2091/12]

**Minister for Finance (Deputy Michael Noonan):** In the time allowed, it has not been possible to collate the information in respect of each organisation under the auspices of the Department of Finance. The details in respect of my Department are outlined in the following table.

Number of staff who retired in 2011	Total cost of lump sums	Estimated pension costs in 2012 (gross)
20	€2,178,230.59	€719,662.25

### Tax Code

136. **Deputy John McGuinness** asked the Minister for Finance if the detail of a letter issued by the Revenue Commissioners to a person (details supplied) in County Kilkenny will be reviewed and explained in view of the fact that their only income is a State non-contributory pension. [2119/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that letters regarding the taxation of State pensions issued to all individuals in receipt of such pensions who were also on Revenue records as having another source of income. The letter was issued to the named individual as Revenue were not informed her other source of income had ceased. The named individual contacted Revenue on 9th January 2012 and her record has now been updated. The named individual has no tax liability.

### Tax Collection

137. **Deputy John McGuinness** asked the Minister for Finance further to correspondence from Revenue dated 30 December 2011 to a person (details supplied) in County Kilkenny, if he will confirm the amount or value which was understated; the amount of additional tax to be deducted in this case; the proposal as to the amount that will be deducted and the period involved; and if he will make a statement on the matter. [2123/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the amount by which the named individual's State pension was understated was €99. The additional tax to be deducted in 2012 amounts to €19.80. The named individual's Tax Credits for 2012 have been adjusted accordingly.

### Departmental Expenditure

138. **Deputy Brendan Smith** asked the Minister for Finance the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2134/12]

**Minister for Finance (Deputy Michael Noonan):** The following table details the budget and provisional outturn figures for my Department in 2011:

Subhead	Budget 2011 €'000	Provisional Outturn 2011 €'000
Salaries, Wages and Allowances	17,757	17,472
Travel & Subsistence	306	289
Incidental Expenses	797	666
Postal and Telecommunications Services	775	712
Office Machinery and Other Office Supplies	980	977
Office Premises Expenses	725	805
Consultancy Services	28	0
Committees and Commissions	365	353
Commissions & Special Inquiries	755	631
Fiscal Advisory Council	300	222
Consultancy Services	4,270	2,230
Gross Total	27,058	24,357

Subhead	Budget 2011 €'000	Provisional Outturn 2011 €'000
Appropriations-In-Aid	1,201	1,809
Net Total	25,857	22,548

### Tax Code

139. **Deputy Terence Flanagan** asked the Minister for Finance his views on a matter (details supplied) regarding the pension levy; and if he will make a statement on the matter. [2143/12]

**Minister for Finance (Deputy Michael Noonan):** The Jobs Initiative introduced last year brought forward a number of targeted sectoral measures and tax/PRSI changes designed to assist in employment generation, to provide opportunities for those who have lost their jobs and thus generate confidence in the economy. These included a new second reduced VAT rate of 9% aimed primarily at the tourism sector, a halving of the employers PRSI rate until 2013, small amounts of additional current and capital expenditure aimed primarily at “shovel-ready” projects and increasing the number of available educational, training and up-skilling places.

In order to fund the various measures, the Government introduced a temporary levy on funded pension schemes and personal pension plans. In 2011 this raised approximately €463 million. Over the 2011-2014 period the Jobs Initiative will be budgetary neutral. It is the case, however, that the pension levy was expected to generate a net gain to the Exchequer in 2011 as the yield was expected to more than offset the cost of the other measures introduced. The range of measures outlined in the Jobs Initiative are being or have already been put in place by the relevant implementing Department or agencies.

The Government is currently finalising a comprehensive Action Plan for Jobs which will set out further measures to be taken in 2012 to support job creation. This Action Plan, which complements last year’s Jobs Initiative, will be published in the coming weeks.

*Question No. 140 answered with Question No. 129.*

### Bank Deposits

141. **Deputy Peter Mathews** asked the Minister for Finance if he will indicate Irish private sector deposits broken down according to household deposits, non-financial corporate deposits, deposits from insurance corporations and pension funds or other financial intermediaries, for each month since January 2009 in tabular form; if he will provide a further breakdown in each of these categories showing the deposits that are overnight deposits, deposits that have an agreed maturity over two years, deposits that are redeemable at notice up to three months, deposits that are redeemable at notice over three months and repurchase agreements; and if he will make a statement on the matter. [2186/12]

**Minister for Finance (Deputy Michael Noonan):** According to the Central Bank of Ireland’s Money and Banking Statistics: Nov 2011, Irish private sector deposits stood at €183,660m in January 2009 and declined to €162,131m in November 2011, this being the latest available information. A breakdown of deposits in the requested categories can be found at <http://www.centralbank.ie/polstats/stats/cmab/documents/ie—table—a.11.1—deposits—from—irish—private—sector—sector—and—category.xls>.

### Tax Collection

142. **Deputy Maureen O’Sullivan** asked the Minister for Finance the number of pensioners who have recently been identified by the Revenue Commissioners as having previously underestimated tax liabilities, whose occupational pension source is the Paymaster General’s Office; and if he will make a statement on the matter. [2187/12]

**Minister for Finance (Deputy Michael Noonan):** The Paymaster General’s Office, which is part of my Department, makes payments to 24,764 pensioners on an agency basis for the Department of Public Expenditure and Reform, in the case of pensions charged to the Superannuation Vote or to the Central Fund, and for the Department of Education, in the case of retirees from the VECs whose pensions were formerly paid by the local authorities. At the start of each year, files of relevant information to enable the taxation of each pension for the new year are supplied electronically by the Revenue Commissioners and are uploaded electronically to the Paymaster General’s system. The basis of taxation for each pensioner is a matter for the pensioner/taxpayer concerned and the Revenue Commissioners, who may have had regard also to other sources of information.

Pension providers are only supplied with sufficient information to enable them to calculate the amount of tax due on pensions and are not privy to the details of the individual elements that make up a person’s tax credit and other entitlements which are confidential matters between Revenue and the pensioner. In the circumstances, the Paymaster General’s Office is not in a position to determine the basis for the taxation information supplied by Revenue.

### Banking Sector Regulation

143. **Deputy Kevin Humphreys** asked the Minister for Finance if his attention has been drawn to the fact that the Permanent TSB standard variable rate on a 25-year investment mortgage has increased from 3.84% in April 2009 to 6.84% today, while in the same period, the ECB rate dropped from 1.5% to 1%; if he agrees that these interest rate hikes will have an affect on the arrears or repossession rate and further cripple Irish financial institutions by making current loans unsustainable; if he has a strategy for addressing this problem; the details of that strategy; and if he will make a statement on the matter. [2205/12]

**Minister for Finance (Deputy Michael Noonan):** I am aware of the interest rates charged by Permanent TSB. However, the lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

I have no responsibility for any increases/decreases in the variable mortgage rates charged by Permanent TSB. However, the Central Bank has advised me that, within its existing powers and through the use of persuasion, it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds. They also advised me that they wrote to all lenders in October 2011 and asked them to consider the impact on arrears when considering any future interest rate increases.

The Deputy will be aware of the report of the Inter-Departmental Group on Mortgage Arrears which was published last October. The report sets out a number of recommendations to address the situation of those in mortgage arrears. The report stated that the issue of mortgage difficulty can only be addressed in an efficient way on a case by case basis. Arising from

the report, a number of developments are underway that will be of assistance to mortgage holders experiencing significant difficulty.

144. **Deputy Joe Higgins** asked the Minister for Finance the reason there is such a difference in variable interest rates between the State-owned AIB and Permanent TSB. [2211/12]

**Minister for Finance (Deputy Michael Noonan):** The lending institutions in Ireland, including those in which the State has a significant shareholding, are independent commercial entities. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

Neither the Central Bank nor I have any responsibility for any variation in the variable mortgage interest rates charged by the two institutions referred to by the Deputy. However, the Central Bank has advised me that, within its existing powers and through the use of persuasion, it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

### **Tax Reliefs**

145. **Deputy Heather Humphreys** asked the Minister for Finance when a person (details supplied) in County Monaghan will receive their stamp duty refund; and if he will make a statement on the matter. [2296/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that they are not in a position to provide a detailed reply on this matter within the timeframe for answering Parliamentary Questions. Accordingly, the Deputy will be contacted directly on this issue at an early date.

*Question No. 146 answered with Question No. 132.*

147. **Deputy Brendan Griffin** asked the Minister for Finance his views on a matter regarding mortgage interest relief in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2301/12]

**Minister for Finance (Deputy Michael Noonan):** The position is as I stated in my Budget speech, that the Government has now fulfilled its commitment contained in the Programme for Government to increase the rate of mortgage interest relief to 30 per cent for first-time buyers who took out their first mortgage in the period 2004 to 2008. I will be looking at the technical detail of the legislation in preparation for the Finance Bill and I will take the highlighted case into consideration in that regard.

### **Tax Code**

148. **Deputy Denis Naughten** asked the Minister for Finance if he is satisfied that Revenue informed all pensioners and their pension providers of the reduced aged tax credit for the 2011 tax year; when this information was provided to them; the steps taken by him and Revenue to bring attention to this change; the steps taken to date in 2012 by Revenue and him of the current changes; and if he will make a statement on the matter. [2317/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the Age Tax Credit was reduced in value in Budget 2011 from €325 (single persons/widowed person/surviving civil partner) and €650 (married couple/civil partners) in the

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year 2010 to €245 and €490 respectively in 2011, which are also the current rates. The Age Tax Credit can be claimed by anyone aged 65 years or over and in the case of married couples or those in a civil partnership, where one of the of the parties is aged 65 years or over. The Commissioners are fully satisfied that pension providers were, in mid-December 2010, notified of the reduction in the value of the tax credit in the Employer copy of the 2011 Tax Credit Certificate. A copy of the relevant Employer Tax Credit Certificate is sent to the pension provider for each pensioner in the various schemes under their administration.

As regards notifying the reduction in value of the credit to pensioners themselves, I am further advised that, as with any such changes, relevant information is put into the public domain at the time of the Budget and specifically, last year due to the changes in tax credit amounts announced in Budget 2011, at various times during the month of January 2011, Revenue conducted an information campaign, using various media, to inform taxpayers of all of these changes. This campaign included:—

- As part of the general issue of Employer Tax Credit Certificates to all employers, Revenue asked pension providers directly to encourage their pensioners to access the Revenue website for information on the Budget changes and how the tax credit and rate band changes would affect pension payments;
- Revenue developed an informational video that was available for viewing through the Revenue website to explain the PAYE changes including worked examples of the likely changes in pension payments for over 65s;
- Citizen's Information Centre's (CICs) were contacted by Revenue and were asked to direct any of their clients to our information services;
- A dedicated information booklet covering the tax credit changes was developed by Revenue and distributed to CICs.

Lastly, the information campaign also advertised that anyone who required a copy of their 2011 Tax Credit Certificate, setting out details of their individual tax credits, could obtain one from Revenue through a variety of channels.

For the year 2012, as the value of all Tax Credits was unchanged in the recent Budget, the need for a information campaign around tax credit changes was not necessary. The facility to request a copy of the 2012 Tax Credit Certificate through a variety of channels continue to be available to all taxpayers.

In addition, any recipient of a DSP pension who was recently corresponded with, following the updating of pension information supplied by the DSP into Revenue's records, has received a copy of their 2012 Tax Credit Certificate and this displays whether they are currently receiving the benefit of the Age Tax Credit. If the Deputy is aware of any individuals who is not receiving the Age Tax Credit and feels that they are entitled to it, I am advised that details can be supplied to the Commissioners.

The Commissioners further advise that they have commenced discussions with Age Action and the Irish Senior Citizens Parliament about how Revenue can provide information on tax credits and pensioners' tax issues in general and they plan to hold similar discussions with any other interest groups in this area.

149. **Deputy Finian McGrath** asked the Minister for Finance if he will correct the mistake in the drafting of the universal social charge which means that many persons with incomes of more than €200,000 are actually earning more since the tax was introduced. [2390/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the previous Government introduced the Universal Social Charge (USC) in Budget 2011 in conjunction with a number of changes to the income tax system i.e. reduction in the value of credits and bands and significant changes to the PRSI rates and ceilings. The USC was amended in the Finance Act 2011 to address any unintended consequences which may have resulted in high income earners benefiting as a result of the tax package contained in Budget 2011.

I will consider any further anomalies of the taxation system in the context of the forthcoming Finance Bill.

150. **Deputy Niall Collins** asked the Minister for Finance if he will examine a payment being made by a person (details supplied) in County Cork in view of the fact that this person has been advised that they are not liable for this charge; and if he will arrange to cease this payment and refund all payments made in this respect, [2413/12]

**Minister for Finance (Deputy Michael Noonan):** Based on the most recent information available to the Revenue Commissioners, the person concerned is exempt from the Universal Social Charge (USC) and income tax for the current tax year. When he receives his P60 for 2011 he should contact Mr. Diarmuid O'Connor, Revenue House, Blackpool, Cork (Tel 021-6027506) who will arrange for any refund that may be due.

#### **Illicit Trade in Tobacco**

151. **Deputy Derek Keating** asked the Minister for Finance his response and that of the Customs and Excise Service to the report that as much as 18% of cigarettes smoked here last year were illegally imported; his estimate of the loss of revenue to the Exchequer due to such activity; and if he will make a statement on the matter. [2457/12]

**Minister for Finance (Deputy Michael Noonan):** I am unaware of the specific report to which the Deputy refers. I am informed by the Revenue Commissioners that a survey commissioned by Revenue and the Office of Tobacco Control in 2009 estimated that 20% of cigarettes consumed in the State had not been taxed in this jurisdiction. This figure was further broken down as 14% illicit product and 6% legally imported by passengers arriving into the State from other jurisdictions. A similar survey in the last quarter of 2010 confirmed these estimates. Based on an estimate of 14%, the loss to the Exchequer from illicit cigarette consumption in 2011 would be in the region of €250m (excise duty + VAT). A further survey is currently underway.

Revenue is very conscious of the threat posed by the illicit trade in tobacco products and, in 2010, established a high level internal group, chaired at Commissioner level, to examine the risks involved and to oversee and optimise the detection of contraband and counterfeit tobacco products. This group has promoted a number of initiatives aimed at counteracting the illicit trade in tobacco. These include the adoption of a comprehensive tobacco strategy, which is underpinned by annual action plans.

The overall strategy being employed by Revenue to tackle this illicit trade is multi-faceted. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and detection technologies, and optimum deployment of resources at point of importation and inland, in order to intercept the contraband product and to prosecute those involved.

In 2011 Revenue seized 109 million cigarettes with a retail value of €46 million, and 11,158 Kgs of tobacco with a retail value of €4 million.

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Also in 2011, Revenue obtained 101 convictions relating to cigarette smuggling, with fines of €136,300 and 30 custodial sentences imposed. Another 57 convictions relating to the sale of unstamped tobacco products, with fines of €115,850 and 13 custodial sentences imposed, were also obtained.

### Fuel Smuggling

152. **Deputy Derek Keating** asked the Minister for Finance if he would outline to Dáil Éireann the plan of action of Custom and Excise Services to deal with the problem of cross-Border fuel smuggling; and if he will make a statement on the matter. [2460/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of mineral oil tax and for tackling the illicit trade in fuel products, that the price in Northern Ireland for regular diesel and petrol is approximately 15% higher than in the State and that consequently illegal imports of these commodities are not an issue. However, illegal activity in the form of diesel fuel laundering, which takes place mainly in the State, does pose a serious threat to the Exchequer. Fuel laundering involves large-scale removal of markers from rebated mineral oil, which is subject to a reduced rate of mineral oil tax on condition that it is not used in road vehicles. This form of tax evasion is a matter the Revenue Commissioners and the Government take very seriously, particularly given the current economic climate. Revenue employs a broad range of compliance and enforcement strategies to detect and counteract illegal practices involving mineral oils. These include ongoing analysis of the nature and extent of the problem; development and sharing of intelligence with agencies on both sides of the border; the conduct of intelligence driven operations using covert surveillance to identify oil laundry locations; seizure of illicit product, laundering equipment and vehicles; physical sampling at road checkpoints; closure of unlicensed or improperly licensed outlets and seizure of stock, and prosecution of those involved in illegal activities in relation to mineral oils.

In 2010, Revenue enforcement staff detected four oil-laundering plants in this jurisdiction and seized 228,000 litres of laundered oil. In addition, nine retailers were found dealing in laundered oil and eight haulage companies were detected using it in their vehicles. There were four court convictions in 2010 for laundered oil offences.

In 2011 nine oil laundries and 327,000 litres of laundered fuel were seized, together with nine oil tankers and twenty-nine other vehicles. Sixteen persons were arrested in the course of these operations and files have been sent to the Director of Public Prosecutions, who has to date issued directions to prosecute on indictment in respect of two of the cases. In addition, a further 718,181 litres of illicit mineral oil has been seized, the large majority from retail outlets or in the course of delivery to such outlets

Revenue is currently engaged in a vigorous campaign targeting specific locations nationwide, with the intention of immediate closure of unlicensed outlets and the challenging of other instances of non-compliance. As part of this drive, warning letters have been issued to unlicensed retail outlets and a number of these have been effectively closed down by the actions of Revenue enforcement teams. This campaign is ongoing and Revenue is in the process of seizing illicit product and closing down a further number of unlicensed or otherwise illegal retail outlets.

Revenue is currently reviewing its enforcement options to ensure that its action against this illegal activity continues to be as effective as possible. The matters being addressed include the potential development of an enhanced fuel marker. In this regard, close liaison has been estab-

lished with HM Revenue & Customs. Consideration is being given also, in the context of the forthcoming Finance Bill, to possible changes in the law, particularly from the point of view of the control of the supply of oil, which would enhance the capacity to combat this illegality.

### Tax Yield

153. **Deputy Kevin Humphreys** asked the Minister for Finance the amount raised between 2001 and 2011 in vehicle registration tax in tabular form; and if he will make a statement on the matter. [2473/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the amounts raised in vehicle registration tax from 2001 to 2011 are as follows:

Year	€m
2001	788.0
2002	792.6
2003	819.5
2004	946.0
2005	1,148.8
2006	1,287.4
2007	1,406.1
2008	1,120.8
2009	375.4
2010	383.5
2011 (Prov)	387.4

It should be noted that the 2011 figure is provisional at this time and is subject to change.

### EU-ECB-IMF Reviews

154. **Deputy Terence Flanagan** asked the Minister for Finance the position regarding the costs of the Troika (details supplied); and if he will make a statement on the matter. [2474/12]

**Minister for Finance (Deputy Michael Noonan):** The costs of the quarterly reviews by the European Commission, the ECB and the IMF are entirely a matter for the bodies concerned. The Irish authorities do not fund their hotel or subsistence costs.

### Tax Code

155. **Deputy Michael McCarthy** asked the Minister for Finance the tax liability requirements in respect of a person (details supplied) in County Cork following correspondence received from the Revenue Commissioners regarding their pension; if tax will be deducted in this particular case; and if he will make a statement on the matter. [2521/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a letter regarding their DSP pension details was issued in this case because the individual has a private pension in addition to their DSP pension and there was a possibility that they were potentially liable to additional tax. In addition, Revenue was unaware that the taxpayer's personal circumstances had changed. However, I am further advised that based on the most recent figures supplied to the Revenue Commissioners by his pension provider, for the 2010 tax year, the person concerned is not liable for tax or Universal Social Charge payments in the

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current year. I am also informed that the taxpayer's records have recently been brought up to date and a revised tax credit certificate has already issued to the taxpayer.

156. **Deputy Michael McCarthy** asked the Minister for Finance the tax liability requirements in respect of a person (details supplied) in County Cork following correspondence received from the Revenue Commissioners regarding their pension; if tax will be deducted in this particular case; and if he will make a statement on the matter. [2522/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a letter regarding their DSP pension details was issued in this case because the individual has a private pension in addition to their DSP pension and there is no indication of their date of birth which means that they were potentially liable to additional tax. However, I am further informed that based on the most recent figures supplied to the Revenue Commissioners by his pension provider, for the 2010 tax year, the person concerned is not liable for tax or Universal Social Charge payments in the current year and Revenue will issue a revised tax credit certificate immediately to reflect that fact.

157. **Deputy Michael McCarthy** asked the Minister for Finance the tax liability requirements in respect of a person (details supplied) in County Cork following correspondence received from the Revenue Commissioners regarding their pension; if tax will be deducted in this particular case; and if he will make a statement on the matter. [2523/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a letter regarding their DSP pension details was issued in this case because the individual has a private pension in addition to their DSP pension and there was a possibility that he was potentially liable to additional tax. However, I am further advised that based on the most recent figures supplied to the Revenue Commissioners by his employer, for the 2010 tax year, the person's tax credits for the current year would appear to be sufficient to ensure that he will not be liable for tax and may also be exempt from Universal Social Charge payments. When he receives his P60 for 2011 he should contact Mr. Diarmuid O'Connor, Revenue House, Blackpool, Cork (Tel 021-6027506) who will ensure that the taxpayer concerned receives his proper entitlements.

158. **Deputy Michael McCarthy** asked the Minister for Finance the tax liability requirements in respect of a person (details supplied) in County Cork following correspondence received from the Revenue Commissioners regarding their pension; if tax will be deducted in this particular case; and if he will make a statement on the matter. [2524/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a letter regarding their DSP pension details was issued in this case because the individual has a private pension in addition to their DSP pension and there was a possibility that they were potentially liable to additional tax. Based on the most recent figures supplied to the Revenue Commissioners by his pension provider, for the 2010 tax year, the person concerned is not liable for tax or Universal Social Charge payments in the current year and Revenue will issue a revised tax credit certificate immediately to reflect that fact.

159. **Deputy Michael McCarthy** asked the Minister for Finance the tax liability requirements in respect of a person (details supplied) in County Cork following correspondence received from the Revenue Commissioners regarding their pension; if tax will be deducted in this particular case; and if he will make a statement on the matter. [2525/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a letter regarding their DSP pension details was issued in this case because the individual has a private pension in addition to their DSP pension and there was a possibility that they were potentially liable to additional tax. Based on the most recent figures supplied to the Revenue Commissioners by his pension provider, for the 2010 tax year, the person concerned is not liable for tax or Universal Social Charge payments in the current year and Revenue will issue a revised tax credit certificate immediately to reflect that fact.

160. **Deputy Michael McCarthy** asked the Minister for Finance the tax liability requirements in respect of a person (details supplied) in County Cork following correspondence received from the Revenue Commissioners regarding their pension; if tax will be deducted in this particular case; and if he will make a statement on the matter. [2526/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a letter regarding their DSP pension details was issued in this case because the individual has a private pension in addition to their DSP pension and there was a possibility that they were potentially liable to additional tax. However, I am further advised that based on the most recent figures supplied to the Revenue Commissioners by his pension provider, for the 2010 tax year, the person concerned is not liable for tax. I am also informed that the taxpayer's records have recently been brought up to date and a revised tax credit certificate will issue shortly.

#### **Tax Collection**

161. **Deputy Joanna Tuffy** asked the Minister for Finance if he will seek improvements in communications between the Revenue Commissioners and members of the public regarding the circumstances in which 115,000 pensioners were informed that they may have to pay additional tax bills this year; if his attention has been drawn to the upset, distress and the inconvenience caused to pensioners who were not familiar with the way the tax system works and to some 15,000 who received letters who were not even liable for additional tax; and if he will make a statement on the matter. [2548/12]

**Minister for Finance (Deputy Michael Noonan):** The matter of communications between the Revenue Commissioners and members of the public are the responsibility of the Commissioners and they use a variety of methods and means to explain the many complexities of taxation. Regarding the matter of the communications between Revenue and the 115,000 recipients of DSP pensions who may have a potential additional tax liability, I am advised by the Revenue Commissioners that two different types of letters were issued to this group of taxpayers which were designed to cover their particular circumstances and explain how the potential additional tax liability arises. Each letter included a copy of the individual's own tax credit certificate for 2012 as well a note explaining how tax is deducted on DSP pensions. The Chairman of the Revenue Commissioners has already explained at the recent Joint Oireachtas Committee meeting that due to the short timeframe available to update the PAYE records from receipt of the information from DSP in time for the start of 2012, that the standard of service that we come to expect from Revenue was not met on this occasion. The Chairman went on further at the Committee meeting to publicly apologise for the distress caused to some people on receipt of the letters concerned.

On the issue of the 15,000 letters that were sent to people who may be potentially exempt from PAYE on their total income altogether, I am informed by the Revenue Commissioners that this particular letter was also aimed at reassuring anyone who, although ultimately exempt from tax, might have found that their private pension was temporarily taxed as a result of the

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information supplied by the DSP being updated into Revenue's records. The particular letter advised this category of taxpayer that they were not required to do anything for the moment and that Revenue themselves would resolve the issue for anyone affected. The Chairman confirmed at the Committee meeting that Revenue will issue an exemption certificate for these cases "in a short number of weeks".

Lastly, as also indicated at the Joint Committee meeting, the Revenue Commissioners advise that they will be reviewing their approach to communications in the light of the issues raised following on from the issue of the letters to DSP pension recipients and they will be working with Age Action and the Irish Senior Citizens' Parliament as well as other groups representing pensioners and other DSP pension recipients to identify how they can improve their communications with that group.

162. **Deputy Michael McGrath** asked the Minister for Finance if a person (details supplied) in County Cork should be paying income tax and the universal social charge in 2012. [2554/12]

**Minister for Finance (Deputy Michael Noonan):** The most recent figures available to the Revenue Commissioners, those for the 2010 tax year, indicate that the person concerned will have a small tax liability in the current year arising from the manner in which he and his partner have shared their tax credits. If he wishes to discuss the matter further he should contact his local Revenue Office at Revenue House, Blackpool, Cork or phone Mr. Diarmuid O'Connor at (021) 6027056. The person concerned is exempt from the Universal Social Charge for 2012 and an amended Tax Credit Certificate in this regard issued to him on 13th January 2012.

### State Banking Sector

163. **Deputy Michael McGrath** asked the Minister for Finance his views on the operation of mortgage lenders (details supplied) whose parent company is a beneficiary of State support. [2555/12]

**Minister for Finance (Deputy Michael Noonan):** Neither I, as Minister for Finance, nor the Central Bank, have a statutory role in the setting of interest rates charged or paid by financial institutions regulated by the Central Bank except in the case of the interest rate cap imposed on the credit union sector. Each institution determines the rate it charges its customers, depending on a number of factors, such as cost of funds and commercial considerations, competition in the market, risk pricing and the impact on deposit rates. In his recent letter to the Taoiseach, the Deputy Governor of the Central Bank stated that the Central Bank was not requesting the power to have regulatory control over the setting of retail interest rates. He indicated that the experience of such controls in the past, and in other countries, did not encourage the Central Bank to believe that such a regime would be advantageous in net terms as the banking system seeks to recover to normal functioning. Binding controls tend to reduce availability of credit and channel it to the most creditworthy customers, starving smaller and less secure customers from credit. This could have an adverse effect on sound competition in the market. The Deputy Governor mentioned also that, within its existing powers and through the use of suasion, the Central Bank will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

### Credit Unions

164. **Deputy Ciara Conway** asked the Minister for Finance if his attention has been drawn to the variety of lending restrictions that have been imposed by the Registrar of Credit Unions

and the impact of these restrictions for credit unions and members; if it has been brought to his attention that the nature of these restrictions often means that good lending to good members cannot be made, in turn threatening the viability of credit unions by reducing the income from interest repayments on loans; if the new lending restrictions can be re-examined and applied on a more discerning basis in a way that provides credit unions with a clear rationale for any restrictions; and if he will make a statement on the matter. [2586/12]

**Minister for Finance (Deputy Michael Noonan):** The imposition of lending restrictions is the responsibility of the Registrar of Credit Unions, who is the independent regulator for credit unions. Within his independent regulatory discretion, the Registrar acts to support the prudential soundness of individual credit unions, to maintain sector stability and to protect the savings of credit union members. This is part of normal regulation and supervision of the sector. As Minister for Finance, my role is to ensure that the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions. It would not be appropriate for me, as Minister for Finance, to examine or adjudicate on whether the placing of lending restrictions is necessary on a case by case basis. I believe that such action would represent interference in the work of the independent regulator.

The Registrar has put lending restrictions in place in order to protect the savings of members in credit unions and to ensure that credit unions focus on risks when making lending decisions. Restrictions are imposed on a case-by-case basis and are reviewed regularly. The type of lending restrictions can include maximum individual loan size, overall maximum monthly lending limits and restrictions on business lending.

The Registrar has advised that about 50% of credit unions are subject to lending restrictions at present. Almost all credit unions with a lending restriction have a maximum individual loan size restriction. Of the credit unions with lending restrictions over 65% can lend €20,000 or more to an individual member.

Less than 3% of credit unions are restricted to loans of less than €10,000 to an individual member, and less than 1% of credit unions are restricted to lending less than €5,000 per member. Commercial lending restrictions apply to approximately a third of credit unions. As part of the work to build liquidity levels in the credit union sector, the Central Bank introduced maximum monthly lending limits in a number of credit unions. Currently, maximum monthly lending limit restrictions are in place in a small proportion of credit unions.

### **Apprenticeship Programmes**

165. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will clarify a matter (details supplied) regarding the FÁS apprentice placement scheme. [1967/12]

166. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding funding (details supplied). [1987/12]

167. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding the FÁS redundant apprentice replacement scheme (details supplied). [2391/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 165 to 167, inclusive, together.

The Redundant Apprentice Placement Scheme (RAPS) was introduced in 2011 to provide opportunities for eligible redundant apprentices to undertake on-the-job training at Phase 3, Phase 5 and Phase 7 of the standard based apprenticeship programme.

[Deputy Ciarán Cannon.]

I understand that RAPS has re-commenced from 9th January 2012 and will provide opportunities for eligible redundant apprentices.

I am informed that the person in question is on RAPS Phase 5 (26 weeks) and he is due to finish this Phase on 27th January, 2012.

I am advised that FÁS has been in contact with him to confirm that there is another RAPS planned for 2012 and he was advised that if the firm that he is currently on Phase 5 with want to apply to take him back for Phase 7 then this can be explored.

The person in question could be advised to keep in regular contact with his Training Adviser in FÁS in this matter.

### Departmental Bodies

168. **Deputy Mattie McGrath** asked the Minister for Education and Skills the position regarding the establishment of the qualifications and quality assurance authority of Ireland; when new applications for provider registration for FETAC will be accepted; and if he will make a statement on the matter. [1960/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Qualifications and Quality Assurance (Education and Training) Bill, 2011, which provides for the establishment of the new Authority, was published in July 2011 and Second Stage was taken in the Seanad in September. I hope to establish the new Authority in the first half of the year and it will begin processing new applications for provider registration shortly thereafter.

### Research Funding

169. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if there is any funding available for students to pursue a PhD in evolutionary computing; and if he will make a statement on the matter. [1973/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Irish Research Council for Science, Engineering and Technology (IRCSET) primarily funds PhD scholarships and early stage postdoctoral fellowships. Selection is on the basis of excellence following assessment by expert independent panels. There is no emphasis on funding one discipline over another and awards are made solely on the basis of academic excellence and in accordance with published assessment criteria.

The EMBARK Initiative, a scheme specifically tailored to those who wish to pursue a Masters or PhD, is currently open and accepts applications from eligible applicants wishing to carry out their research in the Republic of Ireland. The deadline for submissions of applications is February 15th 2012. Included in the range of discipline areas funded is Computer Science of which Evolutionary Computation or Computing is a sub-field.

### FÁS Training Programmes

170. **Deputy Brendan Smith** asked the Minister for Education and Skills when he expects the final EU funding decision to be made regarding the release of 65% of the European Globalisation Fund contribution of €35.5 million for construction workers here; if he has sent letters notifying all persons who are eligible for this co-financed funding; and if he will make a statement on the matter. [2011/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** On 16 November 2011 the EU budgetary authorities approved three separate applications for co-financed assistance from the European Globalisation Adjustment Fund (EGF) made by my Department in respect of almost 9,000 former workers made redundant in the construction NACE 41, 43 and 71 sub-sectors between 1 July 2009 and 31 March 2010.

European Commission financing decisions awarding EGF contributions of €12.7m, €21.6m and €1.4m for the three respective applications were made on 13 December 2011. These monies were duly received by the Department on 29 December 2011.

EGF services include career guidance, full, part-time and evening further education and training courses, apprenticeship on-and off-the-job training, full and part-time third level education programmes, enterprise start-up advisory and financial supports and related training and education allowances where appropriate. The main service providers delivering these supports are FÁS, Vocational Education Committees and publicly funded higher education institutes. Training is also being provided through contracted private providers and the technical employment support grant mechanism administered by FÁS. Letters of notification of relevant EGF services issued to eligible persons from the EGF Managing Authority in the Department encompassed by the three EGF construction applications on 19 December 2011.

A dedicated EGF Construction Contact Centre has been established to provide phone and on-line information and support facilitate access to professional career and occupational guidance for them, make onwards referrals to other service providers and to administer EGF Training Grants in respect of the eligible redundant workers.

In addition, a new EGF website *www.egf.ie* also went live on 19 December 2011 and provides further information on the EGF programmes as well as an on-line application process for the EGF training grant scheme.

WRC Social and Economic Consultants Ltd have been contracted by my Department to collate management information data on the three EGF construction programmes in cooperation with the EGF Construction Contact Centre. Monthly reports on uptake of personalised services and other relevant statistical information are required to be submitted to this Department. The first such report will cover the period to the end of January 2012.

Between 19 December 2011 and 9 January 2012, 553 queries on EGF services had been received by the EGF Construction Contact Centre and some 73 clients had been referred to the national VEC Coordinator for tailored VEC career guidance courses. For the same period, 1,123 unique visits to the website and 76 on-line applications for EGF training grants via the website were recorded.

### **Departmental Bodies**

171. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills if he will provide an update on the proposed abolition of the Educational Disadvantage Committee, EDC, contained in the Education (Amendment) Bill 2012; if the EDC will be replaced; and if he will make a statement on the matter. [2012/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Educational Disadvantage Committee (EDC) was established under Section 32 of the Education Act, 1998. The role of the EDC was to advise the Minister for Education and Science on policies and strategies to be adopted to identify and correct educational disadvantage. The Committee's final report 'Moving Beyond Educational Disadvantage' was published in December 2005.

[Deputy Ruairí Quinn.]

The Government decided, as part of the decision on rationalisation of agencies in the 2009 budget, that a formal statutory Committee was no longer required in order to advise on the issue of educational disadvantage. This decision required an amendment to legislation which is now provided for under Section 7 of the Education (Amendment) Bill 2012.

The Action Plan for Educational Inclusion (DEIS), which was launched in 2006, draws upon and complements a number of conclusions of the EDC's final report as well as contributions from the Education Partners.

The abolition of the EDC has not adversely impacted upon the Department's commitment to ongoing consultation on educational disadvantage and the wider social inclusion agenda. Both national and European strategies, i.e. the National Anti-Poverty Strategy (NAPS) and the National Action Plans against Poverty and Social Exclusion (NAPs/incl), The Lisbon Strategy, Europe 2020 and the Programme for Government all provide a common language of objectives, priorities, targets and timescales against which future outcomes can be measured.

The Department is also committed to ongoing consultation with stakeholders.

### **Third Level Charges**

172. **Deputy Michael McGrath** asked the Minister for Education and Skills if a student (details supplied) who left a third level course after a short number of weeks in the 2010-11 academic year is entitled to a refund of the registration fee paid; if there is a policy on the issue or if it is a matter for the individual third level institution to decide. [2030/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A new student contribution charge of €2,000 was introduced in higher education by the previous Government with effect from the 2011/2012 academic year. This charge replaced the previous Student Services Charge and applies to all students who currently benefit under the 'free fees' scheme. The contribution is paid by the Exchequer in respect of students who qualify under the third level grant schemes.

The collection and administration of the contribution is a matter for the third level institution to which a student is attending. In recognition of the financial pressures that the student contribution may place on families, my Department requested higher education institutions to consider putting in place arrangements under which a student may opt to pay the contribution in two instalments in a given academic year. While a few institutions do not have this facility at present due to technical/systems limitations and administrative issues, all institutions have been requested to accommodate students who present with financial difficulties on a case by case basis and, from the academic year 2012/13 onwards, to have systems in place that allow for the payment of the student contribution in two instalments.

Where a student withdraws from their course of study and is therefore not registered for the second semester, free fees funding cannot be claimed by the institution in respect of that student for the second semester.

### **Departmental Bodies**

173. **Deputy Sean Fleming** asked the Minister for Education and Skills if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework and regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2073/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under the terms of the Ethics Acts, 1995 and 2001 all civil servants serving in a grade of which the maximum salary is not less than the maximum salary of a Principal Officer (General Service Grade) in the Civil Service are required to complete a return in the event they have an interest to declare. In addition to these posts the Department of Public Expenditure, with the assistance of other Government Departments, annually updates the “below PO level” positions of employment in Civil Service Departments and Offices that are to be prescribed as “designated positions” under the Ethics Acts. In this context S.I. No. 644/2011 — Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2011 came into effect from 1st January 2012. There are currently in the region of 200 positions in my Department that come under the remit of the Ethics legislation.

I can confirm that the Ethics Legislation covers the bodies under the aegis of my Department listed below. The Department of Public Expenditure and Reform, with the assistance of other Government Departments, annually updates:

- the directorships and appropriate positions of employment in the wider public service that are prescribed as “designated directorships” and “designated positions” respectively; and
- the bodies that are prescribed in the public interest as public bodies under subparagraph 1(13) of the First Schedule to the Ethics Act 1995.

In this context S.I. No. 707/2011 — Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2011 came into effect from 1st January 2012. There are currently in the region of 280 designated directorships and 90 designated positions of employment identified in this S.I. that relate to bodies currently under the aegis of my Department that come under the remit of the Ethics legislation. Bodies under the aegis of the Department of Education and Skills:

- An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta
- Commission into Child Abuse
- Education Finance Board
- Foras Áiseanna Saothair
- Further Education and Training Awards Council
- Grangegorman Development Agency
- Higher Education and Training Awards Council
- Higher Education Authority
- Irish Research Council for Science, Engineering and Technology
- Irish Research Council for the Humanities and Social Sciences
- Léargas
- The Exchange Bureau
- National Centre for Guidance in Education (under Léargas entry)

[Deputy Ruairí Quinn.]

- National Council for Curriculum and Assessment
- National Council for Special Education
- National Qualifications Authority of Ireland
- Residential Institutions Redress Board
- Residential Institutions Review Committee
- Skillnets Ltd
- State Examinations Commission
- The Teaching Council.

### Departmental Staff

174. **Deputy Sean Fleming** asked the Minister for Education and Skills the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2089/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In 2011 twenty-one officials at my Department retired. The cost of superannuation lump sum payments amounted to approximately €1.3m. The estimated cost of pension for those concerned in 2012 will be in the region of €378,000. Figures for bodies under the aegis of my Department are not readily available and officials are compiling the information and it will be forwarded to the Deputy in the near future.

### Departmental Expenditure

175. **Deputy Brendan Smith** asked the Minister for Education and Skills the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2132/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The table below contains the information requested by the Deputy. It should be pointed out that the 2011 Outturn is provisional, subject to audit by the Comptroller and Auditor General.

#### VOTE 26 — EDUCATION & SKILLS

2011 Allocation and Provisional Outturn	€000s	€000s	€000s
Subhead/Service	2011 REV Allocation	2011 Provsional Outturn	Variation
A.1 — SALARIES, WAGES AND ALLOWANCES	62,743	60,223	-2,520
A.2 — TRAVEL AND SUBSISTENCE	1,577	1,421	-156
A.3 — INCIDENTAL EXPENSES	1,355	1,001	-354
A.4 — POSTAL AND TELECOMMUNICATIONS SERVICES	3,250	2,401	-849
A.5 — OFFICE MACHINERY AND OTHER OFFICE SUPPLIES	5,462	5,049	-413

2011 Allocation and Provisional Outturn	€000s	€000s	€000s
Subhead/Service	2011 REV Allocation	2011 Provsional Outturn	Variation
A.6 — OFFICE PREMISES EXPENSES	2,350	1,635	-715
A.7 — CONSULTANCY SERVICES	100	48	-52
A.8 — REGIONAL OFFICE SERVICE	260	193	-67
A.9 — NATIONAL EDUCATION PSYCHOLOGICAL SERVICE	18,629	17,762	-867
B.1 — G-I-A FOR GEN EXPENSES OF ADULT EDUCATION (NAT LOTTERY)	854	854	0
B.2 — TRANSPORT SERVICES	179,974	171,483	-8,491
B.3 — INTERNATIONAL ACTIVITIES	1,038	955	-83
B.4 — UNESCO CONTRIB & INTERNATIONAL EDUC EXCHANGES	2,464	2,172	-292
B.5 — RESEARCH AND DEVELOPMENT ACTIVITIES	2,475	2,270	-205
B.6 — TEACHER EDUCATION	25,205	23,453	-1,752
B.7 — EXPS FOR NATIONAL COUNCIL FOR CURRICULUM & ASSESSMENT	3,812	3,447	-365
B.8 — LOCAL DRUGS TASKFORCE	543	411	-132
B.9 — G-I-A FOR GEN EXPS OF YOUTH ORGS (NAT LOTTERY)	9,015	8,152	-863
B.10 — EDUCATIONAL DISADVANTAGE (DORMANT ACCOUNTS FUNDING)	2,000	1,613	-387
B.11 — OCCUPATIONAL HEALTH STRATEGY FOR 1st & 2nd LEVEL TEACHERS	1,750	1,744	-6
B.12 — RESIDENTIAL INSTITUTIONS REDRESS	45,000	44,200	-800
B.13 — ROYAL IRISH ACADEMY OF MUSIC GEN EXPS (G-I-A)	3,544	3,544	0
B.14 — G-I-A FOR GEN EXP OF SCIENTIFIC & EDUC ORGS (NAT LOTTERY)	196	187	-9
B.15 — NORTH/SOUTH CO-OPERATION	3,350	1,187	-2,163
B.16 — GEN EXP OF ORGS PROMOTING IRELAND AS INTERNATIONAL EDU CENTRE	100	91	-9
B.17 — MISCELLANEOUS	5,005	4,201	-804
B.18 — SCHOOLS INFO & COMMUNICATION TECHNOLOGIES ACTIVITIES	15,078	9,566	-5,512
B.19 — COMMISSION ON CHILD ABUSE	12,994	2,173	-10,821
B.20 — SCHOOL COMPLETION PROGRAMME	0	0	0
B.21 — NATIONAL EDUCATION WELFARE BOARD	0	0	0
B.22 — NATIONAL QUALIFICATION FRAMEWORK	9,323	7,918	-1,405
C.1 — SALARIES, ETC. OF TEACHERS	2,052,229	2,050,412	-1,817
C.2 — MODEL SCHOOL — MISCELLANEOUS EXPENSES	511	470	-41
C.3 — CAPITATION GRANT TOWARDS OPERATING COSTS OF NATIONAL SCHOOLS	187,102	186,933	-169
C.4 — SALARIES ETC. OF NON-TEACHING STAFF IN NAT SCHOOLS	310,451	299,795	-10,656
C.5 — OTHER GRANTS AND SERVICES	55,337	51,039	-4,298
C.6 — SUPERANNUATION, ETC. OF TEACHERS	473,474	487,000	13,526
C.7 — SPECIAL EDUCATION INITIATIVES	6,065	4,970	-1,095
D.1 — SALARIES ETC. OF TEACHERS IN SEC., COMP & COMM. SCHOOLS	1,180,733	1,175,690	-5,043

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2011 Allocation and Provisional Outturn	€000s	€000s	€000s
Subhead/Service	2011 REV Allocation	2011 Provsional Outturn	Variation
D.2 — GRANTS TO SECONDARY SCHOOL AUTHORITIES	107,191	104,280	-2,911
D.3 — SALARIES ETC. OF NON-TEACHING STAFF IN SEC, COMP & COMM SCHOOLS	52,151	49,107	-3,044
D.4 — SUPERANNUATION OF SECONDARY SCHOOL TEACHERS	344,125	345,043	918
D.5 — COMPREHENSIVE AND COMMUNITY SCHOOLS — RUNNING COSTS	46,342	46,342	0
D.6 — ANNUAL GRANT TO VOCATIONAL EDUCATION COMMITTEES	906,809	926,340	19,531
D.7 — PAYMENTS TO LOCAL AUTHORITIES RE SUPERANN CHARGES	234,278	230,796	-3,482
D.8 — MISCELLANEOUS POST-PRIMARY SERVICES	18,574	17,929	-645
D.9 — SPECIAL INITIATIVES ADULT EDUCATION	44,465	43,851	-614
D.10 — STATE EXAMINATIONS COMMISSION	54,310	55,913	1,603
E.1 — STUDENT SUPPORT	386,057	355,057	-31,000
E.2 — UNIV SCHOLARSHIPS, RESEARCH GRANTS & FELLOWSHIPS	1,800	1,654	-146
E.3 — AN tUDRAS UM ARD-OIDEACHAS G-IN-A FOR GEN EXPS	5,587	5,037	-550
E.4 — AN tUDRAS UM ARD-OIDEACHAS — GEN GRANTS TO UNIVS ETC (G-I-A)	1,177,032	1,177,032	0
E.5 — TRAINING COLLEGES FOR PRIMARY TEACHERS EXCL HEA FUNDED	12,549	11,469	-1,080
E.6 — STRATEGIC INNOVATION FUND	14,000	14,000	0
E.7 — DUBLIN DENTAL HOSTIPAL — DENTAL EDUCATION (G-I-A)	11,986	11,986	0
E.8 — DUBLIN INSTITUTE FOR ADVANCED STUDIES (G-I-A)	7,020	7,020	0
E.9 — GRANT FOR TUITION FEES TO NON-HEA 3RD LEVEL INSTS	5,475	5,018	-457
E.10 — MISCELLANEOUS	220	418	198
E.11 — GRANTS TO CERTAIN THIRD LEVEL INSTITUTIONS	17,019	17,148	129
E.12 — ALLEVIATION OF DISADVANTAGE	16,000	16,000	0
E.13 — RESEARCH AND DEVELOPMENT ACTIVITIES	41,085	38,550	-2,535
E.14 — GRANGEGORMAN DEVELOPMENT AGENCY	2,080	1,276	-804
F.1 — SCHOOLS CAPITAL	418,000	455,076	37,076
F.2 — PUBLIC PRIVATE PARTNERSHIPS	57,151	54,632	-2,519
F.3 — 3rd LEVEL CAPITAL	57,500	77,320	19,820
G.1 — FAS ADMIN & GENERAL EXPENSES	85,491	85,491	0
G.2 — FAS TRAINING AND INTEGRATION SUPPORTS	40,267	40,267	0
G.3 — LEONARDO PROGRAMME	140	140	0
G.4 — FAS CAPITAL	5,500	4,000	-1,500
G.5 — FAS PENSION PAYMENTS	30,500	30,500	0
G.6 — EUROPEAN GLOBALISATION FUND	1,000	1,055	55
G.7 — OPERATIONAL PROGRAMME FOR HR DEVELOPMENT	1,300	575	-725

2011 Allocation and Provisional Outturn	€000s	€000s	€000s
Subhead/Service	2011 REV Allocation	2011 Provsional Outturn	Variation
GROSS EXPENDITURE	8,888,352	8,865,985	-22,367
Appropriations-in-Aid	-608,933	-617,541	-8,608
NET EXPENDITURE	8,279,419	8,248,444	-30,975

### School Staffing

176. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills the effect of the decision to introduce phased adjustments to the staffing schedules in one, two, three and four-teacher schools from 2012-2013 on a school (details supplied) in County Kildare. [2149/12]

191. **Deputy Pat Breen** asked the Minister for Education and Skills if he will outline the implications of phased changes to the teacher-pupil ratio in one, two, three and four-teacher primary schools in respect of a school (details supplied); his plans to review this decision; and if he will make a statement on the matter. [2559/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 176 and 191 together.

The Deputies will be aware that as part of the Budget 2012 decisions, the number of pupils required to gain and retain a teaching post in small primary schools will be gradually increased between September 2012 and September 2014. The schools concerned are those with four or less classroom teachers. It is important to emphasise that no small schools will be forcibly closed by my Department due to the changes that have been announced.

We have a very significant number of small schools across the country. However, the existing staffing schedule acts as a disincentive for small schools to consider amalgamation. At a time of great strain in our public finances, we have to ensure that the very valuable but limited resources available for the education system are used in the best and fairest way across the whole system.

The decision making authority for any amalgamation belongs to the Patron of a school, subject to the approval of the Minister for Education and Skills. My Department's role is to facilitate any such proposal or discussions between the relevant parties. I want to reiterate that the initiative for an amalgamation may come from a variety of sources, such as parents, staff, Board of Management and in particular, the Patron. I have said on several occasions that any decisions to amalgamate schools will be taken at a local level.

The phasing of these measures provides the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible. It is hoped that all school communities will consider how greater efficiencies and better educational outcomes can be achieved for all of our children.

Even when all of these phased increases are implemented, the threshold will still be significantly lower than the minimum of 28 pupils that were required for the appointment of the second teacher in schools prior to the mid 1990's. Given the constraints on capital funding, the Government has to prioritise school building projects and the very real need to ensure that every child has access to a school place. The need, if any, for any capital expenditure to facilitate an amalgamation will depend on the individual circumstances of the schools concerned. In

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determining the level of expenditure, my Department must take account of the continuing requirement to manage expenditure within the context of overall educational policy and the level of capital provision available at the time.

The Deputy will also be aware that a value for money review on small primary schools is currently underway in my Department. This review is part of the normal processes undertaken by all Departments on selected areas of expenditure and is being conducted in line with the standard procedure for value for money reviews. I expect that the report of the review should be available to me early in this year. I will then have to consider its outcomes and proposals.

### Schools Building Projects

177. **Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills the position regarding an application for an extension to a school (details supplied) in County Donegal. [2157/12]

178. **Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills the position regarding an application for refurbishment work within a school (details supplied) in County Donegal. [2158/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 177 and 178 together.

I am pleased to inform the Deputy that the process of tendering for appointment of a design team on the school building project to which he refers has recently commenced. The project will entail the extension and refurbishment of the existing school.

An advertisement seeking suitably qualified consultants has been published on the Government's public procurement portal ([www.etenders.gov.ie](http://www.etenders.gov.ie)) and the school has been informed. Once appointed, the design team will commence architectural planning of the building project.

179. **Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills the position regarding an application for a new school building on the existing campus in respect of a school (details supplied) in County Donegal. [2159/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A major project for the school referred to by the Deputy was included in the Ministerial Announcement on 24th January 2011 to progress into Architectural Planning. As this school is located on a split site, the proposal for the development on the existing site involved detailed discussions between the school authorities and the Local Authority regarding traffic management and other issues. These discussions have recently been concluded and a report on the matter has been received from the school. This report is being examined by my Department which I expect to be completed shortly. My Department will be in further contact with the school authority at that point.

### School Catchment Areas

180. **Deputy Catherine Murphy** asked the Minister for Education and Skills if he will explain the methods by which he currently defines the area to be served or catchment area or both of a prospective new post-primary school, specifically in respect of references to such areas in the arrangements for patronage of new schools; the methods by which such areas have been defined prior to 27 June 2011; and if he will make a statement on the matter. [2160/12]

181. **Deputy Catherine Murphy** asked the Minister for Education and Skills the area served or the catchment area or both for the prospective new post-primary school in Maynooth, County Kildare; and if he will make a statement on the matter. [2161/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 180 and 181 together.

Catchment boundaries have their origins in the establishment of free post-primary education in the late 1960s and were determined following consultation with local educational interests. For planning purposes the country was divided into geographic districts each with several primary schools feeding into a post-primary centre with one or more post-primary schools. The intention was and continues to be that these defined districts facilitate the orderly planning of school provision and accommodation needs.

There are five primary schools which feed into the Maynooth post-primary centre, details are outlined below:

Roll No School 00779U Presentation Girls Primary School 17341U Maynooth B N S20058T Scoil Uí Fhiach 20292E Maynooth Educate Together National School 17652O Scoil Oilibhéir Naofa

### **Redundancy Payments**

182. **Deputy Peter Mathews** asked the Minister for Education and Skills when the redundancy payment will issue in respect of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [2183/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A redundancy application from the person referred to by the Deputy was received by my Department on 5th September 2011. Applications are processed in date order of receipt and every effort is being made to process these applications as quickly as possible. Applications received in July 2011 are currently being processed.

Extra resources have been assigned to the Redundancy Unit to ensure that Special Needs Assistants that have been made redundant will have their claims for payment processed as quickly as possible. My Department is also now prioritising the processing of redundancy applications from those SNAs who have not obtained alternative employment in a non-teaching capacity in primary, secondary or community/comprehensive schools in the current school year.

### **Third Level Sector**

183. **Deputy Peter Mathews** asked the Minister for Education and Skills if he will provide details of the 150 firms that received the most money from each third level institute and college in 2011; the name of each firm and the amount of money paid to them in tabular form; and if he will make a statement on the matter. [2191/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information sought by the Deputy is not readily available in the Department, however, the Higher Education Authority has been requested to contact each institution seeking a response and I will forward the available data to him as soon as possible.

### **Vocational Education Committees**

184. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills the expected timeframe for the amalgamation of vocational education committees, including when he

[Deputy Caoimhghín Ó Caoláin.]

expects to appoint CEOs to each new body; and if he will make a statement on the matter. [2428/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In October 2011, my officials concluded an agreement with SIPTU, the trade union representing the Chief Executive Officers (CEO) of VECs, on a redeployment scheme for CEOs in the context of the Croke Park agreement. This scheme will be used, in the first instance, for determining the appointment of CEOs to the new Education and Training Boards, following the enactment of the relevant legislation.

The agreed scheme provides an opportunity for those appointed (other than in a temporary acting capacity) in the grade of CEO of a Vocational Education Committee to elect for redeployment to the new CEO positions. Where there is more than one volunteer for any of the new CEO positions, the scheme provides for the position to be offered, in the first instance, to the most senior eligible volunteer. In the event that the elective process does not result in the filling of all of the posts, the scheme provides for assignment of an existing permanent CEO to a post for which s/he has not volunteered or for appointment of a holder of an analogous post in the Public Service to any of the available positions in accordance with the provisions of the Croke Park agreement.

In October of last year, I finalised and announced my decision in relation to the location of headquarters of the merged VECs. My officials are currently in discussion with SIPTU regarding the salary scales which each of the CEO positions will attract. Details of the salary which each of the CEO positions in the new Boards will attract are required under the scheme in order to inform the elective redeployment of Chief Executive Officers. Also in October of last year, following approval of the Government, in a new way of doing business, I referred the General Scheme of an Education and Training Boards Bill to the Joint Committee on Jobs, Social Protection and Education.

This Bill is a substantial piece of legislation which will consolidate the existing nine Vocational Education Acts and will provide for the legal establishment of the Education and Training Boards. I have been invited to appear before the Joint Committee later this month, to discuss the Joint Committee's report on the Heads of the Bill, which it published last month. The Bill is expected to be introduced to the Oireachtas in the first half of this year and I am hopeful that the new Boards will be in place and that CEOs will have been appointed to them before the end of this calendar year.

### State Examinations

185. **Deputy Colm Keaveney** asked the Minister for Education and Skills the requisite criteria to be met for students sitting the junior and leaving certificate State examinations to become eligible for special centre support while sitting their examinations. [2475/12]

186. **Deputy Colm Keaveney** asked the Minister for Education and Skills the number of special centres provided for in 2010 and 2011 for junior and leaving certificate examinations. [2476/12]

187. **Deputy Colm Keaveney** asked the Minister for Education and Skills the total cost to the Exchequer in providing special centres for State examinations for academic years 2009, 2010 and 2011. [2477/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions 185 to 187, inclusive, together.

The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including the operation of special centres. In view of the above I have forwarded your query to the State Examinations Commission for direct reply to you.

### **Schools Building Projects**

188. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the position regarding the proposed development of two new school buildings projects (details supplied); and if he will make a statement on the matter. [2481/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to inform the Deputy that accommodation briefs for the two schools referred to by the Deputy have been completed. The appropriate method for delivery of these projects is being considered and final decisions will be communicated to the school authorities in the near future.

### **Services for People with Disabilities**

189. **Deputy Michael McCarthy** asked the Minister for Education and Skills the sources of funding available from him to assist in the training of persons with learning, physical and sensory, or mental health disabilities; and if he will make a statement on the matter. [2550/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** FÁS contracts with Specialist Training Providers (STPs) country-wide to deliver training programmes to people with disabilities. A total of 2,110 training places are available annually. FÁS also encourages all people with disabilities to avail of and participate in its broad range of mainline training options. In addition, the European Social Fund-supported Third Level Access Measure provides support for students with disabilities. The fund, known as the Fund for Students with Disabilities or FSD, is managed by the Higher Education Authority on behalf of my Department. The FSD provides support to both Further and Higher Education institutions for the provision of services and supports for full-time students with disabilities. A total of €13.7m was approved to support 6,090 students through the Fund in 2010/11.

### **Teachers' Remuneration**

190. **Deputy Jim Daly** asked the Minister for Education and Skills if he will consider adjusting the changes to teachers who qualify for the masters allowance to include persons who have invested in and are currently studying to achieve a masters degree; and if he will make a statement on the matter. [2557/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Government announced as part of Budget 2012 that, pending completion of the public service-wide review of allowances, changes to teacher qualification allowances were being made with immediate effect. These changes affect both existing teachers and new appointees in the future. The position of existing teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances announced in Budget 2012 which is being led by the Department of Public Expenditure and Reform.

*Question No. 191 answered with Question No. 176.*

### **FÁS Training Programmes**

192. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills further to Parliamentary Question No. 167 of 14 September 2011, in view of the fact that FÁS was not

[Deputy Patrick O'Donovan.]

required to pay certification fees to FETAC prior to April 2009, if FÁS still charged participants a fee for certification since the commencement of the construction skills certification scheme in 2002; if so, the use to which the funds raised were put; and if he will make a statement on the matter. [2565/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Certification fees were charged by FÁS for the Construction Skills Certification Scheme (CSCS) since 2002. In November 2010, FÁS agreed with FETAC to pay fees for all backdated CSCS certificates from April 2009 and for 2010. Fee payments for all certificates going forward were also agreed with FETAC. CSCS certification fees collected by FAS up until April 2009 were allocated as a contribution towards the high overall management, development, monitoring and staff costs associated with the running of the national programme for CSCS and in FÁS.

### School Staffing

193. **Deputy Seán Kyne** asked the Minister for Education and Skills if the practice of recruiting substitute teachers to fill temporary vacancies of those employed to operate the oral examination components of the various language subjects at leaving certificate level can be reviewed with the aim of ensuring both experience gaining and employment opportunities are made available for young, graduate or jobseeking teachers. [2569/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Substitute vacancies, however they may arise, must be filled in accordance with agreed recruitment procedures. Circular 31/2011 issued in Summer 2011 and set down rules in this regard which are applicable to all appointments made on or after 1 September 2011. Schools are required to keep a list of those appropriately qualified registered teachers who inform the school that they are available for substitute teaching work. Teachers who are in receipt of an occupational pension must be excluded from this list, thereby prioritising unemployed teachers over those in receipt of a pension. Where the school wishes to source a teacher for short-term substitution duties then the above list or national services such as SubSearch or TextaSub should be utilised to source a registered teacher who is not in receipt of an occupational pension. Only where an appropriately qualified registered teacher who is not retired is unavailable should the school move to employ an appropriately qualified and registered retired teacher. The regulations seek to provide the greatest possible opportunity for unemployed and newly qualified teachers while safeguarding the policy of the Department which is that, to the greatest extent possible, only appropriately qualified and registered teachers should be employed in our schools.

### Schools Building Projects

194. **Deputy Willie Penrose** asked the Minister for Education and Skills if he will provide a comprehensive report on the status of the application for a new school (details supplied) in an area in County Westmeath; if same will be now expedited in view of the urgency of the provision of same; and if he will make a statement on the matter. [2612/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The provision of a new building for the school to which the Deputy refers necessitates the acquisition of a new site and a suitable site has been identified. My Department sought the assistance of Westmeath County Council in acquiring the site and requested that they commence negotiations, with the landowners, with a view to securing title to the lands and transferring these lands to me. I understand that discussions with the land owners did not result in agreement and that the Council

has initiated a compulsory purchase order to acquire the lands. As part of the process, I understand that the land owners were served with the appropriate notices.

When the site is acquired, a project for the school will be considered within the context of my Department's Multi-annual School Building and Modernisation Programme. In light of current competing demands on the capital budget of my Department and the demographic challenge facing the education system in the coming years, it is not possible to give an indicative timeframe for the progression of the project at this time. The current status of all projects on the school building programme, including the school referred to by the Deputy, may be viewed on my Department's website at *www.education.ie* and this will be updated regularly throughout the year.

195. **Deputy Willie Penrose** asked the Minister for Education and Skills the progress that has been made in respect of the planning and provision of a new school (details supplied) in an area in County Longford; if same will be now expedited in view of the urgency of the provision of same; and if he will make a statement on the matter. [2613/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy submitted an application for capital funding for a new school. The application has been assessed in accordance with the published prioritisation criteria for large scale capital projects and the appropriate band rating has been assigned. The current status of all projects on the school building programme, including the school referred to by the Deputy, may be viewed on my Department's website at *www.education.ie* and this will be updated regularly throughout the year.

As the Deputy will be aware, the Government's Medium Term Infrastructure and Capital Investment Framework, which was published on 10th November 2011, sets out the demographic challenge facing the education system in the coming years. In view of the need to ensure that every child has access to a school place, the delivery of major school projects and smaller projects devolved to schools to meet the demographic demands will be the main focus for capital investment in schools in the coming years. On that basis, it is not possible to give an indicative timeframe for the progression of a project for the school at this time. I also wish to advise the Deputy that my Department has approved grant support to the school to facilitate re-location to the current site.

#### School Services Staff

196. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform his views on a matter (details supplied) regarding a caretaker position; and if he will make a statement on the matter. [1982/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** There are no current plans to fill this position.

#### State Property

197. **Deputy Terence Flanagan** asked the Minister for Public Expenditure and Reform the position regarding property asset management (details supplied); and if he will make a statement on the matter. [2014/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** While development of policy relating to management of State property is a function of the Department of Public Expenditure and Reform, the delivery of the Property Asset Management section of the Public

[Deputy Brendan Howlin.]

Service Reform Plan will be under the overall management of the Office of Public Works, subject to the assignment of specific responsibilities to public service property holders.

### Departmental Bodies

198. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will list the number of public bodies under his auspices in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2080/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In the timeframe allowed, it has not been possible to collate the information requested. However, as soon as the information for my Department and bodies under my aegis has been collated, it will be forwarded to the Deputy directly.

### Departmental Staff

199. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2096/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In the time allowed, it has not been possible to collate the information in respect of each organisation under the auspices of the Department of Public Expenditure and Reform. The details in respect of my Department are outlined in the following table:

Number of staff who retired in 2011	Total cost of lump sums	Estimated pension costs in 2012 (gross)
4	€510,277.60	€169,841

### Departmental Reports

200. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will publish the new report drawn up by the central expenditure and evaluation unit. [2105/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** All background documents to the 2011 Comprehensive Review of Expenditure, including analyses carried out by the Central Expenditure Evaluation Unit (CEEU) of my Department, were published on the Department's website, *www.per.gov.ie*, on 6 December 2011. The CEEU has not issued any further publications since that date.

### Departmental Expenditure

201. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2139/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The following table details the budget and provisional outturn figures for my Department in 2011:

Subhead	Budget 2011 € '000	Provisional Outturn 2011 € '000
Salaries, Wages and Allowances	21,573	19,548
Travel and Subsistence	262	119
Incidental Expenses	152	216
Postal and Telecommunications Services	75	71
Office Machinery and Other Office Supplies	555	611
Office Premises Expenses	0	7
Consultancy Services	7	5
Economic and Social Research Institute (Grant-in-Aid)	2,700	2,700
Structural Funds for Technical Assistance and Other Costs	905	789
Technical Assistance Costs of Regional Assemblies	740	657
Peace Programme/Northern Ireland INTERREG	4,040	3,573
Special EU Programmes Body	1,247	1,168
Ireland/Wales and Transnational Interreg	385	385
Procurement Management Reform	140	0
Consultancy Services	175	55
Institute of Public Administration (Grant-in-Aid)	3,000	3,000
Gaeleagras na Seirbhíse Poiblí	120	40
Civil Service Arbitration and Appeals Procedures	65	35
Review Body on Higher Remuneration in the Public Service	1	0
Public Service Benchmarking Body	1	0
Committee for Performance Awards	1	0
Centre for Management and Organisation Development	1,530	1,105
Change Management Fund *	2,780	352
Civil Service Childcare Initiative	25	8
Referendum Commission 2011*	1	669
Gross Total	40,480	35,113
Appropriations-In-Aid	5,639	5,046
Net Total	34,841	30,067

\*Supplementary Estimate of €1,000 September 2011 (€1.5m transferred from Change Management Fund to cover expenditure on this subhead).

202. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform if it is correct that the Office of Public Works is paying €500,000 rent for empty office space.  
[2189/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works (OPW) is in process of significantly reducing the annual cost of leased office accommodation. In the last two years, OPW has surrendered approximately seventy leases and has reduced the annual rent bill by €14m. Such a rationalisation process will inevitably create short term surpluses of space. The OPW currently leases 337 office buildings and, at present, three of these are unallocated.

The three buildings are set out in the following table:

[Deputy Brian Hayes.]

Building	Rent Per Annum	Status
Westward Town Centre, Sligo, Co Sligo	€31,000.00	OPW will be surrendering this lease in 2012.
Phoenix House, Conyngham Road, Dublin 8	€365,000.00	OPW will be allocating space in Phoenix House in early 2012.
Irish Life Centre, Block 1, Lower Abbey Street, Dublin 1 (5th floor)	€215,000.00	OPW will be surrendering this lease in 2012.

As Westward Town Centre and Irish Life Centre Block 1 are surplus to requirements, it was not considered appropriate to incur the cost of refurbishment and moving other clients into these spaces. It should be noted that the cost of rent involved in these 3 buildings represents, of the order of, .006% of the rent associated with office buildings leased by OPW.

### Flood Relief

203. **Deputy Denis Naughten** asked the Minister for Public Expenditure and Reform the steps being taken to address flood risks within the Shannon basin; and if he will make a statement on the matter. [2314/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** As advised in my reply to the Deputy's previous questions in this matter the assessment and management of flood risk on the River Shannon and all the national river catchments is being addressed through the Catchment Flood Risk Assessment and Management (CFRAM) Programme, which is scheduled to continue until the end of 2015. Details of this programme are available on [www.cfram.ie](http://www.cfram.ie) and specific updates on the River Shannon CFRAM are available on [www.shannoncframstudy.ie](http://www.shannoncframstudy.ie)

### Public Service Staff

204. **Deputy Brendan Ryan** asked the Minister for Public Expenditure and Reform the number of retired civil or public servants who returned to work in their Departments or semi-State agencies on a short-term or consultancy basis in 2011; the cost to the Exchequer of same; and if he will make a statement on the matter. [2467/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Data for the wider Civil and Public Service for retirees re-engaged on a short-term basis is not held centrally. In the time allowed, it has not been possible to collate the information requested. However, as soon as the information for the bodies under my aegis has been collated, it will be forwarded to the Deputy directly.

205. **Deputy Brendan Ryan** asked the Minister for Public Expenditure and Reform his plans to end the practice of civil or public servants who took the early retirement package under the Croke Park agreement returning to work in their previous Departments on a short-term or consultancy basis; and if he will make a statement on the matter. [2468/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** There is no prohibition on civil or public servants who have retired under normal circumstances from applying for a publicly advertised public service post for which they are suitably qualified. However, restrictions on further public service appointments apply to staff who opted for early retirement under the Incentivised Scheme for Early Retirement (ISER) as set out in Department of Finance Circular 12/09 (applying to Civil Service) and the Department of Health Circular 7/2010

of 1 November 2010 (applying to the Health Service Executive). From time to time, retired public servants are engaged by Departments for specific tasks or assignments. Such engagements are normally remunerated on a fee basis and provision exists for fees to be abated, where appropriate, by reference to pension payments.

### **Pension Provisions**

206. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will define in detail a public service body in the context of existing and the new single scheme public service pension schemes legislation. [2490/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The terms of the proposed single public service pension scheme are set out in the Public Service Pensions (Single Scheme) and Remuneration Bill 2011, which was published last September. The Bill defines public service body as comprising the Civil Service, the Garda Síochána, the Permanent Defence Force, local authorities, the Health Service Executive, the Central Bank of Ireland (subject to the agreement of the Governor of that Bank), educational institutions, the non-commercial State bodies where a public service pension scheme exists or applies or may be made, and any other publicly funded body where a public service pension scheme exists or applies or may be made.

The definition is set out in full in section 5 of the Single Scheme Bill. This definition from the Single Scheme Bill is substantially the same as has been used in recent public service pension legislation, including the Public Service Superannuation (Miscellaneous Provisions) Act 2004, which increased new-joiner pension age by five years, the Financial Emergency Measures in the Public Interest Act 2009, which introduced the public service pension-related deduction, and the Financial Emergency Measures in the Public Interest Act 2010 which introduced the Public Service Pension Reduction. Commercial State bodies are not included in the definition of public service body for the purposes of public service pensions legislation. These excluded bodies are listed in the Schedule to the Single Scheme Bill.

### **Freedom of Information**

207. **Deputy Seán Kyne** asked the Minister for Public Expenditure and Reform if consideration will be given to amending section 46 (1) of the Freedom of Information Acts in order to make available to the public, records created by participants in judicial proceedings on matters of public importance such as a road development for example. [2610/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Section 46(1) of the Freedom of Information Acts 1997 and 2003 provides that the Act does not apply to records relating to the proceedings in a court of law. I do not intend to amend the Act in this regard as to do so would interfere with and impact adversely on the independent role and functions of the Courts.

### **Trade Relations**

208. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which trade has increased between Ireland and the EU and the worldwide community in each of the past three years to date in 2012; the degree to which future potential in this regard has been identified; and if he will make a statement on the matter. [2606/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Details of Ireland's trade with both the group of 26 other EU Member States and with all countries of the world, are given in the following tables. Data is available up to Quarter 3 of 2011.

[Deputy Richard Bruton.]

With regard to future potential for trade development, a Strategy and Action Plan for Irish Trade, Tourism and Investment, entitled *Trading and Investing in a Smart Economy, a Strategy and Action Plan for Irish Trade, Tourism and Investment to 2015*, was developed by this Department in late 2010 and is currently being implemented. This strategy has set a number of ambitious targets to be achieved by 2015 and its overall objective is to marshal and coordinate the resources of the State in a way that best supports firms, of all sizes, in all parts of the country, which are trying to trade and grow their business overseas. Implementation of that Strategy will result in the sustained, concentrated and coordinated efforts of all the key Government Departments and agencies, including our embassies and consulates abroad, in support of Irish companies in overseas markets. The strategy presents a suite of actions for building on existing strengths and driving trade relations in existing as well as new and emerging economies. Implementation of the Strategy is driven by the new Export Trade Council, which has broad—ranging representation from key players in both the public and private sectors.

Ireland's trade with other EU countries

Year	Exports (€m)			Imports (€m)		
	Merchandise	Services*	Total*	Merchandise	Services*	Total*
2008	53,787	44,308	98,095	36,178	39,198	75,376
2009	51,267	42,375	93,642	26,349	37,974	64,323
Change over previous Year	-4.69%	-4.36%	-4.54%	-27.17%	-3.12%	-14.66%
2010	51,544	45,600	97,144	27,417	41,157	68,574
Change over previous Year	+0.54%	+7.61%	+3.74%	+4.05%	+8.38%	+6.61%
Jan-Sep 2010	38,783	33,536	72,319	20,073	29,946	50,019
Jan-Sep 2011	40,211	35,335	75,546	22,507	30,305	52,812
Change over previous Jan-Sep	+3.68%	+5.36%	+4.5%	+12.1%	+1.2%	+5.58%

\* It should be noted that some Services trade statistics are suppressed by the Central Statistics Office for confidentiality reasons and therefore are not included in the totals above. These suppressed figures are likely to be quite low, with minimal impact on the totals shown. The following are the countries where services statistics have been suppressed and which impact on the table above — *Bulgaria* 2008 Imports and 2009 Exports, *Cyprus* 2008, 2009 and 2010 Exports, *Greece* 2009 Exports and Imports, *Latvia* 2008 Imports, *Lithuania* 2008 Exports, *Malta* 2008/2009 and 2010 Imports and 2010 Exports, *Romania* 2008 Imports, *Slovenia* 2010 Exports and Imports.

Ireland's worldwide trade.

Year	Exports (€m)			Imports (€m)		
	Merchandise	Services	Total	Merchandise	Services	Total
2008	86,394	67,947	154,341	57,585	75,617	133,202
2009	84,238	67,134	151,372	45,061	75,186	120,247
Change over previous Year	-2.50%	-1.20%	-1.92%	-21.75%	-0.57%	-9.73%
2010	89,193	73,837	163,030	45,764	80,931	126,695
Change over previous Year	+5.88%	+9.98%	+7.70%	+1.56%	7.64%	+5.36%
Jan-Sep 2010	66,638	54,065	120,703	33,989	59,071	93,060
Jan-Sep 2011	69,425	57,864	127,289	36,185	60,485	96,670

Year	Exports (€m)			Imports (€m)		
	Merchandise	Services	Total	Merchandise	Services	Total
Change over previous Jan-Sep	+4.18%	+7.03%	+5.46%	+6.46%	+2.39%	+3.88%

### Job Creation

209. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the cost per net job supported by Industrial Development Agency Ireland in the years 2009 to 2011, inclusive. [1873/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The cost per job supported by IDA Ireland for 2009 and 2010, as published in IDA's 2010 Annual Report which is available on its web-site, is set out in the table at appendix 1. I am informed that information relating to 2011 will be included in the Agency's 2011 Annual Report which will be published later this year.

#### Appendix 1

##### IDA Cost Per Job Sustained Constant 2010 Prices

Year	1995-2001	1996-2002	1997-2003	1998-2004	1999-2005	2000-2006	2001-2007	2002-2008	2003-2009	2004-2010
	€16,304	€18,525	€18,210	€16,165	€14,219	€12,903	€12,899	€12,495	€14,159	€14,287

Source: Forfás Annual Employment Survey 2010.

Note: The cost per job sustained is calculated by taking into account all IDA Ireland expenditure to all firms in the period of calculation. Only jobs created during and sustained to the end of each seven year period are credited in the calculations.

### Job Losses

210. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the number of jobs lost in Industrial Development Agency Ireland-supported companies in the years 2009 to 2011, inclusive. [1874/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The total number of new jobs created and jobs lost in IDA supported companies in 2009, 2010 and 2011 is set out in the following tabular statement:

Year	2009	2010	2011
Number of Companies	1,019	1,014	1,004
Permanent Employment	126,415	125,855	130,499
New Jobs	5,239	9,075	11,594
Net Change in Other Jobs	-1,671	2,149	1,474
Job Losses	17,911	9,635	6,950
Total Net Change in Employment	-14,343	+1,589	+6,118

### Job Creation

211. **Deputy Brendan Griffin** asked the Minister for Jobs, Enterprise and Innovation if his

[Deputy Brendan Griffin.]

attention has been drawn to the job losses that have occurred in recent years; if he will put in place a plan dedicated to rejuvenate the labour intensive pub trade; and if he will make a statement on the matter. [1957/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** As Minister for Jobs, enterprise and Innovation, I am acutely aware of the number of jobs lost in recent years and I fully appreciate the impact of these job losses, not just on the employees concerned and their families, but also on the wider community. Therefore, job creation is at the top of the Government's agenda. Since coming into office, we have been working hard to create the improved economic conditions which will support the maintenance of existing jobs and the creation of new ones. The Government's objective is to put the country back on the road to economic recovery and full employment.

The Jobs Initiative, announced on 10 May 2011, concentrated on the measures that offered the greatest potential for expansion and employment creation in the domestic economy. The Initiative had a significant focus on tourism and the reduction in the VAT Rate has helped provide an important stimulus to the sector generally. This has undoubtedly benefited the wider tourism industry including the hospitality and drinks sector to which the Deputy refers.

Work is also continuing on the Government's Action Plan for Jobs which will set out a series of clear, actionable measures to support the creation and retention of jobs. The Strategy will focus on areas such as:

- improving competitiveness and intensifying competition in sheltered sectors;
- assisting indigenous business to grow;
- supporting indigenous start-ups;
- attracting inward entrepreneurial start-ups;
- developing and deepening the impact of Foreign Direct Investment;
- exploiting opportunities in new and emerging sectors; and
- supporting employment initiatives within the community.

I am confident that the measures outlined in the Action Plan for Jobs, together with the policies and initiatives being pursued by the Industrial Development agencies and the County and City Enterprise Boards, will create the employment opportunities necessary for national recovery.

212. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation the position regarding job creation in Dublin North Central in 2012 and the supports for small businesses. [1988/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Job creation is at the top of the Government's agenda. Since coming into office, the Government have focused on improving economic conditions to support the maintenance of existing jobs and the creation of new ones. Our objective is to put the country back on the road to economic recovery and full employment.

The Jobs Initiative, announced on 10 May 2011, concentrated on the measures that offered the greatest potential for expansion and employment creation in the domestic economy. The

Initiative had a significant focus on tourism and the reduction in the VAT Rate has helped provide an important stimulus to the sector generally.

Work is also continuing on the Government's Action Plan for Jobs which will set out a series of clear, actionable measures to support the creation and retention of jobs. The Strategy will focus on areas such as:

- improving competitiveness and intensifying competition in sheltered sectors;
- assisting indigenous business to grow;
- supporting indigenous start-ups;
- attracting inward entrepreneurial start-ups;
- developing and deepening the impact of Foreign Direct Investment;
- exploiting opportunities in new and emerging sectors; and
- supporting employment initiatives within the community.

The Enterprise Development agencies which fall within the remit of my Department, together with the County and City Enterprise Boards, have continued to provide a wide range of supports, both financial and non-financial to companies in Dublin City, which includes Dublin North Central, and the country generally.

Enterprise Ireland is actively promoting entrepreneurship in Dublin City and provides a range of enterprise programmes and other initiatives to ensure that emerging technologies and business ideas with export potential are supported to become a commercial reality. There are currently 1,049 Enterprise Ireland client companies in Dublin City, employing almost 27,000 people. In 2011, Enterprise Ireland paid out €21.5m in funding to client companies in Dublin City. IDA Ireland's strategy for Dublin is to: Progress the development of a knowledge economy in order that the region can compete both nationally and internationally for foreign direct investment and to work with the existing client base in Dublin to encourage them to expand and diversify into higher value added good and services.

In 2011, there were nearly 500 IDA client companies, employing almost 52,000 people located in the Dublin City area.

Throughout 2011, Dublin City Enterprise Board and Fingal County Enterprise Board continued to support enterprise development and job creation throughout the north side of Dublin, through the provision of both direct and indirect assistance and will continue to ensure that available funds are targeted to maximise these objectives in 2012. The latest figures available indicate that these two Boards support over 113 companies that employ almost 4,000 people. I am confident that the measures outlined in the Action Plan for Jobs, together with the policies and initiatives being pursued by the Industrial Development agencies and the County and City Enterprise Boards, will create the employment opportunities necessary for national recovery.

213. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the plans that are in place for the north east region to benefit from the 4% increase in Enterprise Ireland's capital budget; and if he will make a statement on the matter. [2060/12]

214. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the plans that are in place for County Meath to benefit from the 4% increase in Enterprise Ireland's capital budget; and if he will make a statement on the matter. [2061/12]

220. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the plans in place in respect of counties Sligo and Leitrim to benefit from the 4% increase in Enterprise Ireland's capital budget; and if he will make a statement on the matter. [2295/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 213, 214 and 220 together.

Job creation is at the top of the Government's agenda. Since coming into office, the Government have focused on improving economic conditions to support the maintenance of existing jobs and the creation of new ones. Our objective is to put the country back on the road to economic recovery and full employment.

The Jobs Initiative, announced on 10 May 2011, focuses our limited resources on measures that offer the greatest potential for expansion and employment creation in the domestic economy. The Initiative had a significant focus on tourism and the reduction in the VAT Rate has helped provide an important stimulus to tourism generally.

Work is also continuing on the Government's Action Plan for Jobs which will set out a series of clear, actionable measures to support the creation and retention of jobs. The Strategy will focus on areas such as:

- improving competitiveness and intensifying competition in sheltered sectors;
- assisting indigenous business to grow;
- supporting indigenous start-ups;
- attracting inward entrepreneurial start-ups;
- developing and deepening the impact of Foreign Direct Investment;
- exploiting opportunities in new and emerging sectors; and
- supporting employment initiatives within the community.

The importance this government attaches to job creation and economic recovery is underpinned by the increase of 4%, at a time of declining resources, in the Capital Budget for Enterprise Ireland.

There are currently almost 400 Enterprise Ireland client companies in the north east region (counties Louth, Cavan and Monaghan) employing just over 13,000 people on a full time basis. In 2011, Enterprise Ireland paid out almost €6.8m in funding to clients in the region.

There are 172 Enterprise Ireland clients in Co Meath employing 4,329 people full-time. Companies received €5.8m in payments in 2011.

In Co Sligo there are 82 Enterprise Ireland clients employing 1,314 people full-time and companies received €1.03m in payments in 2011, while in Co Leitrim there are 44 client companies employing 539 people and funding in 2011 of more than €284,000.

Enterprise Ireland, along with the other development agencies under my remit, will continue to provide a wide range of supports, both financial and non-financial to companies in these counties. The increase in capital allocation across all counties will provide Enterprise Ireland with significant resources to further support the development of Irish enterprise, and will allow the agency to continue with current levels of spending on job creation measures.

### Departmental Bodies

215. **Deputy Sean Fleming** asked the Minister for Jobs, Enterprise and Innovation if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2078/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The public bodies under the auspices of my Department that are prescribed under the Ethics in Public Office Acts, 1995 and 2001 are listed in Statutory Instrument No. 707 of 2011, *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations, 2011*.

Table 1 below lists the sixty-four public bodies under the auspices of my Department that are prescribed under the Ethics in Public Office Acts. The Table also lists the Designated Directors and Designated Positions of Employment which are subject to the Ethics legislation. In addition any staff member whose maximum salary is not less than the maximum salary of a Principal Officer (General Service Grade, Class B PRSI) in the Civil Service (currently €92,672) is subject to the Ethics legislation.

The requirement to complete a written statement of interests in relation to a person, who is subject to the Ethics legislation including for his/her spouse or civil partner or child of the person or of his or her spouse, only applies where there is an interest to be disclosed. Any such written statements of the Designated Directors or those who occupy Designated Positions of Employment in the public bodies listed in Table 1 are retained in the public body concerned and, in the case of the Designated Directors, are also provided to and retained by the Standards in Public Office Commission. Consequently, my Department does not have statistics on the number of persons who are required to complete a written statement in each public body. In relation to my Department, Table 2 lists the Designated Positions of Employment that are prescribed in Statutory Instrument No. 644 of 2011 *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2011*, and it also includes any position of employment which is remunerated at a maximum salary that is not less than the maximum salary of a Principal Officer (General Service Grade, Class B PRSI, currently €92,672). There are currently some 112 persons in positions of employment in my Department and its Offices that are designated under the Ethics in Public Office Acts.

Table 1:- Public Bodies under the auspices of the Department of Jobs, Enterprise and Innovation

	Public Body	Designated Directorships	Designated Positions of Employment
1.	Advisory Board to the National Employment Rights Authority	Chair of the Board Members of the Board	
2.	Competition Authority	Chairperson Members of the Authority	Secretary Divisional Managers Legal Advisers
3.	35 City and County Enterprise Boards	Chairpersons of each Board Board Members	Chief Executive Officer of each Board Company Secretary
4.	Crafts Council of Ireland	Members of the Board	Chief Executive Officer Company Secretary Programme Managers Communications Manager
5.	Enterprise Ireland	Members of the Board	Secretary to the Board All staff at Level F or higher

[Deputy Richard Bruton.]

	Public Body	Designated Directorships	Designated Positions of Employment
6.	Forfás	Members of the Board	Secretary of Forfás Manager of Facilities Department (Level E) All Staff at Level F and above
7.	Health and Safety Authority	Chairman of the Authority Members of the Authority	Secretary
8.	Health and Safety Authority Advisory Committees: (i) Construction Advisory Committee (ii) Farm Safety Partnership Advisory Committee (iii) Technical and Scientific Advisory Committee	All Advisory committees: Chair Members	
9.	Irish National Accreditation Board	Members of the Board	
10.	Irish Takeover Panel	Board of the Panel	Director General Executive Member
11.	Industrial Development Agency (Ireland)	Members of the Board	Secretary to the Board Level F posts and above Level E Section management posts in the Property Division
12.	Irish Auditing and Accounting Supervisory Authority	Chairperson Director	Chief Executive Company Secretary Finance Manager Head of Financial Reporting Supervision Unit Head of Regulatory and Monitoring Supervision Unit
13.	Labour Relations Commission	Members of the Board	Rights Commissioners Chief Executive Secretary to the Commission Senior Advisory Officer Strategy and Standards Director of Conciliation Deputy Director of Conciliation
14.	National Competitiveness Council	Members of the Council	
15.	National Consumer Agency	Chairperson Members of the Board Chief Executive Officer	All Assistant Principal Grades or equivalents.
16.	National Standards Authority of Ireland	Members of the Board	Secretary to the Board Level PSO / F and higher posts Level E posts in Finance; PR and HR Procurement Officer
17.	NSAI subsidiary: National Standards Authority of Ireland Incorporated	Board Members	
18.	Patents Agents Board	Chair Members of the Board	
19.	Personal Injuries Assessment Board	Members of the Board	Chief Executive Officer Director grade posts All Manager posts

	Public Body	Designated Directorships	Designated Positions of Employment
20.	Science Foundation Ireland	Members of the Board	Director General. Chief Operations Officer. Director of Information, Communications and Emergent Technologies. Director of Life Sciences. Scientific Programme Managers. Accounting Manager. Manager of PR and Communications. Manager Secretariat. Grants Administration Manager. Finance Manager. IT Manager. Business Analyst. Associate Scientific Programme Officers. Positions at Level F or higher grades. Head of Audit and Compliance.
21.	Shannon Free Airport Development Company Limited	Members of the Board	Company Secretary Positions at E3A or higher
22.	Shannon Free Airport Development Company Limited subsidiaries: (i) Kilrush Creek Marina Limited (ii) The National Technological Park Plassey Limited (iii) Shannon Castle Banquets & Heritage Limited	All subsidiaries: Members of the Board of Directors	Kilrush Creek Marina Limited: Company Secretary The National Technological Park Plassey Limited: Company Secretary. Shannon Castle Banquets and Heritage Limited: Chief Executive Officer Company Secretary. Senior Managers
23.	Trade Mark Agents Board	Chair Members of the Board	
24.	Small Business Advisory Group	Ordinary Members of the Group	
25.	Cloud Computing Implementation Group	Members of the Group	
26.	High Level Group on Business Regulation	Ordinary Members of the Group	Assistant Principal acting as Secretary to the Group

Table 2:- Department of Jobs, Enterprise and Innovation — Designated Positions of Employment under the Ethics in Public Office Acts, 1995 and 2001

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Secretary General

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All Assistant Secretary and Equivalent posts

All Principal Officer and Equivalent Posts

Special Advisers

Office of Science and Technology — Assistant Principal, Research, Technology and Innovation Committee —  
Assistant Principal, Industrial Research and Commercialisation Committee

Personnel, Training and Development Unit — Assistant Principal, HR Policy, Training and Development —  
Assistant Principal, Personnel — Higher Executive Officer, Training and Development

Management Support Unit — Departmental Legal Advisor

Tax Policy Unit — Accountant Grade I / Tax Policy Specialist

Finance Unit — Accountant, Grade I

Information Technology Unit — Assistant Principal and equivalent posts — Higher Executive  
Officer/Administrative Officer posts

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[Deputy Richard Bruton.]

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Secretary General

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Market Access Unit — Assistant Principal who is head of Import/Export Licensing Unit  
 Internal Audit Unit — Assistant Principal and equivalent posts — Higher Executive Officer and equivalent posts  
 Business Services Unit — Assistant Principal posts — Higher Executive Officer posts— Executive Officer posts engaged in the recommending or approving of contracts or in the processing of tenders  
 Companies Registration Office— Registrar of Companies— Assistant Registrar of Companies— Higher Executive Officer, Information and Training Unit— Higher Executive Officer, Publications Section— Higher Executive Officer, Information Technology Unit  
 Office of the Director of Corporate Enforcement— Director of Corporate Enforcement— Solicitor— Assistant Principal, Corporate Services Division— Higher Executive Officer, Corporate Services Division  
 Office of the Registrar of Friendly Societies— Registrar of Friendly Societies— Assistant Principal  
 Patents Office— Controller of Patents, Designs and Trademarks— Senior Examiner of Patents, Patents Office— Examiner of Patents, Patents Office— Assistant Principal, Trade Marks Branch, Patents Office— Assistant Principal, Patents Administration, General Administration and Copyright  
 National Employment Rights Authority— Solicitor— Assistant Principal, Regional Manager Sligo, Corporate and Legal— Assistant Principal, Regional Manager Dublin and Shannon— Assistant Principal, Regional Manager Carlow and Information Services— Assistant Principal, Regional Manager Cork  
 Labour Court— Chairman— Deputy Chairpersons— Ordinary Members— Registrar of the Labour Court— Administration Manager— Higher Executive Officer, Secretariat and Support Services Section

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### Departmental Staff

216. **Deputy Sean Fleming** asked the Minister for Jobs, Enterprise and Innovation the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2094/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** nister for Jobs, Enterprise and Innovation (Mr. Bruton) In 2011, 23 staff members retired from my Department. The total cost of the lump sums paid to these staff was €2,113,273.79. The cost of their pensions for 2012 is estimated at €698,598.53.

In relation of the agencies under the aegis of my Department, I have referred the matter to the Agencies for direct reply to the Deputy.

### Work Permits

217. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation the position regarding an employment permit appeal in respect of a person (details supplied) in County Cork. [2113/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department processes applications in respect of the different types of employment permits and all applications are processed in line with the Employment Permits Act 2006.

I wish to advise the Deputy that this Work Permit application was refused on 28 September 2011 on the grounds that it is current Government policy to issue new employment permits only in respect of:

- highly skilled, highly paid positions or;
- non-EEA nationals who are already legally resident in the State on valid employment permits or;

- positions requiring specialist or scarce skills, expertise or qualifications which cannot be filled otherwise.

Furthermore, it appeared from the information submitted that the position on offer was an administrative position, and all administrative positions are one of the occupational categories currently ineligible for a new employment permit. Having examined the appeal, the Appeals Officer upheld the original refusal decision in this case on the 16th January 2012.

### Departmental Expenditure

218. **Deputy Brendan Smith** asked the Minister for Jobs, Enterprise and Innovation the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2137/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Details are provided on the table below of the total allocated budget for each subhead for my Department in 2011. The 2011 outturn figures are provisional and will not be finalised until the Appropriation Account for 2011 is completed.

Subhead	Description	2011 Allocation €000's	2011 Provisional Outturn €000's
	<i>Administration</i>		
A.1	Salaries	27,564	28,147
A.2	Travel & Subsistence	1,033	812
A.3	Training and Development and Incidental Expenses	846	615
A.4	Postal & Telecommunications	863	823
A.5	Office Equipment & External IT Services	4,256	3,419
A.6	Office Premises	1,169	1,062
A.7	Consultancy Services & VFM & Policy Reviews	210	139
A.8	Advertising & Publicity	282	154
A.9	Office of the Director of Corporate Enforcement	5,967	3,397
A.10	Labour Court	2,695	2,441
A.11	National Employment Rights Authority	6,946	6,638
	Total Admin Expenditure	51,831	47,647
	<i>Programme Expenditure</i>		
B.1	Forfas — Administration & General Expenses	42,877	34,683
B.2	Forfas — Pension Payments	14,417	9,777
B.3	Intertrade Ireland	8,041	6,637
C.1	IDA Ireland — Administration & General Expenses	38,577	37,377
C.2	IDA — Grant to Industry	85,000	85,000
C.3	IDA — Building Operations	1,000	11,000
D.1	Enterprise Ireland- Administration & General Expenses	84,300	80,600
D.2	Enterprise Ireland — Grant to Industry	78,923	54,800
D.3	Enterprise Ireland — Grant for Capital Expenditure	1,000	1,000
E.1	Shannon Free Airport Development Company Ltd — Admin & General Expenses	2	—

[Deputy Richard Bruton.]

Subhead	Description	2011 Allocation €000's	2011 Provisional Outturn €000's
E.2	Shannon Free Airport Development Company Ltd — Grants to Industry	3,600	5,600
E.3	Shannon Free Airport Development Company Ltd — Pension Payments	3,516	2,751
F.1	Science and Technology Development Programme	320,670	302,659
F.2	Dublin — City of Science	832	932
F.3	Programme for Research in Third Level Institutions (PRTLII)	55,563	57,856
G	County Enterprise Development	27,242	29,958
H.1	Monitoring & Evaluation of EU Programmes	89	16
H.2	INTERREG Enterprise Development	2,000	1,512
I	National Standards Authority of Ireland — Admin & General Expenses	6,836	6,336
L	Enterprise Ireland — Temporary Employment Subsidy Scheme	4,250	4,250
N	Labour Relations Commission	5,359	4,958
O.1	Grants for Trade Union Education	874	874
O.2	Work Place Innovation Fund Promotion Of Partnership	296	255
P	Trade Union Amalgamations	10	—
Q	Competition Authority	5,116	3,621
R.1	National Consumer Agency	6,366	5,499
R.2	NCA — Grant for Financial Information and Education Functions	2,000	1,622
R.3	Consumers Support	50	—
S.1	Companies Registration Office	7,428	7,457
S.2	Irish Auditing and Accounting Supervisory Authority	1,598	1,442
S.3	Personal Injuries Assessment Board	58	55
T	Health and Safety Authority	20,556	19,828
U	Research	168	1
V	Framework for Family Friendly Policies	2	2
W	Subscriptions to International Organisations	17,184	17,855
X.1	Commissions, Committees & Special Inquiries	425	204
X.2	scellaneous Payments	1,647	78
X.3	Superannuation & Pensions for members of Labour Court & Restrictive Practices Commission	758	587
X.4	Export Credit Insurance	8	7
	Total Programme Expenditure	848,638	797,089
	Admin & Programme Gross	900,469	844,736
Y	Appropriations in Aid	55,629	53,683
	Vote 34 Net Total Expenditure	844,840	791,053

### Departmental Agencies

219. **Deputy Tom Fleming** asked the Minister for Jobs, Enterprise and Innovation if he will direct Enterprise Ireland and the Industrial Development Agency to set up an office in County Kerry with a full-time official who will act as the co-ordinator for attracting foreign direct investment into the county and who will also interact with all entrepreneurs in County Kerry, the county enterprise board and the partnership organisations in County Kerry. [2202/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The management and location of Enterprise Ireland and IDA Ireland staff is a day to day operational matter for the agencies and not one in which I have a direct role.

Enterprise Ireland currently has a full time office in Denny Street, Tralee with five full-time staff employed and meets regularly with entrepreneurs in Kerry to discuss their business proposals and to assist them in developing their business plans. Enterprise Ireland has a strong working relationship with the Kerry County Enterprise Board, the Partnership Companies, the County Development Boards, Shannon Development etc. and is represented on the following committees:

- South Kerry Development Partnership (SKDP) / LEADER
- SKDP Projects Assessment Committee
- North & East Kerry Development (NEKD)/LEADER
- Killarney Technology Innovation Centre (KTI)
- Kerry County Enterprise Board
- Kerry County Enterprise Board — Evaluation Committee
- Kerry County Development Board
- Kerry Enterprise Action Team (KEAT)
- Tom Crean Business Centre
- Institute of Technology Tralee, Governing Body
- Tralee Task Force.

IDA Ireland's offices around the country operate on a regional rather than a local basis. Kerry comes within the scope of IDA Ireland's South West Regional office, located in Cork, where Kerry as a County is actively marketed as a location for FDI. IDA Ireland has no plans to open an office in Kerry. I am confident that the policies and initiatives being pursued by the Industrial Development agencies and Kerry County Enterprise Board will continue to attract employment and investment opportunities for Co. Kerry.

*Question No. 220 answered with Question No. 213.*

### Job Protection

221. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to secure jobs at a location (details supplied) in County Leitrim; and if he will make a statement on the matter. [2315/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** As stated previously, my priority is that any decision taken by Bank of America will have minimal impact on employees at the Carrick on Shannon operation and ensure that jobs are maintained at the facility. The process regarding the sale of Bank of America’s Irish and UK credit card businesses is ongoing.

There is considerable interest in both the MBNA Ireland portfolio and the MBNA UK portfolio, which will almost certainly be sold separately. Negotiations regarding the sale of the MBNA Ireland portfolio have continued to advance in recent weeks.

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.

Separate to the above, IDA has been and continues to market Carrick on Shannon and the Bank of America MBNA capability there to other potential investors, should the above negotiations fail to lead to a positive outcome.

This has included creating a detailed profile/factfile in conjunction with Bank of America MBNA management to highlight the skillset, experience and facility in Carrick on Shannon. This profile is being used by IDA’s international network of offices to market both the centre itself and the location.

**Redundancy Payments**

222. **Deputy Robert Dowds** asked the Minister for Jobs, Enterprise and Innovation his views that the treatment of workers (details supplied) who were told that they were to be made redundant with immediate effect on 10 January 2012 was appropriate; if it was just; the action he will take to intervene in the situation to ensure that the workers are paid everything to which they are entitled. [2414/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I am aware that a settlement to the satisfaction of the parties to the La Senza dispute has finally been agreed. It is regrettable that it seemed to be necessary for the workers to take the actions they did in order to safeguard the payment of their legal entitlements.

Had established procedures been followed by the employer side, the closure and consequent redundancies could have been handled in a manner which at least gave employees confidence of getting their entitlements without having to resort to the need for action.

*Question No. 223 withdrawn.*

224. **Deputy Sean Fleming** asked the Minister for Social Protection the number of redundancies notified to him on a month by month basis in 2011; and if she will make a statement on the matter. [2432/12]

**Minister for Social Protection (Deputy Joan Burton):** The number of redundancy applications received in my Department on a month by month basis in 2011 is as follows:

Year	2009
January	4,846
February	3,089
March	5,349

Year	2009
April	3,725
May	4,102
June	3,669
July	4,703
August	3,828
September	3,367
October	2,265
November	3,969
December	6,850
Total	49,762

225. **Deputy Sean Fleming** asked the Minister for Social Protection the number of redundancies notified to him between the 6 December 2011 and the 31 December 2011; and if she will make a statement on the matter. [2434/12]

**Minister for Social Protection (Deputy Joan Burton):** The number of redundancy applications (rebate and lump sum) received in my Department between 6 December 2011 and 31 December 2011 was 5,962.

#### **Money Advice and Budgeting Service**

226. **Deputy Seán Kyne** asked the Minister for Social Protection if the role of the Money Advice and Budgeting Service will be enhanced with corresponding additional resources for assisting over indebted citizens in view of the preparation of the reformed personal insolvency legislation. [2588/12]

**Minister for Social Protection (Deputy Joan Burton):** The Money Advice and Budgeting Service (MABS) assists people who are over-indebted and need help and advice in coping with debt problems.

The Social Welfare (Miscellaneous Provisions) Act 2008 provided for the transfer of responsibility for MABS to the Citizens Information Board (CIB), under the aegis of my Department, in July 2009 in order to provide strong management and other support to the local voluntary MABS companies in the provision of a high quality service to meet the needs of people encountering debt difficulties. The role of money advisers is to help clients to assess their financial situation, make a budget plan and deal with creditors.

In 2012 funding of some €18 million has been provided to support the Money Advice and Budgeting Service (MABS). Sanction has recently been received from the Department of Public Expenditure and Reform for the retention of 12 temporary posts within the MABS network for a further two year period and I am satisfied that MABS will continue to provide a high quality personal service to assist people in overcoming their indebtedness and managing their finances.

The Dept of Finance has established a high level Steering Group to oversee and drive the overall implementation of the recommendations of the Inter-Departmental Mortgage Arrears Working Group and will report regularly to the EMC. My Department is represented on this group. The future contribution of MABS will be considered in line with commitments in the Programme for Government, recommendations contained in the reports of the Law Reform Commission on Personal Debt Management and Debt Enforcement, the Expert Group on Mortgage Arrears and Personal Debt and the Inter-Departmental Mortgage Arrears Working Group.

[Deputy Joan Burton.]

The Minister for Justice and Equality and Defense has produced an initial General Scheme of a Personal Insolvency Bill, this is being finalised for consideration by Government this month before it is available for publication.

### **Social Welfare Appeals**

227. **Deputy Jim Daly** asked the Minister for Social Protection the reason a decision has not yet been made on an application for carer's allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [1870/12]

**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 23rd 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 28th November 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 228 withdrawn.*

### **Redundancy Payments**

229. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive their redundancy payment; and if she will make a statement on the matter. [1881/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was received on 5 July 2011. Redundancy lump sum claims received in May 2011 are currently being processed.

### **Social Welfare Appeals**

230. **Deputy Brendan Griffin** asked the Minister for Social Protection when an appeal for disability allowance will be granted in view of new medical evidence in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [1963/12]

**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 27th July 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 21st December 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.

231. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will expedite and approve an appeal in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [1965/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 3rd December 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 6th January 2012 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.

### Social Welfare Benefits

232. **Deputy Eoghan Murphy** asked the Minister for Social Protection her plans to carry out a general review of rent supplement payments in March 2012 with a view to a possible increase of the individual contribution from residents in receipt of this supplement. [2022/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department has no plans to carry out a general review of rent supplement payments in March 2012.

Budget 2012 introduced changes to the rent supplement scheme. With effect from 1 January 2012 the minimum contribution payable by all tenants under the rent supplement scheme increased from €24 per week to €30 per week. In addition a higher rate minimum contribution of €35 per week was introduced for couples. This reflects the fact that couples have a higher income than one adult households.

New maximum rent limits also came into force on 1 January 2012. These new limits are in line with the most up to date market data available. The emphasis of the rent limit review was to ensure that value for money is achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation.

### Employment Support Services

233. **Deputy Eoghan Murphy** asked the Minister for Social Protection the date on which the new pathways to work scheme will be operational. [2023/12]

**Minister for Social Protection (Deputy Joan Burton):** Pathways to Work is a consolidated approach to the delivery of employment, welfare, and training/education services to unemployed people. Final arrangements are being made for its launch and I expect that it will be launched, as Government policy, shortly.

234. **Deputy Eoghan Murphy** asked the Minister for Social Protection the career advice services available for university graduates in view of recent announcements on improvements to training, upskilling and employment services. [2024/12]

**Minister for Social Protection (Deputy Joan Burton):** The Employment Service section of the Department of Social Protection (DSP) provides a range of services and supports to all Jobseekers. Clients can register at an Employment Service office, for on-site career guidance and job placement services.

The following is a brief outline of the range of services/supports available:

- Guidance interview(s) with an Employment Services Officer to discuss employment opportunities, training courses, financial supports and other options which may lead to employment (an overview of the process is detailed at the at end of document).
- Help with identifying transferable skills which may be used in various occupational settings.

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- A Jobseeker Pack which provides information on using the job search facility on the Jobs Ireland web site, information on how to: fill out an application form, prepare a CV and covering letter, prepare for a job interviews and a list of useful website addresses.
- Online CV — Jobseekers can also input their CVs directly on the Jobs Ireland database. Employers can access these CVs through this database and contact the Jobseeker directly to arrange a meeting.
- Employment Services has a number of Social inclusion programmes targeted for specific client groups who are facing difficulties in obtaining / maintaining employment, such as the wage subsidy scheme (WSS).
- The National (Free-phone) Call Centre (1800 611116) is available for clients registered with the Employment Service, which provides readily accessible details on job vacancies.
- Job Clubs are funded in locations around the country which provide supports to clients, with a view to assisting them to enter or return to employment in the shortest possible time.
- The Employment Service web page links to the European Employment Services Network (EURES) job mobility network / database which provides access to job vacancies in 31 countries, as well as practical information such as necessary documentation for those seeking employment within Europe.
- Regional job fairs and open days.

A key task of the Employment Service is to provide access to up-to-date and relevant information to jobseekers and employers in a customer friendly and professional manner. This includes the provision of, or access to, accurate information and advice on:—

- Employment/job opportunities.
- International Employment Services (Eures).
- Training and education services.
- Other labour market services.
- Other appropriate services for Jobseekers, such as the Local Employment Service (LES).
- Local networks of information within community organisations and State organisations and the development and maintenance of such networks etc.
- Employment legislation.
- Work permit guidelines.

Employment Services offices are equipped to cater for these information needs and operate as a resource centre providing access to all labour market opportunities. This Service includes the following publicly accessible resources:—

- Touch screen kiosk facilities.

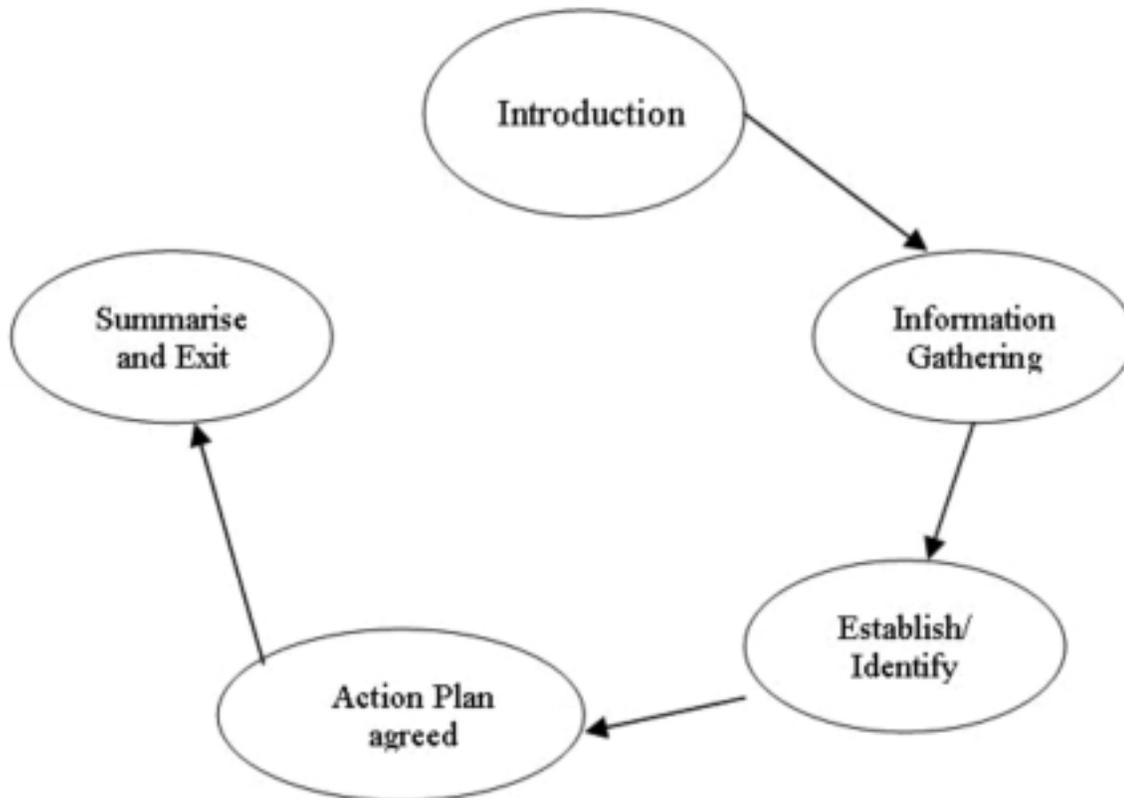
- Self help guidance facilities including Career Directions (Database of Careers Information and Interest Inventory tool) and Qualifax.
- Promotional literature on services.
- Free-phone telephone service for FÁS registered clients on 1800 611 116 (Jobs Ireland).
- Promotional literature on other relevant labour market services.

All of the above are carried out in an environment which features ease-of-access, customer friendliness and access to job displays, customer service desk, newspapers, free telephone, internet access, photocopying, PC use, printers and fax machines as appropriate.

(Note: In addition to the above the provision of the Local Employment Service Network (LESN), which operates in 24 designated areas of disadvantage, is supported by the Department under a contract arrangement with Local Development Companies. The LES provide a vocational / career guidance service to a number of client groups including those referred through the NEAP process by the Department) *Overview of the Registration and Guidance Interview Process.*

The model below provides a guide for the Employment Services Officer to structure the registration interview and manage the guidance process. Individual jobseekers' needs and circumstances, along with the time available for the guidance interview, dictate the pace of each interview. Depending on the needs of the jobseeker the amount of time spent on the different stages of the process will vary.

**BASIC GUIDANCE INTERVIEW MODEL (Reference L. ALI & B. GRAHAM)**



[Deputy Joan Burton.]

### *Introduction and Setting the Scene*

It is important at the outset to introduce the jobseeker to the service and clarify the purpose of the registration and guidance interview. This includes establishing the role and commitment of both the Employment Services Officer and the jobseeker, and the time available to devote to the interview.

### *Building a Verbal Contract*

The advantage of having a verbal contract in place is that both the jobseeker and the Employment Services Officer are clear about their expectations of each other. The time involved to get to this stage of the interview may vary from one jobseeker to another (if a jobseeker tends to raise other non-vocational issues, the Employment Services Officer has a structure to bring the jobseeker back to the key issue).

### *Information Gathering, Establishing/Identifying Needs*

These phases are an essential part of the registration and guidance interview process and acts as a road map to help assess the jobseekers needs in order to develop an action plan. Using the jobseeker Registration Form, or the computerised printout, the jobseekers' educational, training and employment background is reviewed and clarified.

The jobseeker is encouraged to talk about his/her concerns regarding employment and to identify issues that are important. The Employment Services Officer helps the jobseeker focus on the important issues and how they might be handled, for example, lack of confidence, duration unemployed, barriers to employment, and outdated skills.

The Employment Services Officer summarises what the jobseeker is saying and prioritises the key issues to be worked on. These priorities may need to be changed from time to time.

### *Making an Initial Assessment*

The Employment Services Officer paraphrases the jobseekers story and determines:—

- the extent of the jobseekers decision making skills (consistency towards employment aim);
- transferability of jobseekers existing skills;
- jobseekers strengths and weaknesses;
- jobseekers career preferences.

(Assessment of current skills/interests may be done at this point, or by appointment — e.g. use of the *Career Directions* database/system).

### *Encouraging the Jobseeker to explore other options*

The Employment Services Officer provides feedback on assessments/tests that may have taken place earlier in the process. This feedback broadens the range of options to be explored by the jobseeker.

### *Action Planning (Helping the Jobseeker to identify what needs to be done)*

In order for the jobseeker to progress, the jobseeker needs to understand what the next step should be. To achieve this, Employment Services Officers assists jobseekers in constructing a programme of practical steps.

The Employment Services Officer also assists the jobseeker in breaking down major tasks into more achievable action points and helps him/her to explore suitable approaches i.e.

training/educational programmes, work experience/work shadowing. It is important however that the jobseeker takes ownership of the action plan.

Depending on the outcome of earlier phases of the process, the jobseeker may not need further training/education and may be in a position to start searching for work. At this stage the Employment Services Officer assigns a coding (using a system of occupational classifications for coding jobseekers and vacancies — and experience level indicators) to the jobseeker's record indicating them as "Job Ready".

A Curriculum Vitae may be prepared based on information gathered at earlier interviews. Referral to a Job Club may also be appropriate.

#### *Ending the interview process*

Prior to ending the process, the Employment Services Officer will:

- review with the jobseeker what has happened summarising the key points discussed and the decisions made about actions to be taken;
- encourage the jobseeker to summarise what has been agreed;

This helps the jobseeker take ownership of what has happened and empower him/her to work independently towards finding employment. The jobseeker should show they have the following basic understandings:—

- what actions are required to get a job;
- what employers expect from employees.

*Question No. 235 withdrawn.*

### **Social Welfare Benefits**

236. **Deputy John Lyons** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in Dublin 9; and if she will expedite a decision on same. [2038/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance was received from the person in question.

Her file has been referred to an investigative officer of this Department for further examination and confirmation that all conditions for receipt of carer's allowance are satisfied.

On completion of the necessary investigations relating to all aspect of her claim a decision will be made and the person concerned will be notified directly of the outcome.

### **Social Welfare Code**

237. **Deputy Simon Harris** asked the Minister for Social Protection the projected savings that will be made by the budget 2012 decision to assess carer's allowance as income for the purposes of the family income supplement; the number of families that will be affected by this decision; and if she will make a statement on the matter. [2063/12]

**Minister for Social Protection (Deputy Joan Burton):** In assessing weekly family income for the purposes of the family income supplement (FIS) the value of primary social welfare payments is taken into account when means are assessed. This Budget measure relating to the inclusion of carer's benefit or carer's allowance payments in the income assessment for FIS is designed to bring the treatment of carer's allowance and carer's benefit into line with how

[Deputy Joan Burton.]

other primary social welfare payments are assessed. The measure also provides for a more consistent approach to the concurrent payment of FIS with other social welfare payments. Furthermore, the measure reduces a person's secondary payment (FIS) without affecting their primary payment, therefore targeting available scarce resources at those in most need.

From January 2012, for new applicants and upon renewal for existing claimants, income from carer's allowance and carer's benefit payments will be included in the (FIS) income assessment. The measure will be implemented on a phased basis over 3 years with 1/3 of the income from carer's allowance and carer's benefit payments assessed in 2012, 2/3 in 2013 and full assessment in 2014.

At the time of the Budget announcement, and based upon full assessment from the out-set of income from carer's allowance, the savings from this budget measure were estimated at €0.5 million in 2012 and €1.06 million in 2013 and 2014. The updated projection of savings from the phased introduction has not yet been finalised but I expect the figures to be available shortly.

### **Redundancy Payments**

238. **Deputy Gerry Adams** asked the Minister for Social Protection if a company (details supplied) in County Cork has been in touch with her regarding the payment of statutory redundancy to workers at the firm who are currently occupying the site; if the company aims to access the Department's insolvency fund; if she or her Department have sought to view the company's accounts to determine whether the company is in a position to pay the redundancy payments owed to the workers; and if she will make a statement on the matter. [2066/12]

**Minister for Social Protection (Deputy Joan Burton):** An official from my Department contacted the company concerned to establish the position in relation to redundancy claims and to ensure that the workers of the company are in a position to access any redundancy payments to which they may be entitled. Redundancy payments are made from the Social Insurance Fund.

The company submitted 34 applications online on 22 December 2011 and hard copies / associated papers were received on 4 January 2012. The company have supplied documentary evidence, including company accounts and a letter from their auditors, in relation to their inability to pay the projected lump sum costs.

### **Departmental Bodies**

239. **Deputy Sean Fleming** asked the Minister for Social Protection if she will list the number of public bodies under her auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework and regulations; and the number of persons required to complete these forms in respect of each public body under her Department and including her Department. [2081/12]

**Minister for Social Protection (Deputy Joan Burton):** Under the Ethics in Public Office Act 1995, all civil servants, and public servants in prescribed public bodies, at Principal Officer level and above are required to make Annual Statement of Interest returns. In addition, board members of prescribed public bodies and certain less senior staff in prescribed 'designated positions' in the civil service or prescribed public bodies, e.g. staff dealing with contracts or in commercially sensitive areas, are also required to make such returns.

The public bodies under the aegis of my Department that have such responsibilities are the Pensions Board and the Citizens Information Board.

The number of persons subject to these requirements in 2011 was:

The Pensions Board	27
Citizens Information Board	32
Department of Social Protection	249

These figures for my Department do not take into account the merger of the former CWS staff and FAS staff with the Department. This will be reviewed in the current year and any further designations necessary action will be assigned.

### Departmental Staff

240. **Deputy Sean Fleming** asked the Minister for Social Protection the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in her Department and in respect of each organisation under her auspice; the total annual estimated pension costs associated with these persons in 2012; and if she will make a statement on the matter. [2097/12]

**Minister for Social Protection (Deputy Joan Burton):** A total of 117 officers retired from my Department during 2011. The total amount of the lump sums paid to these officers in accordance with their entitlements was €6,394,810.88. The annual estimated gross pension costs associated with these persons in 2012 is €2,056,652.38, which does not include the Public Service Pension Reduction.

With regard to the agencies under the auspices of my Department, the Citizens Information Board had one retiree in 2011 who was paid a lump sum of €21,479.47. The gross pension cost associated with this person in 2012 is €5,421.00.

There were no retirements during 2011 in The Pensions Board.

### Social Welfare Code

241. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding widow or widowers pensions (details supplied); and if she will make a statement on the matter. [2104/12]

**Minister for Social Protection (Deputy Joan Burton):** The measure introduced in Budget 2012 will reduce the period of time from 12 months to 6 months for the backdating of a claim and will not allow for further proportionate backdating.

This measure is timely as I am satisfied that customers are more likely now than before to have had an attachment to the workforce thus ensuring more awareness of their entitlements arising from their social insurance contributions.

This, together with the Department's focus on provision of information to the public means that people are more aware of their entitlements and are more likely to apply on time.

Developments in the administration of pensions in recent years have also facilitated customers in making pension application in a timely manner and in some cases provide for automatic awards where the social insurance conditions are met.

Customers who establish an entitlement to a pension will get their full entitlement from the date of claim and there is provision for the backdating of the claim for a period up to six months before the date of claim.

[Deputy Joan Burton.]

There will be no provision for further backdating except in circumstances where the failure to claim arises as a result of incorrect information being supplied by the Department or where the delay in making a claim arises as a result of the claimant's incapacity by illness or infirmity.

I want to reassure the Deputy that customers who establish their entitlement to a Widow's pension will get their full entitlement from the date of application and/or backdated by a maximum of six months as appropriate.

*Question No. 242 withdrawn.*

### Social Welfare Appeals

243. **Deputy John McGuinness** asked the Minister for Social Protection if she will arrange a review of the application and medical evidence submitted by a person (details supplied) in County Kilkenny. [2125/12]

**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 14th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Departmental Expenditure

244. **Deputy Brendan Smith** asked the Minister for Social Protection the total allocated budget for her Department in 2011; and the actual outturns in each of her Department subheads at the end of 2011. [2140/12]

**Minister for Social Protection (Deputy Joan Burton):** The estimate of expenditure in 2011 for schemes, services and administration for the Department of Social Protection, amounts to €20.62 billion. At the end of 2011 provisional outturns for individual subheads, Social Insurance Fund income items, and Social Insurance Fund expenditure items are set out in the tables below. The outturn figures are provisional, pending final certification by the Comptroller and Auditor General.

	Vote 38: Department of Social Protection	2011 Estimate €000	2011 Provisional Outturn €000
	<i>ADMINISTRATION</i>		
A.1	SALARIES, WAGES AND ALLOWANCES	235,279	248,083
A.2	TRAVEL AND SUBSISTENCE	3,208	3,115
A.3	TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	11,131	6,908
A.4	POSTAL AND TELECOMMUNICATIONS SERVICES	21,080	18,761
A.5	OFFICE EQUIPMENT AND EXTERNAL IT SERVICES	27,061	26,387
A.6	OFFICE PREMISES EXPENSES	11,981	10,976
A.7	CONSULTANCY SERVICES AND VALUE FOR MONEY AND POLICY REVIEWS	1,360	800
A.8	PAYMENTS FOR AGENCY SERVICES	61,527	65,659

Vote 38: Department of Social Protection		2011 Estimate	2011 Provisional Outturn
		€000	€000
A.9	eGOVERNMENT RELATED PROJECTS	7,500	1,346
	<i>SOCIAL ASSISTANCE</i>		
B	STATE PENSION — (NON-CONTRIBUTORY)	951,150	983,246
C	BLIND PENSION	15,360	15,657
D	CHILD BENEFIT	2,066,780	2,076,771
E	JOBSEEKER'S ALLOWANCE	2,644,620	2,985,428
F	FARM ASSIST SCHEME	122,620	113,723
G	EMPLOYMENT SUPPORT SERVICES	355,430	344,532
H	PRE-RETIREMENT ALLOWANCE	62,350	59,941
I	ONE-PARENT FAMILY PAYMENT	1,111,710	1,088,940
J	WIDOWS'/ WIDOWERS' / SURVIVING CIVIL PARTNER'S AND GUARDIAN'S RELATED PAYMENTS (NON-CONTRIBUTORY)	25,730	23,611
K	DESERTED WIFE'S ALLOWANCE	4,470	4,198
L	FAMILY INCOME SUPPLEMENT	199,260	204,338
M	CARER'S ALLOWANCE	499,020	503,733
N	SUPPLEMENTARY WELFARE ALLOWANCES	951,333	963,461
O	DISABILITY ALLOWANCE	1,066,220	1,089,157
P	RESPIRE CARE GRANT	131,160	130,383
Q	FREE SCHEMES (ASSISTANCE)	395,028	398,060
R	SCHOOL MEALS SCHEMES	35,000	34,957
S	GRANT TO THE CITIZENS INFORMATION BOARD	46,640	45,114
T	DOMICILIARY CARE ALLOWANCE	104,235	99,971
U	RURAL SOCIAL SCHEME	46,140	46,873
V	COMMUNITY SERVICES PROGRAMME	47,415	45,317
W	FÁS EMPLOYMENT PROGRAMMES, INTEGRATION SUPPORT PROGRAMMES, ASSOCIATED ADMINISTRATION EXPENSES	477,497	468,095
X.	MISCELLANEOUS SERVICES	3,651	3,039
	<i>SOCIAL INSURANCE</i>		
Y	PAYMENT TO THE SOCIAL INSURANCE FUND UNDER SECTION 9(9) (a) OF THE SOCIAL WELFARE CONSOLIDATION ACT 2005	1,906,168	1,475,718
	<i>Appropriations-in-Aid</i>		
Z.	APPROPRIATIONS-IN-AID	221,702	226,008

Social Insurance Fund	2011 Estimate	2011 Provisional Outturn
	€000	€000
<i>INCOME</i>		
Income from Contributions	7,148,303	7,542,718
Income from Investments	0	1,360
Rent	19	19
Receipts (net) under Reciprocal Arrangements	49	0

[Deputy Joan Burton.]

Social Insurance Fund	2011 Estimate €000	2011 Provisional Outturn €000
<i>EXPENDITURE</i>		
Illness Benefit	854,730	876,328
Invalidity Pension	628,149	607,538
Partial Capacity Benefit	1	0
Occupational Injuries Benefits	105,440	101,596
Maternity Benefit	303,520	309,086
Health and Safety Benefit	660	643
Adoptive Benefit	920	1,031
Treatment Benefits	23,430	23,045
State Pension (Contributory)	3,567,870	3,629,791
State Pension (Transition)	113,210	132,470
Jobseeker's Benefit	1,027,060	929,185
Widows', Widowers' / Surviving Civil Partners' Pension (Contributory)	1,304,210	1,341,675
Guardian's Payment (Contributory)	10,670	11,507
Widowed Parent / Surviving Civil Partner Grant	5,520	6,228
Deserted Wife's Benefit	88,650	85,991
Carer's Benefit	28,200	26,761
Bereavement Grant	18,700	19,451
Free Schemes (Insurance)	294,181	311,582
Redundancy and Insolvency Payments	402,000	326,946
Administration	277,418	278,960

### Social Welfare Appeals

245. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will approve and process an appeal in the case of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2152/12]

**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 6th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

246. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a decision will be made in respect of an application for disability allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [2174/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for disability allowance from the above named person. On completion of the necessary investigations on all aspects of the claim a decision will be made and the

person concerned will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant's means, medical condition and habitual residence status is approximately 17 weeks.

### **Social Welfare Appeals**

247. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding jobseeker's allowance appeal in respect of a person (details supplied) in County Cork.

[2178/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, has disallowed the appeal of the person concerned. The person concerned has been notified of the decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

248. **Deputy Michael Creed** asked the Minister for Social Protection if a decision has been made on a review on an application for illness benefit in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2195/12]

**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 12th January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Code**

249. **Deputy Finian McGrath** asked the Minister for Social Protection if an unemployed person on jobseeker's allowance may work a few hours per week without losing their benefits. [2197/12]

**Minister for Social Protection (Deputy Joan Burton):** A person on jobseekers allowance may work for a few hours per week without losing their payment depending on the circumstances of the case.

In order to qualify for jobseeker's allowance, a person must be unemployed for at least three days in a six day period and satisfy a means test. In assessing means, account is taken of any cash income (including earnings) of the customer and his/her spouse/partner. The value of capital and property (other than the family home) is also taken into account. In the case of a person working, a disregard of €20 per day worked is applied to these earnings up to a maximum of three days per week. The balance of the means involved is assessed at 60%.

Jobseeker's allowance is based on a family rate of payment which includes the personal rate, and increases for a qualified adult and children, if applicable. To calculate the rate of payment the assessable means is deducted from the overall family rate to arrive at the customer's rate of payment. If the weekly means of the family are equal to or in excess of the family rate payable on jobseeker's allowance, then the claim is disallowed.

### Social Welfare Appeals

250. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if she will expedite an appeal in respect of a disability allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [2201/12]

**Minister for Social Protection (Deputy Joan Burton):** Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that he was capable of work. An appeal was registered on 10th October 2011 and the Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

251. **Deputy Emmet Stagg** asked the Minister for Social Protection the date an appeal against refusal of rent allowance was lodged with the Health Service Executive; the date the appeal was lodged with the social welfare office (details supplied); and when an oral hearing will be heard in relation to the appeal. [2210/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 17 October 2011 and was referred to an Appeals Officer who proposes to hold an oral hearing on 24 January 2012. The person concerned was notified of the arrangements.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

252. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on their application for carer's allowance. [2213/12]

**Minister for Social Protection (Deputy Joan Burton):** The above named was refused carer's allowance on grounds that the department's Medical Assessor expressed the opinion that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. She was notified of this decision, the reason for it and of her right to a review/appeal within 21 days.

Additional medical evidence was received and forwarded to the department's Medical Assessor for consideration. However, this information did not alter the opinion of the Medical Assessor and the decision remained unchanged. On 14 January 2011, the person in question was notified of the outcome of the review and of her right of appeal to the Social Welfare Appeals Office.

### Social Welfare Appeals

253. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details

supplied) in County Offaly may expect a decision on an appeal for disability allowance. [2214/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of the appeal of the person concerned took place on 16th January 2012 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

254. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on application for carer's allowance. [2215/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the above named. On completion of the necessary investigations relating to all aspects of his case a decision will be made and the person concerned will be notified directly of the outcome.

### Social Welfare Appeals

255. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for invalidity pension. [2216/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence allowed the appeal of the person concerned by way of summary decision. The person concerned was notified of the Appeals Officer decision on 13th December 2011.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

256. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for invalidity pension. [2218/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

[Deputy Joan Burton.]

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.

257. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for disability allowance. [2220/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case on 20th January 2012. The person concerned has been notified of the arrangements for the 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.

258. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for disability allowance. [2223/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case on 17th January 2012. The person concerned has been notified of the arrangements for the 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.

259. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Waterford may expect a decision on application for domiciliary care allowance. [2224/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 260 withdrawn.*

261. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for carer's allowance. [2226/12]

**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 31st 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 6th January 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 262 withdrawn.*

### **Social Welfare Benefits**

263. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for carer's allowance. [2229/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations on all aspects of her case a decision will be made and she will be notified directly of the outcome.

264. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Laois may expect a decision on an application for carer's allowance. [2230/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance on the grounds that the care recipient is not so disabled as to require full time care and attention as prescribed in regulations. She was notified of this decision, the reason for it and of her right of review or appeal.

Additional medical evidence was received and forwarded to the Department's Medical Assessor for consideration. However, this information did not alter the opinion of the Medical Assessor and the decision remained unchanged. On 13 December 2011, she was notified of the outcome of the review.

265. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for carer's allowance. [2231/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the above named person in respect of two care recipients. On completion of the necessary investigations relating to all aspects of her claim a decision will be made and the person concerned will be notified directly of the outcome.

266. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for carer's allowance. [2232/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the above named. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### Social Welfare Appeals

267. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for invalidity pension. [2234/12]

274. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for invalidity pension. [2250/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 267 and 274 together.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 17th September 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

268. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for carer's allowance. [2240/12]

**Minister for Social Protection (Deputy Joan Burton):** The person in question was awarded carer's allowance with effect from 2 June 2011. The first payment reached her bank account on 8 December 2011. Arrears due for the intervening period issued by cheque to her home address on 20 December 2011.

### Social Welfare Appeals

269. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for invalidity pension. [2243/12]

**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 15th November 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

270. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Laois may expect a decision on an application for carer's allowance. [2244/12]

**Minister for Social Protection (Deputy Joan Burton):** The above named was refused carer's allowance on grounds that the care recipient is not so disabled as to require full-time care and

attention as prescribed in regulations. She was notified of this decision, the reason for it and of her right to a review/appeal within 21 days.

Additional medical evidence was received and forwarded to the department's medical assessor for consideration. However, this information did not alter the opinion of the medical assessor and the decision remained unchanged. On 13 December 2011, the person concerned was notified of the outcome of the review.

*Question No. 271 withdrawn.*

### **Social Welfare Appeals**

272. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for invalidity pension. [2247/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

273. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for disability allowance. [2249/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence, including that adduced at oral hearing, allowed the appeal of the person concerned. The person concerned was notified of the Appeals Officer decision on 26th November 2011.

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. 274 answered with Question No. 267.*

275. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for disability allowance. [2253/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

[Deputy Joan Burton.]

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

276. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for domiciliary care allowance. [2255/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received from the person concerned on 28th September 2011. The application was refused as the child was not considered to satisfy the medical criteria. The person concerned was notified of the decision on 2nd November 2011 and they have since appealed the decision. As part of the appeal process, the application has been forwarded to another of the Department's Medical Assessors for further consideration, including a review of any new information supplied. Upon receipt of their opinion, the case will be further reviewed and will be forwarded for consideration by the Appeals Office, if necessary.

#### **Social Welfare Benefits**

277. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on an application for carer's allowance. [2256/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of his case a decision will be made and the person concerned will be notified directly of the outcome.

#### **Social Welfare Appeals**

278. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for domiciliary care allowance. [2257/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 4 January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

#### **Social Welfare Benefits**

279. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details

supplied) in County Offaly may expect a decision on an application for domiciliary care allowance. [2259/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 5 August 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 18 October 2011 advising of the decision.

In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed, or they may appeal the decision directly to the Social Welfare Appeals Office within twenty one days. Representations were received on behalf of the person concerned in December 2011 and the Social Welfare Appeals Office has been requested to register an appeal.

### Social Welfare Appeals

280. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly may expect a decision on appeal for carer's allowance. [2260/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carers allowance on the grounds that the care recipient is not so disabled as to require full —time care and attention as prescribed in regulations. On 10 January 2012, she was notified of this decision and the reason(s) for it.

281. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision will issue on an application for domiciliary care allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [2294/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received on 14 February 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on the 30 March 2011 refusing the allowance. The person concerned subsequently lodged an appeal against this decision. She was informed by the Social Welfare Appeals Office on 28 September 2011 that the appeal had been disallowed.

The decision/appeal process for this application is now complete. If the person concerned has additional information which was not made available to the deciding officer and appeals officer when they made their decisions, it is open to her to re-apply for the payment.

282. **Deputy Patrick O'Donovan** asked the Minister for Social Protection when an appeal for an increased rate of disability benefit will be finalised in respect of a person (details supplied) in County Mayo. [2302/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

[Deputy Joan Burton.]

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

283. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding an appeal against a decision made with regard to one parent family payment and supplementary welfare allowance in respect of a person (details supplied); and if she will make a statement on the matter. [2305/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that a Supplementary Welfare Allowance Appeal by the person concerned was on the basis of a revised decision on 22 December 2011.

The Social Welfare Appeals Office has advised me that a One Parent Family Payment appeal by the person concerned was registered in that office on 7 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Code

284. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if, as a consequence of budget 2012, recipients of deserted wife benefit will not be entitled to qualify for illness benefit should they become ill and unable to work, even if they have made the required number of contributions to qualify for illness benefit; if she will review this decision; and if she will make a statement on the matter. [2306/12]

**Minister for Social Protection (Deputy Joan Burton):** The social welfare system is primarily a contingency-based system, with entitlement based on defined contingencies, such as sickness, unemployment, old age or widowhood. Primary social welfare legislation provides that only one social welfare payment is payable at any one time. While it can happen that a person may experience more than one contingency at the same time — for example, an unemployed person may become sick — a general principle applies whereby even if a person experiences more than one of the contingencies at any one time, he or she only receives one of those payments. This principle is common to social security systems across the world.

Existing legislation provided that regulations may be made to enable more than one of the payments to be paid concurrently and, where applied, it is usually in the context of short-term benefits. The 2011 Social Welfare Act provides for the discontinuation of the payment of half-rate Jobseeker's Benefit, Illness Benefit or Incapacity Supplement to persons in receipt of certain welfare payments, including Deserted Wife's Benefit.

Continuation of current overlapping payment arrangements, where they exist, re-allocates significant resources to certain groups at the expense of others. The change will have the effect of increasing the equity of the social welfare system.

The abolition of concurrent payments is confined to new applicants for Jobseeker's Benefit, Illness Benefit or Incapacity Supplement and will take effect from the end of January 2012.

### Social Welfare Benefits

285. **Deputy Pearse Doherty** asked the Minister for Social Protection the reason a claim for carer's allowance in respect of a person (details supplied) in County Donegal has taken such a length of time to process; and the date on which a decision is expected. [2307/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance on the grounds that the care recipient is not so disabled as to require full—time care and attention as prescribed in regulations. On 10 January 2012, she was notified of this decision and the reason(s) for it.

*Question No. 286 withdrawn.*

287. **Deputy Sandra McLellan** asked the Minister for Social Protection if she can process and approve domiciliary care allowance in the case of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2420/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 12 December 2011. This application has been forwarded to one of the Department's Medical Assessors for their medical opinion. Upon receipt of this opinion, a decision will issue to the customer. The Deputy should note that currently it can take up to 9 weeks to process an application.

### Social Welfare Code

288. **Deputy Sean Fleming** asked the Minister for Social Protection the changes following on from budget 2012 and the recent changes to social welfare legislation in respect of payments made to persons on community employment who are currently in receipt of one-parent family payment or widow's payment in respect of their child dependent allowance, and also in respect of persons who are in receipt of illness benefit or disability benefit but have an exemption for community employment; and if she will make a statement on the matter. [2433/12]

**Minister for Social Protection (Deputy Joan Burton):** As announced in Budget 2012, the payment of two qualified child increases *per child* where the person is employed on a Community Employment (CE) scheme and in receipt of One Parent Family Payment, Deserted Wife's Benefit/Allowance or Widow(er)'s Pension, will be discontinued for existing participants and new entrants in January 2012. New entrants to CE are defined as persons who have not participated on the scheme in the last 12 months.

New entrants to the Community Employment programme will not be able to claim another social welfare-funded payment at the same time, but will receive the standard additional €20 CE participation bonus on top of their original payment amount. This measure affects persons in receipt of One Parent Family Payment, Deserted Wife's Benefit, Widow(er)'s Pension, Illness Benefit, Invalidity Pension, Disability Allowance and Blind Pension.

Those already on CE will receive their original social welfare payment and one child increase per child. As CE is employment and insurable at the Class A PRSI rate and accordingly, earnings from CE are treated in the same way as other employment earnings for Social Welfare purposes. The One Parent Family Payment will be adjusted upwards to take account of the reduction of the Child Increase allowance. Existing CE participants can retain the original

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social welfare payment as long as they are continuously employed on CE for a maximum period of three years, based on their eligibility to continue participation.

### **Community Employment Schemes**

289. **Deputy Terence Flanagan** asked the Minister for Social Protection the position regarding community employment schemes (details supplied); and if she will make a statement on the matter. [2438/12]

**Minister for Social Protection (Deputy Joan Burton):** The Community Employment programme provides a very important and valued contribution to social employment, training and progression for unemployed people. Furthermore, many Community Employment schemes provide vital community services right across the country.

There are currently 1,143 CE schemes in operation nationally with 23,300 participants. The overall estimated budget stands at €315,194 million for 2012.

As this area has only recently come under the Department of Social Protection, I have asked for an initial review of the financial resources of all schemes to be completed in March 2012. Standard templates have been developed and issued to the employment officers involved. The review will be carried out between local CE sponsors and the Departmental Employment Officer responsible for the scheme under local management.

The discussion that will be undertaken with schemes will be conducted in an enabling manner and all support possible will be provided to help the schemes to remain viable. Development officers are currently making initial contact with schemes. In addition to these local discussions, discussion and consultation with the main representative bodies and stakeholders involved in schemes will take place over the coming weeks in relation to funding. I can assure you that this review will be completed by the end of March.

Following on from changes to the training and materials grant for Community Employment schemes announced in Budget 2012, I have made a commitment that no Community Employment Scheme would close pending the completion of this review.

The Government has been clear that in the event that the changes in the training and material grant announced in the Budget create financial difficulties for schemes, the Department of Social Protection will continue to provide funding for those schemes and funding has been made available in this context.

Community employment participants can continue to avail of education and training programmes that are available to them free of charge from existing State funded providers. This facility will also form part of the arrangements that will be developed as part of the establishment of SOLAS.

290. **Deputy Pearse Doherty** asked the Minister for Social Protection if she will outline the details of the planned review of community employment projects, including the make-up of the review body; the criteria being used for the review; the methodology being used for the review; if academic experts, those involved in running CE schemes and participants in CE schemes will be provided with an opportunity to provide input into the criteria, methodology, conduct and outcome of the review; and if she will make a statement on the matter. [2439/12]

**Minister for Social Protection (Deputy Joan Burton):** The Community Employment programme provides a very important and valued contribution to social employment, training and progression for unemployed people. Furthermore, many Community Employment schemes

provide vital community services right across the country. There are currently 1,143 CE schemes in operation nationally, with 23,300 participants. The overall estimated budget stands at €315,194 million for 2012.

I have asked for an initial review of the financial resources of all schemes to be completed in March 2012. The review will be carried out at scheme level, between local CE sponsors and the Departmental Employment Officer responsible for the scheme under local management. The outcomes will inform the overall approach to be taken by DSP in implementing these reductions.

The terms of reference for the review have been circulated to regional management. They are as follows:

- To examine the income and funding of sponsoring organisations in terms of their ability to continue the programme with reduced funding from DSP. There are community and voluntary sponsoring organisations that receive funding from a multiplicity of state agencies.
- To quantify the expenditure on training provided and the qualifications achieved by participants.
- Alternative sources of support will be examined, particularly with reference to funding from other State agencies to avoid duplication.
- To establish if income is generated by scheme activity and the potential for utilisation of these funds to cover project costs.

The review process has commenced and Department staff have begun engagement with Sponsors and Community Supervisors at local level. Staff have been advised that where schemes have committed expenditure to eligible costs and where this has been approved by regional staff under existing arrangements, this will be reimbursed.

The Government has been clear that in the event that the changes in the training and material grant announced in the Budget create financial difficulties for schemes, the Department of Social Protection will continue to provide funding for those schemes and funding has been made available in this context.

### **Social Welfare Appeals**

291. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on an appeal for carer's allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [2441/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

[Deputy Joan Burton.]

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Code

292. **Deputy Michael McGrath** asked the Minister for Social Protection if the new schedule of payment rates for the State contributory pension have been set for persons who have average PRSI contributions of less than 48 weeks; and if she will provide the relevant details. [2445/12]

**Minister for Social Protection (Deputy Joan Burton):** The information in this reply was included in the reply to Question No. 363 to Deputy Robert Troy on 11 January 2012.

The recently announced changes to the rates of payment for State pension are necessary if we are to ensure the sustainability of pension provision into the future. People are living longer and healthier lives and growing numbers of people want to work, or may need to work beyond State pension age. The challenges facing the Irish pension system are significant. There are currently six people of working age for every pensioner and this ratio is expected to decrease to approximately two to one by 2050. The period for which an average pension will be paid will be greater than the period for which a pension is paid at present. In addition, those aged over 65 will account for a greater proportion of the population while the proportion who are of working age is expected to decline. So the task of financing increasing pensions will fall to a diminishing share of the population. This has obvious and significant implications in relation to the future costs of State pension provision.

The amount of pension paid has always been calculated based on the person's contribution to the PRSI system over a working life. This needs to be adhered to if we are to be able to fund pensions into the future. The upcoming change to the rate bands supports this policy objective. Currently a person with an average of 20-47 PRSI contributions per year over their working life receives a weekly State pension of only €4.50 less than a person with a yearly average of 48 or more PRSI contributions. This situation is neither fair nor sustainable.

With effect from September 2012, the rate band of between 20 and 47 yearly average contributions will be replaced with new rate bands of between:

- (i) 40 and 47 yearly average contributions
- (ii) 30 and 39 yearly average contribution and
- (iii) 20 and 29 yearly average contributions.

The rate of State pension paid to new applicants will be appropriate to the average number of contributions paid. Those who have fewer contributions will receive a lower rate of pension. The maximum rate is unchanged as is the rate for those with yearly average contributions between 40 and 47.

Existing pension recipients are unaffected and any changes only apply to new claimants from September 2012. A person qualifying for State pension in July 2013 will be assessed using the new rate bands. Details of the new rates bands for both State pension (transition) and State pension (contributory) are set out in the tables below.

New State Pension (Contributory) Rates

Yearly Average Contributions	Personal Rate Per Week €
48 or over	230.30

Yearly Average Contributions	Personal Rate Per Week €
40-47	225.80
30-39	207.00
20-29	196.00
15-19	150.00
10-14	92.00

New State Pension (Transition) Rates

Yearly Average Contributions	Personal Rate Per Week €
48 or over	230.30
40-47	225.80
30-39	207.00
24-29	196.00

### Social Welfare Appeals

293. **Deputy Ann Phelan** asked the Minister for Social Protection if she will investigate the case of a person (details supplied) in County Kilkenny in respect of an appeal for payment of arrears entitlement with regard to a State pension; and if she will make a statement on the matter. [2471/12]

**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 September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 25 October 2011 and the appeal was assigned to an Appeals Officer on 21 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.

294. **Deputy Michael Creed** asked the Minister for Social Protection when a decision will issue on an appeal by a person (details supplied) in County Cork in respect of their application for rent allowance; and if she will make a statement on the matter. [2482/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the available evidence, including that adduced at oral hearing, disallowed the appeal of the person concerned. The person concerned has been notified of the Appeals Officer decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

295. **Deputy Michael Creed** asked the Minister for Social Protection when a person (details supplied) in County Cork will receive a decision on their disability allowance appeal; and if she will make a statement on the matter. [2488/12]

**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 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 14 December 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration. As part of this consideration that Appeals Office will decide if an Oral Hearing is warranted in this case.

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.

296. **Deputy Michael Creed** asked the Minister for Social Protection when a person (details supplied) in County Cork will receive a decision on their appeal in respect of their application for invalidity pension; and if she will make a statement on the matter. [2489/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the available evidence, disallowed the appeal of the person concerned by way of summary decision. The person concerned was notified of the Appeals Officer decision on 13 January 2012.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Redundancy Payments

297. **Deputy Terence Flanagan** asked the Minister for Social Protection the redundancy figures from August 2011 to December 2011; and if she will make a statement on the matter. [2491/12]

**Minister for Social Protection (Deputy Joan Burton):** The table shows the figures in respect of redundancy claims received for the months concerned.

August	September	October	November	December
3,828	3,367	2,265	3,969	6,850

### Community Employment Schemes

298. **Deputy Mattie McGrath** asked the Minister for Social Protection when the review of community employment schemes will be completed so that the position of these schemes can be clarified; her views on the fact that CE schemes have only received an allocation of €500 per participant while this review is ongoing; her further views that this cut has left CE schemes in an impossible position as their future is very uncertain; and if she will make a statement on the matter. [2498/12]

**Minister for Social Protection (Deputy Joan Burton):** Community Employment Schemes provide a valuable contribution to social employment, training and progression for unemployed people. Furthermore, many Community Employment schemes provide vital community services right across the country. There are currently 1,143 CE schemes in operation nationally with 23,300 participants. The overall estimated budget stands at €315.194 million for 2012.

Given the level of reductions in the recent Budget, I have asked for an initial review of the financial resources of all schemes to be completed in March 2012. The review will be carried out between local CE sponsors and the Departmental Employment Officer responsible for the scheme under local management. The discussion that will be undertaken with schemes will be conducted in an enabling manner and all support possible will be provided to help the schemes to remain viable. Development officers are currently making initial contact with schemes. In addition to these local discussions, consultation with the main representative bodies and stakeholders involved in schemes will take place over the coming weeks in relation to funding.

Following on from changes to the training and materials grant for Community Employment schemes announced in Budget 2012 I have made a commitment that no Community Employment Scheme would close pending the completion of this review. The Government has been clear that in the event that the changes in the training and material grant announced in the Budget create financial difficulties for schemes, the Department of Social Protection will continue to provide funding for those schemes and funding has been made available in this context.

Community employment participants can continue to avail of education and training programmes that are available to them free of charge from existing State funded providers. This facility will also form part of the arrangements that will be developed as part of the establishment of SOLAS.

299. **Deputy Simon Harris** asked the Minister for Social Protection the situation regarding a community employment scheme (details supplied) in County Wicklow; if funding for this scheme will be removed before a review has been completed; and if she will make a statement on the matter. [2502/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department staff have had a series of meetings with the Sponsors of the Community Scheme in Aughrim, Co. Wicklow. A further meeting is scheduled for Wednesday, 18th January. A full review will be carried out in relation to the impact of the reductions; the scheme will be fully supported pending the review outcome.

The Government has been clear that in the event that the changes in the training and material grant announced in the Budget create financial difficulties for schemes, the Department of Social Protection will continue to provide funding for those schemes and funding has been made available in this context. Community employment participants can continue to avail of education and training programmes that are available to them free of charge from existing State funded providers. This facility will also form part of the arrangements that will be developed as part of the establishment of SOLAS.

300. **Deputy Simon Harris** asked the Minister for Social Protection the situation regarding a community employment scheme (details supplied) in County Wicklow; if funding for this scheme will be removed before a review has been completed; and if she will make a statement on the matter. [2503/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department staff have had a series of meetings with the Sponsors of the Community Scheme in Aughrim, Co. Wicklow. A further meeting is scheduled for Wednesday, 18th January. A full review will be carried out in relation to the impact of the reductions; the scheme will be fully supported pending the review outcome.

The Government has been clear that in the event that the changes in the training and material grant announced in the Budget create financial difficulties for schemes, the Department of Social Protection will continue to provide funding for those schemes and funding has been made available in this context. Community employment participants can continue to avail

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of education and training programmes that are available to them free of charge from existing State funded providers. This facility will also form part of the arrangements that will be developed as part of the establishment of SOLAS.

301. **Deputy Simon Harris** asked the Minister for Social Protection the situation regarding a community employment scheme (details supplied) in County Wicklow; if funding for this scheme will be removed before a review has been completed; and if she will make a statement on the matter. [2504/12]

**Minister for Social Protection (Deputy Joan Burton):** The Community Employment programme provides a very important and valued contribution to social employment, training and progression for unemployed people. Furthermore, many Community Employment schemes provide vital community services right across the country. There are currently 1,143 CE schemes in operation nationally with 23,300 participants. The overall estimated budget stands at €315.194 million for 2012.

As this area has only recently come under the Department of Social Protection, I have asked for an initial review of the financial resources of all schemes to be completed in March 2012. Standard templates have been developed and issued to the employment officers involved. The review will be carried out between local CE sponsors and the Departmental development officer responsible for the scheme under local management.

Following on from changes to the training and materials grant for Community Employment schemes announced in Budget 2012 I have made a commitment that no Community Employment Scheme would close pending the completion of this review. Therefore this scheme will continue to be supported during the review period.

The discussion that will be undertaken with schemes will be conducted in an enabling manner and all support possible will be provided to help the schemes to remain viable. Development officers are currently making initial contact with schemes. In addition to these local discussions, discussion and consultation with the main representative bodies and stakeholders involved in schemes will take place over the coming weeks in relation to funding. Community employment participants can continue to avail of education and training programmes that are available to them free of charge from existing State funded providers. This facility will also form part of the arrangements that will be developed as part of the establishment of SOLAS.

### **Social Welfare Appeals**

302. **Deputy Tom Fleming** asked the Minister for Social Protection if she will issue a decision which is long overdue in relation to a scope appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [2510/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that following an oral hearing of the case in question, the Appeals Officer referred the case back a Social Welfare Inspector for further investigation and clarification on certain issues. The Social Welfare Inspector has written to the person concerned to arrange an interview which will take place on 19th January 2012. 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.

303. **Deputy Andrew Doyle** asked the Minister for Social Protection the reason a person (details supplied) in County Wicklow, in financial distress, has been waiting on an appeals decision for disability allowance since September 2011. [2520/12]

**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 6 September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 1st December 2011 and the appeal will, in due course, be assigned to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

304. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details supplied) in County Offaly can expect a decision on an appeal for carer's allowance. [2529/12]

**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 27th October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

#### **Departmental Expenditure**

305. **Deputy Denis Naughten** asked the Minister for Social Protection, further to Parliamentary Question No. 406 of 11 January 2012, if she will furnish the total figure outstanding at the end of 2011 and the number of clients involved; and if she will make a statement on the matter. [2556/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is subject to annual audit by the Office of the Comptroller and Auditor General. As part of this audit, the level of annual overpayments and recoveries is examined. The outstanding balance of overpayments at end 2010 was €314.8m in respect of approximately 145,000 debt holders. As the 2011 C & AG audit is currently underway, the Department is not yet in a position to provide data on overpayment and recovery levels for last year as these figures form part of the statutory accounts of the Department which are currently being compiled and audited.

#### **Community Employment Schemes**

306. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if a community employment participant (details supplied) will be approved for an extension on the CE scheme in view of the fact that they will be 55 years in June 2012 and the fact that the work they are doing on the scheme is benefiting the most vulnerable persons in our society; and if she will make a statement on the matter. [2558/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is about to complete 4 years on Community Employment, and therefore is no longer eligible to participate under the current rules governing the programme. I would suggest she contact her local Employment Services Office to discuss other options that may be available to her.

#### **National Monuments**

307. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if he will

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confirm his undertaking to preserve the national monument at 14-17 Moore Street, Dublin, as designated under preservation order; if the National Asset Management Agency has any involvement with any part of this site; the progress that has been made in developing a historical or revolutionary quarter at the site and its environs; and if he will make a statement on the matter. [2065/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In January 2007, the then Minister for the Environment, Heritage and Local Government placed a preservation order on Nos. 14 to 17 Moore Street under the National Monuments Acts. The order was made on the grounds that No. 16 is a monument, the preservation of which is of national importance by reason of its historical significance as the site of the final council of war and final headquarters of the Provisional Government. The effect of the order is that works affecting these properties, including any excavation or ground disturbance within, around or in proximity to them, will require my consent under section 14 of the National Monuments Act 1930, as amended.

The proposed development of the Carlton Cinema site, of which Nos. 14 to 17 Moore Street form part, and for which approval has been granted by An Bord Pleanála, envisages the retention of these buildings and the provision of a commemorative centre to the 1916 Rising in No. 16. The developer's application to my Department for consent to these proposals under section 14 of the National Monuments Acts is being examined. As part of the process, I have visited the monument site and met various interest groups, including relatives of the 1916 leaders. My Department is currently in consultation with the National Museum of Ireland in relation to the application and I hope to be able to make a decision on it shortly.

Any wider plans for the development of the Moore Street area would be a matter for the relevant landowners and the development authority, Dublin City Council. I have no function in relation to the operations of the National Asset Management Agency (NAMA). However, I understand from NAMA that a NAMA debtor has an interest in 14-17 Moore Street and in adjoining sites.

### Departmental Bodies

308. **Deputy Sean Fleming** asked the Minister for Arts, Heritage and the Gaeltacht if he will list the number of public bodies under his auspices in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2069/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Details of posts subject to the Ethics in Public Office legislation are set out in Statutory Instrument No. 644 of 2011 [*Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2011*] in respect of my Department and in Statutory Instrument No.707 of 2011 [*Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies (Amendment) Regulations 2011*] in the case of those bodies subject to the Ethics in Public Office legislation that are funded by, or broadly under the aegis of, my Department.

While the table indicates the number of positions covered in my Department and each relevant body, the legislation, as the Deputy will be aware, only requires the completion of forms by persons with a declarable interest.

Table outlining the number of staff and directors listed in the Statutory Instruments referred to in the reply

Body	Number
Department of Arts, Heritage and the Gaeltacht	219
The National Archives	24
The Abbey Theatre	24
The Arts Council	14
Bord Scannán na hÉireann	9
The Chester Beatty Library	15
An Coimisiún Logainmneacha	17
Council of National Cultural Institutions	12
Crawford Art Gallery	16
Culture Ireland	12
Designated Areas Appeals Advisory Board	6
The Heritage Council	11
The Irish Heritage Trust	9
Irish Manuscripts Commission	22
Irish Museum of Modern Art	16
National Archives Advisory Council	10
National Concert Hall	16
National Gallery of Ireland	19
National Library of Ireland	36
National Museum of Ireland	74
Údarás na Gaeltachta	39
Údarás na Gaeltachta Subsidiaries (Arramara Teo; Ealaín (na Gaeltachta) Teo; Muintearas)	13

### Departmental Staff

309. **Deputy Sean Fleming** asked the Minister for Arts, Heritage and the Gaeltacht the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspices; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2085/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Since its establishment in June 2011, the total cost of retirement lump sums paid in 2011 to staff in my Department is €486,780. A total of 8 staff retired in my Department in this period. The estimated cost of pensions to these retirees in 2012 is €142,527. The total cost of retirement lump sums paid to staff in the bodies under the aegis of my Department in 2011 is €1,546,791. A total of 30 staff were paid lump sums in 2011. The estimated cost of pensions to these retirees in 2012 is €397,597.

### Inland Waterways

310. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht the progress made to date with the Ulster Canal project; the progress made with the planning and redevelopment of the section from Lough Erne to Clones; and if he will make a statement on the matter. [2108/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, the North/South Ministerial Council (NSMC) Plenary Meeting in July 2007 agreed to proceed with the restoration of the section of the Ulster Canal between Clones and Upper Lough Erne. The then Government agreed to cover the full capital costs of the project, which were estimated at that time to be of the order of €35m.

However, Government Accounting procedures do not provide, in that sense, for the ‘ring-fencing’ of funds for projects of this nature. I am advised that it was always the intention that the Ulster Canal project would be funded from the Waterways Ireland annual allocations, as agreed through the annual estimates processes in this jurisdiction, as well as the deliberations of NSMC in relation to annual budgets. I am advised that it was also a key consideration throughout the process that the Ulster Canal project would be supported by a significant level of projected income from the commercialisation of certain Waterways Ireland assets — a scenario that was affected negatively by the economic downturn.

It was noted at the NSMC Plenary Meeting held in Armagh on 18 November 2011 that the Ulster Canal project is progressing incrementally. Planning applications were lodged by Waterways Ireland with Monaghan County Council, Clones Town Council and Cavan County Council on the 25 October and with the Department of the Environment Planning Service Northern Ireland on the 28 October. I am informed that Cavan County Council has granted planning permission. Monaghan County Council and Clones Town Council have requested additional information. I am sure that the Deputy will agree that this is a significant milestone for the project.

I am continuing to explore all possible options to advance this project. In this regard, towards the end of last year, I met with senior officials of Monaghan County Council, Fermanagh District Council and Waterways Ireland to discuss approaches to setting up an inter-agency group that could examine ways in helping to advance the Ulster Canal project. Officials of my Department are currently in discussions about the setting up of this inter agency group. I look forward to that work continuing in the period ahead.

### **Departmental Expenditure**

311. **Deputy Brendan Smith** asked the Minister for Arts, Heritage and the Gaeltacht the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2128/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, a gross total of €269.089m was made available to my Department in the 2011 Revised Estimates Volume. My Department’s provisional out-turn to year-end totalled €267.249m, which is approximately 99% of the REV 2011 Allocation.

In addition to that expenditure, circa €27m was also expended during 2011 by the former Department of Community, Equality, and Gaeltacht Affairs on functions which transferred to my Department. Thus the combined provisional out-turn for my Department’s functions for 2011 is approximately €294.149m. The table shows the breakdown of this figure at subhead level. The Deputy will appreciate that these end-year expenditure figures are provisional and are subject to verification internally through my Department’s financial management system and, ultimately, by the Comptroller and Auditor General.

TABLE: Provisional out-turn by subhead for the functions of the Department of Arts, Heritage and the Gaeltacht for 2011

	Subhead Title	Expenditure €000
	<i>ADMINISTRATION</i>	
A.1	SALARIES, WAGES AND ALLOWANCES	32,422
A.2	TRAVEL AND SUBSISTENCE	1,243
A.3	TRAINING AND DEVELOPMENT AND INCIDENTAL EXPENSES	634
A.4	POSTAL AND TELECOMMUNICATIONS SERVICES	649
A.5	OFFICE EQUIPMENT AND EXTERNAL IT SERVICES	1,425
A.6	OFFICE PREMISES EXPENSES	722
A.7	CONSULTANCY SERVICES AND VFM/POLICY REVIEWS	44
	<i>ARTS, CULTURE AND FILM</i>	
B.1	PAYMENTS TO MATCH RESOURCES GENERATED BY THE NATIONAL ARCHIVES	29
B.2	GENERAL EXPENSES OF THE NATIONAL ARCHIVES AND NATIONAL ARCHIVES ADVISORY COUNCIL	1,522
B.3	GENERAL EXPENSES OF THE IRISH MUSEUM OF MODERN ART, CHESTER BEATTY LIBRARY, NATIONAL CONCERT HALL AND THE CRAWFORD GALLERY (GRANT-IN-AID)	12,896
B.4	REGIONAL MUSEUMS, GALLERIES, CULTURAL CENTRES AND PROJECTS	4,296
B.5	CULTURAL INFRASTRUCTURE AND DEVELOPMENT	8,457
B.6	CULTURE IRELAND	6,994
B.7	AN CHOMHAIRLE EALAÍON	65,163
B.8	GENERAL EXPENSES OF THE NATIONAL MUSEUM OF IRELAND (GRANT-IN-AID)	14,240
B.9	GENERAL EXPENSES OF THE NATIONAL LIBRARY OF IRELAND (GRANT-IN-AID)	8,084
B.10	IRISH FILM BOARD (GRANT-IN-AID)	18,431
	<i>HERITAGE</i>	
C.1	HERITAGE COUNCIL	5,992
C.2	BUILT HERITAGE	3,508
C.3	NATURAL HERITAGE (NATIONAL PARKS AND WILDLIFE SERVICE)	13,570
C.4	IRISH HERITAGE TRUST	375
	<i>IRISH LANGUAGE, GAELTACHT AND ISLANDS</i>	
D.1	GAELTACHT SUPPORT SCHEMES	10,878
D.2	IRISH LANGUAGE SUPPORT SCHEMES	6,677
D.3	AN COIMISINÉIR TEANGA	630
D.4	ÚDARÁS NA GAELTACHTA — ELECTION	—
D.5	ÚDARÁS NA GAELTACHTA — ADMINISTRATION	10,300
D.6	ÚDARÁS NA GAELTACHTA — CURRENT PROGRAMME EXPENDITURE	3,300
D.7	ÚDARÁS NA GAELTACHTA — GRANTS FOR PROJECTS AND CAPITAL EXPENDITURE ON PREMISES	6,000
D.8	ISLANDS	9,495
	<i>NORTH SOUTH CO-OPERATION</i>	
E.1	AN FORAS TEANGA	15,873

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	Subhead Title	Expenditure €000
E.2	WATERWAYS IRELAND	30,300
TOTAL		294,149

### Turbary Rights

312. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht in connection with sale of turbary rights when a person (details supplied) in County Leitrim may expect finalisation of a long running sale. [2163/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The land referred to by the Deputy is located in a Natural Heritage Area (NHA) designated in 2003. In 2010, the then Government decided that turf-cutting should come to an end on raised bog NHAs at the end of 2013. However, the current Programme for Government contains an undertaking to review the situation with regard to turf cutting on NHAs.

On 15 April 2011, the Government made a number of decisions in relation to turf cutting in Ireland, including the putting in place of a compensation package for those who are required to cease cutting, the establishment of a Peatlands Council and the drawing up of a national strategy on peatland conservation and management. In the context of the national strategy, the position regarding raised bog NHAs, which are designated under national legislation, will be examined in advance of the 2014 cutting season in accordance with the Programme for Government.

My Department is giving priority to putting in place the compensation requirements in relation to the cessation of cutting on the 53 raised bog Special Areas of Conservation. In the circumstances, and in light of the decision to review the approach to these areas more generally, the issue of any further purchase of land/rights in NHA bogs, including the land referred to, is being kept under review.

### Architectural Heritage

313. **Deputy Eoghan Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which Dublin City Council is meeting its obligations; the oversight role he has in maintaining and protecting structures of architectural and historical importance in the Dublin area, as required under the Derelict Sites Act 1990; and if he will make a statement on the matter. [2179/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** For clarification, I wish to advise the Deputy that I have no role in relation to the Derelict Sites Act 1990, which is a matter for my colleague, the Minister for the Environment, Community and Local Government. Under the provisions of the Planning and Development Act 2000 regarding architectural heritage, each planning authority is required to include in its development plan a record of protected structures. Details of the structures in Dublin City included on the record of protected structures are available from Dublin City Council.

In relation to protected structures, section 59 of the 2000 Act provides for a planning authority to serve notice to require works to be carried out in relation to endangerment of such structures. On the basis of information submitted by the planning authorities to my Department, there were 19 such notices served nationwide in 2008, 27 in 2009 and 10 in 2010. On the

basis of information provided by Dublin City Council, 16 notices were served in 2008, 17 in 2009, 2 in 2010 and 8 in 2011.

My role in relation to protected structures is to ensure that there are appropriate legislative and policy frameworks in place in relation to the built heritage. However, operational issues are generally a matter for planning authorities under those frameworks. My Department has responsibility for the National Inventory on Architectural Heritage, which provides a basis for me to recommend structures to local authorities for protection. In addition, my Department provides advice to planning authorities in relation to development applications which may impact on protected structures. My Department also provides limited funding directly to local authorities, or through the Heritage Council, which is used for works on protected structures, including those which may be endangered.

### **Irish Placenames**

314. **Deputy Patrick O'Donovan** asked the Minister for Arts, Heritage and the Gaeltacht if he has considered a request to have the official Irish name of Bruff, County Limerick, changed from An Brú to Brú na nDéise in view of the historical significance of the latter to the persons and area of Bruff; and if he will make a statement on the matter. [2508/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am advised that An Brú has been the official Irish form of *Bruff* since 1969 and was included in the book *Ainmneacha Gaeilge na mBailte Poist*, which was published in that year. That publication gave the official Irish language names of the post-towns of Ireland which had been decided on the advice of An Coimisiún Logainmneacha (The Placenames Commission), based on research of written sources and local evidence undertaken by An Brainse Logainmneacha (The Placenames Branch).

Provisional Irish forms of the post-towns were published prior to that. The provisional list for Co. Limerick was published in 1960, where An Brú was also given as the Irish name of *Bruff*. One of the reasons for the publication of a provisional list was to give the public a chance to recommend changes to the Irish forms. I understand that there is no evidence to show that the Irish name An Brú was queried at that time. An Brú was subsequently given legal status by the then Minister for Finance in the Placenames (Irish forms) Order 1975, under the provisions of the Placenames (Irish forms) Act 1973. The name An Brú was given equal legal status with the English name Bruff by the then Minister for Community, Rural and Gaeltacht Affairs in the Placenames (Co. Limerick) Order 2003, under the provisions of Part 5 of the Official Languages Act 2003, which replaced the Placenames (Irish forms) Act 1973.

I am advised that there is ample historical evidence to support the designation of An Brú as the official Irish language version, which I can arrange to be forwarded to the Deputy, if he so wishes. I would be happy furthermore to arrange a meeting for the Deputy with relevant officials should he wish to explore potential approaches to having a review initiated of the official Irish language placename in this case.

### **Calaidh agus Céanna**

315. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta cé uair a bhfuil sé i gceist ag an tSeirbhí Páirceanna Náisiúnta agus Fiadhúlra suirbhé a dhéanamh ar Chéibh Chill Mhuirbhé, Inis Mór, mar atá beartaithe faoin treoir maidir le Gnáthóga ón Aontas Eorpach, mar gheall ar an moill atá an easpa suirbhé seo ag cur le forbhairt ar an gcéibh; agus an ndéanfaidh sé ráiteas ina thaobh. [2552/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Tá na hoibreacha atá beartaithe chun cé nua a thógáil i gCill Mhuirbhígh os comhair an Aire Comhshaoil, Pobail agus Rialtais Áitiúil mar iarratas faoi na hAchtanna um Urthrá. Faoi na Rialacháin Chomhphobail Eorpaigh (Éanlaithe & Gnáthóga), tá sé de dhualgas ar an Aire é féin a shásamh maidir leis an tionchar a bheadh ag na hoibreacha ar an Suíomh Caomhnaithe Speisialta ina bhfuil an ché nua beartaithe.

Mar a thuigim an scéal, tá sé tugtha le fios don bhforbróir sa chás seo, Comhairle Contae na Gaillimhe, go bhfuil breis eolais ag teastáil maidir le héiceolaíocht an láithreáin ar a bhfuiltear ag iarradh an ché a thógáil sula mbeidh an tAire in ann cinneadh a dhéanamh maidir leis an iarratas. I gcásanna dá leithéid, tugann mo Roinn comhairle don Aire Comhshaoil, Pobail agus Rialtais Áitiúil ach is cinneadh don Aire sin é. Is ceist don bhforbróir é conas bearnaí eolais a líonadh ach bíonn mo chuid oifigigh sásta comhairle a thabhairt dóibh ina leith.

### Energy Conservation

316. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if a better energy homes scheme grant will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [1958/12]

321. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if an improved energy home scheme grant will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2300/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 316 and 321 together.

The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Programme, on behalf of my Department. To date, the Scheme has resulted in the installation of 274,184 energy efficiency measures in 110,254 homes. SEAI advises that all applicants are required to undertake complete works in accordance with the Terms and Conditions of the Scheme. In accepting the grant offer the applicant accepts all conditions of the scheme indicating those set out in the Application Guide. The Scheme rules explicitly state that the grant offer, once accepted, remains valid for 6 months from the date of issue of Grant Offer notification.

Queries in relation to individual applications are an operational matter for the SEAI and a dedicated hot line can be reached at 1800 250 204. In addition, the SEAI has established a specific email address for queries from Oireachtas members, which can be sent to oireachtas@seai.ie and will be dealt with promptly.

### Energy Market Regulation

317. **Deputy Aodhán Ó Ríordáin** asked the Minister for Communications, Energy and Natural Resources the position regarding regulations currently in operation regarding customers who are being pressurised by energy companies through letters, telephone calls, text messages and house calls demanding payment of bills and so on; if there are restrictions on companies contacting customers on weekends; if energy companies are fully compliant with the guidelines laid down by the Commission for Energy Regulation; and if he will make a statement on the matter. [1980/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The regulation of the electricity and gas market is the responsibility of the Commission for Energy Regulation (CER), which is an independent statutory body.

All licensed electricity and gas suppliers are required to comply with the CER's Marketing Code of Conduct. I am advised that the CER is currently consulting on this code of practice and that the code will be strengthened as required. The proposed decision paper is available on the CER website which also describes the arrangements for making submissions to the CER on the consultation. I welcome the CER's commitment to enhance protections for energy consumers, which is also in line with EU requirements.

The CER decision paper on Customer Disconnections — Review of Cost Allocation & Code of Practice, which aims to provide enhanced consumer protection measures for domestic customers facing financial hardship, is also pertinent and provides, *inter alia*, for a minimum number of contacts between suppliers and customer in difficult situations including written and telephone communication.

Contracts between the energy companies and consumers are also governed by the Consumer Credit Act 1995, which is regulated by the Central Bank. Section 46 of the Consumer Credit Act provides that a creditor or person acting on his behalf shall not, *inter alia*, visit or telephone a consumer at any time on a Sunday or public holiday or between the hours of 9 o'clock in the evening and 9 o'clock in the morning on the following day.

### Departmental Bodies

318. **Deputy Sean Fleming** asked the Minister for Communications, Energy and Natural Resources if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2071/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The following bodies under the aegis of my Department are obliged to make returns under the Ethics in Public Office Act:

- Broadcasting Authority of Ireland
- RTÉ
- TG4
- Commission for Communications Regulation
- An Post
- EirGrid
- ESB
- Irish National Petroleum Corporation
- National Oil Reserves Agency
- Sustainable Energy Authority of Ireland
- Inland Fisheries Ireland
- Digital Hub Development Agency
- Bord Gáis Éireann

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- Bord na Móna
- Commission for Energy Regulation
- Ordnance Survey Ireland
- Mining Board

These bodies are aware of their obligation to comply with the Ethics in Public Office Acts 1995-2001 and Regulations made thereunder. The completion of forms as prescribed by this legislation is an operational matter for the bodies concerned. Details of persons covered by the Ethics in Public Office Acts 1995-2001 in the bodies under the aegis of my Department are set out in Statutory Instrument No 645 of 2010 — ETHICS IN PUBLIC OFFICE (PRESCRIBED PUBLIC BODIES, DESIGNATED DIRECTORSHIPS OF PUBLIC BODIES AND DESIGNATED POSITIONS IN PUBLIC BODIES) (AMENDMENT) (NO. 3) REGULATIONS 2010, which is publicly available on the Irish Statute Book website <http://www.irishstatutebook.ie/>.

With regard to staff in my Department, the latest figures available are for 2010 when 50 staff were required to complete forms under the ethics in public office rules.

#### **Departmental Staff**

319. **Deputy Sean Fleming** asked the Minister for Communications, Energy and Natural Resources the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2087/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Retirement Lump Sums amounting to a total of €312,841 was paid to the 6 staff who retired from my Department during 2011. They will be paid an estimated total of €95,391 in gross pensions during 2012. Information in respect of bodies and agencies under the aegis of my Department is a day to day matter for those organisations and my Department does not have the information sought by the Deputy, which should however, be available directly from the bodies in question.

#### **Departmental Expenditure**

320. **Deputy Brendan Smith** asked the Minister for Communications, Energy and Natural Resources the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2130/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The total funding allocated to my Department as set out in the Further Revised Estimates published in June 2011 is €494.716m. The provisional outturn for my Department for 2011 is €446.322m. Final outturn figures cannot be confirmed until after the Comptroller and Auditor General has completed his audit of 2011 accounts.

The table shows the 2011 allocations and provisional outturns for each subhead under my Department's Vote.

Subhead	2011 Budget €000	2011 Provisional Outturn €000
A1 — Salaries, Wages & Allowances	16,289	15,690
A2 — Travel & Subsistence	552	407
A3 — Training and Development & Incidental Expenses	1,092	871
A4 — Postal & Telecoms Services	528	425
A5 — Office Equipment & External IT Services	3,118	2,741
A6 — Office Premises Expenses	920	763
A7 — Consultancy Services and Value for Money & Policy Reviews	1,980	1,364
A8 — Equipment, Stores & Maintenance	123	87
B1 — Information and Communications Technology Programme	29,630	8,832
B2 — Multimedia Developments	8,495	8,074
B3 — Information Society	950	179
C1 — Grant to RTE	185,724	182,444
C2 — Payment to an Post	12,457	12,405
C3 — Deontas I Leith TG4	33,550	36,260
C4 — Broadcasting Fund	14,704	14,420
C5 — Grants for Digital Terrestrial Television	3,000	575
D1 — SEAI Admin & General Expenses	8,968	7,850
D2 — Sustainable Energy Programmes	109,451	100,769
D3 — Energy Research Programmes	14,400	8,896
D4 — Strategic Energy Infrastructure	1	—
E1 — Petroleum Services	1,367	1,183
E2 — Mining Services	4,700	1,971
E3 — GSI Services	540	491
E4 — Geoscience Initiatives	2,208	1,422
E5 — National Seabed Survey	2,900	2,856
E6 — Ordnance Survey Ireland	7,451	7,451
F1 — Inland Fisheries	28,617	27,565
G1 — Subs to International Orgs	467	299
G2 — Change Management Fund	1	—
G3 — Gas Services	32	32
G4 — Other Services	501	1
<b>Gross Total</b>	<b>494,716</b>	<b>446,322</b>

*Question No. 321 answered with Question No. 316.*

### **Broadcasting Services**

322. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources his views on a matter (details supplied) regarding local radio stations; and if he will make a statement on the matter. [2431/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** RTÉ, as a public service broadcaster, is funded through a mix of licence fee and commercial revenues obtained largely from advertising. The public funding element is provided for the purpose of allowing the company to meet its public service broadcasting objects.

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These objects are set out in Part 7 of the Broadcasting Act 2009, and they provide the company's statutory mandates and encapsulate national policy in terms of public service broadcasting. They include the specific objective of providing national, free-to-air public service broadcasting services, as well as the provision of a broad range of other additional services that are seen as fundamental to the role of the public service broadcaster. In pursuit of these objects, the provisions in the Act subject the company to a range of additional requirements.

The rationale for providing State funding for Public Service Broadcasting is to provide an independent and reliable income flow that allows the two public service broadcasting corporations, RTÉ and TG4, to attain their public service objects, while ensuring they can maintain a high level of editorial independence. This is especially important in the context of news and current affairs.

These statutory objects and requirements clearly set the State-owned public service broadcasters apart from their commercial counterparts who, while bringing choice and competition to the market, are privately owned and funded companies that have entered the market on the basis of a commercial proposition.

I am aware that the funding of the public service broadcasters has been subject to criticism by private sector broadcasters and, in particular, that there has been criticism of the dual public and commercial funding model as applied to RTÉ.

The funding of privately owned independent broadcasters is, of course, derived from their own commercial activities. Independent broadcasters can voluntarily apply for a broadcasting licence from the Broadcasting Authority of Ireland (BAI) and are not subject to the same statutory requirements in terms of their broadcasting remit.

It is also worth noting that public, community and independent commercial broadcasters can all access funding from the Broadcasting Funding Scheme, the purpose of which is to encourage the inclusion of additional programming of a particular character in broadcasters programme schedules. The Scheme is open to independent producers and all 'free to air' broadcasters and is funded by way of a payment of 7% of net licence fee receipts, which is paid to the BAI in respect of this Scheme. This amount was increased from 5% to 7% under the Broadcasting Act 2009.

### **Energy Security**

323. **Deputy Derek Keating** asked the Minister for Communications, Energy and Natural Resources in view of the heightening of tensions in the Middle East, the provisions being made by the State to ensure an adequate store of petroleum products and diesel fuel is made and is the Minister concerned; and if he will make a statement on the matter. [2465/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland is critically dependent on imported fossil fuels, particularly oil and natural gas to meet its energy needs. This dependency underlines the immediate and long term imperatives of enhancing energy security, reducing price volatility and ensuring energy sustainability. National energy policy objectives are in line with overall EU policy objectives and are informed by the critical work of the International Energy Agency (IEA) on all aspects of energy supply.

The National Oil Reserves Agency (NORA) is responsible for ensuring that Ireland meets its legal EU and IEA obligations to maintain 90 days' oil stocks for use in the event of an oil supply disruption. NORA currently holds approximately 80 days of Ireland's 90 day stockholding requirements, the balance of which is held by industry. NORA holds stocks of oil products including motor fuels such as gasoline and diesel.

NORA meets its stock-holding obligations by a combination of wholly-owned stocks and stock "tickets" (short term contracts to purchase oil in the event of a crisis). Of the stocks

currently held by NORA, approximately 63% are held as physical stocks on the island of Ireland, 32% are held as physical stocks abroad, and 8% are held as stock tickets.

It is Government policy to increase the volume of strategic stocks held on the island of Ireland, subject to value for money considerations. In 2011, NORA commissioned two new storage facilities at Ringsend, in Dublin and Kilroot, in County Antrim. In addition, planning permission has been obtained to refurbish an existing storage facility at Tarbert Power Station, County Kerry. This additional storage capacity will considerably enhance oil security on the island of Ireland.

### **Fisheries Protection**

324. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources when he expects to complete an environmental survey (details supplied); and if he will make a statement on the matter. [2492/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I understand the Deputy's question relates to the issue of oyster dredge licences on Lough Swilly, County Donegal.

As the Deputy may be aware an appropriate assessment of Lough Swilly is a matter for the Department of Agriculture, Food and Marine. In the absence of the such an assessment, Inland Fisheries Ireland must ensure that no intensification of the oyster fishery takes place and as a consequence must limit the number of licences that can be issued for 2012 to no more than the average number of licences that have been issued for that District/area over the previous 5 years when dredging actually took place.

For the Deputy's information, I have set out below the position as it relates to licence applications for 2012. I am advised that all the applications for oyster dredge licences have been processed by Inland Fisheries Ireland (IFI) according to the published procedures as outlined on the [www.fisheriesireland.ie](http://www.fisheriesireland.ie) website.

A total of 24 licences is available for issue in 2012 (as identified last year by the average number of licences issued over the previous 5 years). A total of 23 licences have been issued to date. There is 1 application currently under appeal where the licence application was received on 5th January (later than the 30 December 2011 deadline for receipt).

Other applications have been received, mainly from fishermen who have not held a licence on the fishery over the past 5 years (i.e. new entrants or licence holders who may have held licences prior to 2007). In that regard, because of the policy imperative not to intensify fishing activity it has not been possible to facilitate these applications as it would have disadvantaged fishermen who have a recognised track record.

### **Illegal Dumping**

325. **Deputy Derek Keating** asked the Minister for the Environment, Community and Local Government if he would outline to Dáil Éireann the plan of action to deal with the problem of diesel sludge dumping on motorways in the State and the cost incurred by local authorities to address this; and if he will make a statement on the matter. [2460/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I am informed by the Revenue Commissioners, who are responsible for the collection of mineral oil tax and for tackling the illicit trade in fuel products, that the price in Northern Ireland for regular diesel and petrol is approximately 15% higher than in the State and that consequently illegal imports of these commodities are not an issue. However, illegal activity in the form of diesel fuel laundering, which takes place mainly in the State, does pose a serious threat to the Exchequer. Fuel laundering involves large-scale removal of markers from rebated mineral oil, which is subject to a reduced rate of mineral oil tax on condition that it is not used in road

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vehicles. This form of tax evasion is a matter the Revenue Commissioners and the Government take very seriously, particularly given the current economic climate. Revenue employs a broad range of compliance and enforcement strategies to detect and counteract illegal practices involving mineral oils. These include ongoing analysis of the nature and extent of the problem; development and sharing of intelligence with agencies on both sides of the border; the conduct of intelligence driven operations using covert surveillance to identify oil laundry locations; seizure of illicit product, laundering equipment and vehicles; physical sampling at road check-points; closure of unlicensed or improperly licensed outlets and seizure of stock, and prosecution of those involved in illegal activities in relation to mineral oils.

In 2010, Revenue enforcement staff detected four oil-laundering plants in this jurisdiction and seized 228,000 litres of laundered oil. In addition, nine retailers were found dealing in laundered oil and eight haulage companies were detected using it in their vehicles. There were four court convictions in 2010 for laundered oil offences.

In 2011 nine oil laundries and 327,000 litres of laundered fuel were seized, together with nine oil tankers and twenty-nine other vehicles. Sixteen persons were arrested in the course of these operations and files have been sent to the Director of Public Prosecutions, who has to date issued directions to prosecute on indictment in respect of two of the cases. In addition, a further 718,181 litres of illicit mineral oil has been seized, the large majority from retail outlets or in the course of delivery to such outlets

Revenue is currently engaged in a vigorous campaign targeting specific locations nationwide, with the intention of immediate closure of unlicensed outlets and the challenging of other instances of non-compliance. As part of this drive, warning letters have been issued to unlicensed retail outlets and a number of these have been effectively closed down by the actions of Revenue enforcement teams. This campaign is ongoing and Revenue is in the process of seizing illicit product and closing down a further number of unlicensed or otherwise illegal retail outlets.

Revenue is currently reviewing its enforcement options to ensure that its action against this illegal activity continues to be as effective as possible. The matters being addressed include the potential development of an enhanced fuel marker. In this regard, close liaison has been established with HM Revenue & Customs. Consideration is being given also, in the context of the forthcoming Finance Bill, to possible changes in the law, particularly from the point of view of the control of the supply of oil, which would enhance the capacity to combat this illegality.

### **Fire Services**

326. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if the recruitment panel for Dublin Fire Brigade will be maintained and utilised to recruit further Dublin Fire Brigade staff members, in view of the pressing need for vacancies to be filled; and if he will make a statement on the matter. [2480/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under section 159 of the Local Government Act 2001, each county and city manager is responsible for the staffing and organisational arrangements necessary for carrying out the functions of the local authority for which he or she is responsible. Accordingly, the question raised is a matter for Dublin City Council.

My Department considers all staffing sanction requests on a case by case basis, having due regard to the continued delivery of key services and the need to further reduce overall staffing levels and expenditure in the local authority sector.

### **Construction Industry**

327. **Deputy Aodhán Ó Ríordáin** asked the Minister for the Environment, Community and

Local Government the measures undertaken by him to combat the issue of self-regulation in the construction industry; the impact the withdrawal of inspectors of tax break apartments and housing will have on this area; and if he will make a statement on the matter. [1875/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In July, 2011, I announced a number of measures to be advanced by my Department and by local authorities with a view to improving compliance with, and oversight of, the requirements of the Building Regulations.

In broad terms the measures will involve:

(a) the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the Building Regulations have been met;

(b) the lodgement of drawings at both commencement and completion of construction, demonstrating how the building has been designed and built to comply with all parts of the Building Regulations;

(c) more efficient pooling of building control staff and resources across the local authority sector to ensure more effective and meaningful oversight of building activity;

(d) standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions;

(e) better support and further development of the building control function nationwide.

The Departmental inspectors referred to in the Question have no formal role in relation to the Building Control Acts. The duties of the inspectorate included the issuance of Floor Area Compliance Certificates (FACCs) for dwelling units which qualified for a concession on stamp duty under the Stamp Duties Consolidation Act 1999. However, the demand for FACCs no longer exists following the granting of a general exemption from stamp duty to first time buyers.

Of a total complement of 34 in the Housing Inspectorate in my Department, 1 has recently retired and 1 has transferred to the Office of Public Works. 14 of the remaining inspectors are available for redeployment to other duties and areas of business in the context of overall public service reform and the Croke Park Agreement. My Department continues to retain an appropriate level of technical expertise necessary to support the determination of public policy in relation to housing, planning and building control matters.

### **Building Regulations**

328. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government the position regarding proposals to take care of the housing needs of the residents of the Priory Hall apartments, Dublin, who have been living in temporary accommodation; and if he will make a statement on the matter. [1897/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The legal proceedings in relation to Priory Hall are continuing and it would be inappropriate to anticipate their conclusion.

My Department has made a contribution towards the costs necessarily incurred by Dublin City Council, in the context of a judgment of the High Court, in providing temporary accommodation for households evacuated from Priory Hall.

The overriding priority is to ensure the optimum outcome for the households concerned and to facilitate as early as possible a return to their homes. In this respect it will be necessary to ensure that these homes are made fit for purpose and that the costs of so doing fall where they

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should. I have asked Dublin City Council to do all within its powers to achieve this objective and have asked my Department to continue to liaise closely with Dublin City Council in this regard.

Dublin City Council is the designated authority with powers to enforce the statutory requirements arising under the Fire Safety Act, the Building Control Acts and the Planning and Development Acts, all of which are at issue in relation to Priory Hall. The Council is also the designated housing authority under the Housing Acts.

Dublin City Council has made commendable efforts to provide for the needs of residents to date, and I urge the Council to continue to meet and communicate with the residents and to take all reasonable steps to support them at this difficult and vulnerable time.

### **Local Government Charges**

329. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that county councils are imposing additional administrative fees on the local government household charge if they are processed directly in their council offices; and the action he will take on the matter. [2013/12]

332. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the practice of some local authorities of charging an additional fee for persons attending their local councils to pay the household charge; his views on whether this is acceptable; and if he will make a statement on the matter. [2103/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 329 and 332 together.

A fee is not payable for attending at the offices of a county/city council for the purposes of payment of a household charge. The Local Government Management Agency, which has been assigned responsibility for the operation of the household charge system on a shared service basis on behalf of county and city councils, has informed and has subsequently reminded councils that fees are not payable in such circumstances.

A fee of €10 has been introduced from 1 January 2012 for the payment of a charge on non-principal private residences by a person attending at the offices of a county or city council.

### **Departmental Bodies**

330. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2074/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Ethics in Public Office Acts 1995 and 2001 (The Ethics Acts) provide for the disclosure of interests by office holders, the Attorney General, members of the Houses of the Oireachtas, special advisers and holders of designated directorships and occupiers of designated positions in the civil service and the semi-state sector.

Regulations under the 1995 Act designate a number of positions of employment in prescribed public bodies for the purposes of the legislation. In the Civil Service, grades with a salary level at or above the minimum point of the Principal (Standard Scale) are designated positions. A number of other positions with lower salary levels have also been designated e.g., posts requiring the holder to interface with the commercial sector. The Ethics in Public Office (Designated

Positions in Public Bodies) (Amendment) Regulations 2011 lists these designated positions for the period January-December 2012. A total of 152 employees in my Department are currently in positions designated under these regulations and are required to make returns under the Ethics Acts for 2012. The obligations of Civil Servants under the Ethics Acts are set out in Department of Finance Circular 4/2002, available at *www.per.gov.ie*. The obligations applicable to established civil servants also apply to Special Advisers to Office Holders. There are currently 2 Special Advisers in my Department.

Regulations under the 1995 Act also prescribe Public Bodies and designate directorships and positions of employment therein for the purposes of the Ethics Acts. Currently the Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2011 lists these Public Bodies and designated directorships and positions of employment for the period January-December 2012. Oversight of employees and directors is a matter for each Public Body concerned and full details regarding the number of employees and directors obliged to make returns under the Ethics Acts are not generally available in my Department. The obligations of all Public Servants under the Ethics Acts are set out in the Guidelines for Public Servants on Compliance with the Provisions of the Ethics in Public Office Acts 1995 and 2011, available at *www.sipo.ie*. Office Holders, including Ministers and Ministers of State, also have obligations under the Ethics Acts and these are outlined in Guidelines for Office Holders on Compliance with the Provisions of the Ethics in Public Office Acts 1995 and 2011, available at *www.sipo.ie*.

### Departmental Staff

331. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2090/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested in respect of my Department and State Agencies under the aegis of my Department is set out in the table:

Agency	Number of retirements in 2011	Cost of Retirement Lump Sums	Associated Estimated Pension cost for 2012
Department of the Environment, Community and Local Government	27	€2,192,219	€696,737
An Bord Pleanála	7	€762,386	€338,823
Dublin Docklands Development Agency	1	€21,030	€3,951
An Chomhairle Leabharlanna	1	€76,555	€25,518
Local Government Computer Services Board	2	€162,857	€50,198
Local Government Management Services Board	1	€50,198	€2,600
National Building Agency	2	€133,606	€22,958
Radiological Protection Institute of Ireland	1	€74,848	€28,244
Total	42	€3,473,699	€1,169,029

*Question No. 332 answered with Question No. 329.*

### Departmental Funding

333. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local

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Government the amount of funding provided to the Clones Redevelopment Partnership in 2010 and 2011; the funding approved for 2012; and if he will make a statement on the matter. [2109/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Clones Regeneration partnership sought funding from the Rural Development Fund (RDF) to support the employment of a co-ordinator to undertake a programme of development work in preparation for the opening of the Ulster canal. It is hoped that the opening of the canal will make a major contribution to the economic regeneration of Clones and surrounding areas.

The formal approval given to the Clones Regeneration project in June 2009, allowed for funds up to a maximum of €85,000 annually to be made available to the end of 2012 from the RDF, subject to the availability of resources. The support drawn down to date amounted to €27,000 for 2010 and €68,000 for 2011 and an amount of up to €85,000 has also been allocated for 2012.

The purpose of the RDF is to finance research, evaluation and pilot actions, so as to provide information and advice for policy makers on important rural development issues, and it is not, therefore, intended to be a source of long-term funding.

### Local Government Charges

334. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if the €100 household charge will have to be paid on a house that has a roof and doors but is completely uninhabitable; and if he will make a statement on the matter. [2111/12]

350. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government if a homeowner who is unable to live in their home due to the condition of their house and who is renting a property will be exempt from the household charge; and if he will make a statement on the matter. [2517/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 334 and 350 together.

The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. The definition of residential property in section 2(1) is relevant when considering whether a residential property that is not used or lived in is liable to the household charge.

There are a number of indicators as to what makes a house suitable for occupation for the purposes of determining any liability to the household charge. The indicators include the structure of the house, whether or not it has a roof, whether or not it is so affected by dampness as to render it unsuitable for habitation, and whether or not it has sanitary facilities, including a water closet and water supply. A property that is not suitable for occupation should not be regarded as a residential property within the meaning of the Act.

The Act places the onus on an owner of a residential property to assess his or her liability to the household charge on the liability date (1 January) and, if liable, to declare that liability and to pay the charge in respect of that property by the due date.

### Foreshore Licences

335. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government the position regarding an application for a foreshore licence in respect of a

location (details supplied) in County Clare; and if he will make a statement on the matter. [2112/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 279 of 27 January 2010. The position remains unchanged. My Department is still awaiting confirmation that the valuation terms notified to the Council on 23 October 2009 are acceptable. Specific conditions for inclusion in the draft foreshore licence were also issued to the applicant for its agreement on 25 January 2010 and a response from the Council is awaited.

### Departmental Expenditure

336. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2133/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested is set out in the following table:

Subhead	2011 REV Allocation €,,000	2011 Provisional Outturn *€,,000
<i>Administration</i>		
A.1 Salaries, Wages and Allowances	51,574	51,074
A.2 Travel and Subsistence	1,613	1,274
A.3 Incidental Expenses	1,664	981
A.4 Postal and Telecommunications Services	1,311	1,175
A.5 Office Equipment and External IT Services	9,704	6,848
A.6 Office Premises Expenses	1,033	746
A.7 Consultancy Services and Value for Money and Policy Reviews	349	99
<i>Housing</i>		
B.1 Social Housing Provision and Support	531,325	490,010
B.2 Local Authority Estate Regeneration and Remedial Works	203,700	182,177
B.3 Private Housing Adaptation — Grants and Other Supports	70,505	70,200
<i>Water Services</i>		
C.1 Water Services Investment Programme	435,000	428,964
<i>Environment</i>		
D.1 Environmental Protection Agency	19,796	19,353
D.2 Environmental Radiation Policy	3,323	3,398
D.3 Subscriptions to International Organisations	4,110	4,108
D.4 Carbon Fund	4,200	4,140
D.5 International Climate Change Commitments	0	10,000
<i>Waste Management</i>		
E.1 Recycling Services	0	0
E.2 Landfill Remediation	1,000	1,001
<i>Local Government</i>		
F.1 Local Government Fund	164,000	175,000

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Subhead	2011 REV Allocation €0,000	2011 Provisional Outturn *€0,000
F.2 Fire and Emergency Services	12,130	13,130
F.3 Local Authority Library and Archive Service	7,600	7,582
F.4 Community & Social Inclusion	2,989	3,399
F.5 Disability Services	0	0
F.6 Economic & Social Disadvantage (Dormant Accounts Fund)	282	0
<i>Supporting Communities</i>		
G.1 Supports for Community and Voluntary Sector	6,486	6,486
G.2 Local and Community Development Programmes	34,308	33,469
G.3 RAPID	2,458	1,563
G.4 Dormant Accounts Measures	1,943	1,639
<i>Planning</i>		
H.1 An Bord Pleanála	12,829	13,724
H.2 Planning Tribunal	3,470	4,137
H.3 Tidy Towns Competition	1	1
H.4 Planning & Development etc.	150	180
H.5 Foreshore	1,400	416
<i>Rural Development</i>		
I.1 Western Development Commission	660	563
I.2 National Rural Development Schemes	2,987	2,985
I.3 LEADER — Rural Economy Sub-Programme	53,072	38,610
<i>Other Services</i>		
J.1 Irish Water Safety	512	512
J.2 Miscellaneous Services	14,212	17,818
Gross Total	1,661,696	1,596,762
K Appropriations-in-Aid	52,225	47,911
Net Total	1,609,471	1,548,851

\*In cases of increased expenditure compared to the estimate, the amounts involved were approved by way of appropriate virement sanction by the Department of Public Expenditure and Reform, or by means of supplementary estimate.

### Registration Fees

337. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 133 of 30 November 2011, if his attention has been drawn to the fact the Royal College of Architects of Ireland considers that the fee reduction will apply for a period of time; if it is his understanding also that this reduction will apply only for a limited time; and if he will make a statement on the matter. [2164/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The position is that the Royal Institute of Architects of Ireland (RIAI), as the designated registration body in respect of the register of architects established under Part 3 of the Building Control Act 2007, undertook to absorb for a limited time some of the costs associated with the registration of applicants who seek registration by means of the technical assessment procedure

set out under section 22 of the Act. I understand that the RIAI will operate under the current fee arrangement for the time being and has no plans as yet to specify a change of fee in relation to registration by means of technical assessment. As stated in the reply to Question Nos. 514, 521 and 536 of 11 January 2012, the specification of fees in accordance with section 62 of the Act is, in the first instance, a matter for the registration body but no fee may be specified without my approval as Minister.

### **Mortgage Interest Rates**

338. **Deputy Catherine Byrne** asked the Minister for the Environment, Community and Local Government if the Housing Finance Agency has passed on reductions in mortgage interest rates to customers in 2011; and if he will make a statement on the matter. [2194/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I refer to the reply to Question No. 191 of 12 January 2012, which sets out the position in relation to this matter.

### **Proposed Legislation**

339. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government the position regarding the proposed climate change legislation; and if he will make a statement on the matter. [2304/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** It is my objective, in line with the Programme for Government, to introduce climate legislation within the lifetime of this Government. As indicated in the Government legislation programme, published on 11 January 2012, I expect that it will be 2013 before any legislation can be published, taking account of the need also to progress the broader climate policy agenda through the Cabinet Committee on Climate Change and the Green Economy.

Following my recent meeting with the Oireachtas Joint Committee on Environment, Transport, Culture and Gaeltacht, it is my intention to make draft Heads of a Climate Bill available for consideration by the Committee and stakeholders towards the end of 2012. I anticipate the debate on the draft Heads being a transparent and inclusive process that will run alongside, and integrate with, consideration of the outcome to both the policy analysis being undertaken by the NESC Secretariat and the public consultation process that I will initiate in February 2012.

### **Departmental Funding**

340. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the progress made to date on addressing the issue of funding food projects under the Leader programme; and if he will make a statement on the matter. [2313/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Rural Development Programme 2007-2013 (RDP) is divided into 4 Axes. Axis 1 deals with competitiveness of the agricultural sector, Axis 2 aims to improve the countryside and environment and the objectives of Axis 3 are to support the diversification of the rural economy and improve the quality of life in rural areas. Axis 4 or the LEADER Axis provides support for the use of a “bottom up” approach to development which ensures that local people are involved in the decision making thereby facilitating sustainable development in a more inclusive way. In Ireland the LEADER approach is used to implement Axis 3 measures.

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A significant number of projects funded under the previous LEADER+ programme (2000-2006) and under the Diversification and Business Creation measures of the current RDP involve support for enterprise initiatives that add value to agri-food products. Basic Agricultural products are listed in Annex 1 to the EC Treaty and are commonly called Annex 1 products. Under the main Rural Development Regulation 1698/2005 support/grant aid for adding value to Annex 1 products is facilitated under Axis 1 of the programme. At the start of 2011 Ireland was notified by the European Commission that support/grant aid for adding value to agri-food products is not eligible under Axis 3 but rather under Axis 1, which is delivered by the Department of Agriculture, Food and Marine. As a result of this, grant aid under Axis 3 of the RDP for this type of activity is currently suspended.

My Department is continuing to work with the Department of Agriculture, Food and the Marine in pursuing a solution in the context of the overall budgetary situation.

### **Local Authority Charges**

341. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government his views that it is acceptable that a person whose sole income is disability allowance be subject to paying the household charge; and if he will make a statement on the matter. [2402/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge.

The exemptions from payment of the household charge are—

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and
- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. person that has moved into a nursing home).

The waivers which apply concern —

- Owners of residential property entitled to mortgage interest supplement, and
- Owners of houses in certain unfinished housing estates.

### **Departmental Funding**

342. **Deputy Catherine Byrne** asked the Minister for the Environment, Community and Local Government if he administers RAPID funding; if any reductions are being made in RAPID funding in 2012; the areas in which these reductions are being made and the projects that will be affected; and if he will make a statement on the matter. [2415/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The Budget for RAPID for 2012 is €4.15million, made up of €2.15million for Current expenditure and €2million for Capital expenditure. This represents a small reduction in comparable funding vis-à-vis 2011 RAPID funding and my priority in the light of that allocation is to ensure that there is sufficient funding available to meet existing legal contractual commitments for projects across the country.

**Ministerial Appointments**

343. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government when he will appoint a permanent county manager to Monaghan County Council; and if he will make a statement on the matter. [2427/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

Decisions on local authority structures generally, including the appointment of permanent managers in particular instances, will be decided in the light of the development of policy proposals on local government. These proposals will take account of the decisions taken to amalgamate local authorities in Limerick and Tipperary and to examine the case for a single authority in Waterford as well as the Report of the Local Government Efficiency Review Group. I expect to bring proposals in relation to local government reform forward for consideration by the Government shortly.

**Local Authority Charges**

344. **Deputy Seán Kenny** asked the Minister for the Environment, Community and Local Government the options available to home owners who do not have Internet access to register for the new household charge. [2430/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

There is a range of options available to pay the household charge. An online system is in place in the Local Government Management Agency (LGMA) to enable homeowners to pay the household charge by credit card/debit card or by direct debit. In addition, homeowners can make payments by cheque, postal order, etc. through the post to the LGMA. A bureau is in place in the LGMA to administer the charge on a shared service/agency basis for all local authorities. In addition, persons can attend their county/city councils to pay the household charge up to 31 March, 2012. I am satisfied that the above options represent a comprehensive suite of payment options available to persons with a liability to pay the household charge.

**Local Authority Mortgages**

345. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the position in regard to the introduction of the new code of conduct for local authorities in terms of dealing with borrowers in arrears; if he will provide further information on the additional supports that will be provided alongside the new code; and if he will detail his contact with local authorities to date in terms of their own input and ideas for the proposals. [2466/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department issued comprehensive guidance to local authorities on the treatment of mortgage arrears, including local authority mortgages for shared ownership transactions, in March 2010. That guidance was closely based on the Central Bank's first statutory Code of Conduct on Mortgage Arrears to ensure that cases of local authority mortgage

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arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned. To reflect the content of the Central Bank’s revised Code of Conduct — which replaced the previous code from 1 January 2011 and was informed by the deliberations of the Expert Group on Mortgage Arrears and Personal Debt — my Department is currently preparing updated guidance to local authorities in consultation with the City and County Managers Association.

Where any borrower, either from a local authority or from a private financial institution, is facing difficulties in meeting mortgage repayments, they should engage proactively and constructively with the lender to seek to achieve an agreed solution. The services of the Money Advice and Budgeting Service are also available to such borrowers and support is available through the Supplementary Welfare Allowance Scheme.

In addition Section 34 of Housing (Miscellaneous Provisions) Act 2009 provides local authorities with powers to deal flexibly with distressed borrowers.

### **Private Rented Accommodation**

346. **Deputy Emmet Stagg** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact the delays in providing the Private Residential Tenancies Board registration certificate to landlords is causing major problems for persons seeking housing assistance, be it social housing or rent subsidy; and if he will inquire as to when the certificate will issue in respect of a property (details supplied) in County Kildare. [2486/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I have no function in the operational matters of the Private Residential Tenancies Board (PRTB), which is an independent statutory body established under the Residential Tenancies Act 2004. Therefore, it would be inappropriate for me to comment on, or to interfere in, the specifics of any individual case.

Due to the large number of incomplete registration applications submitted to the PRTB processing times are not yet optimal. Applications are classed as incomplete when information required under the Act is missing or incorrect.

Part 7 of the Housing (Miscellaneous Provisions) Act 2009 contained a number of amendments to the Residential Tenancies Act 2004 including the deletion of the requirement for landlord and tenant signatures on the tenancy registration form in order to facilitate online registration. Since November 2010 online registration of tenancies has been available to landlords and their agents. This system, which is accessed via the PRTB’s website *www.environ.ie*, allows for the registration of a tenancy within minutes and the provision of electronic confirmation of registration within 24 hours.

### **Departmental Funding**

347. **Deputy Brian Walsh** asked the Minister for the Environment, Community and Local Government if he will provide the details and amounts of funding provided to an approved housing body in the form of a loan through the Housing Finance Agency, availability payments and the capital advance leasing facility in respect of housing at a location (details supplied) in Dublin. [2507/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Funding approval was given by my Department to Cluid Housing Association on 17 August 2011 to purchase 34 units at Beacon South Quarter, Sandyford under

the Social Housing Leasing Initiative. Negotiations on the sale and the leasing contracts have been ongoing but have not yet completed. In that context no funding from my Department has been provided to date in respect of this project.

### **Property Valuations**

348. **Deputy Anthony Lawlor** asked the Minister for the Environment, Community and Local Government the proposals in place to speed up the process of property valuations from the forthcoming property tax; and if he will make a statement on the matter. [2511/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question Nos. 172 and 178 which addressed the ongoing programme of revaluation of all commercial and industrial properties throughout the State. As regards residential property, it will be a matter for the Government to decide on the structure and modalities of the forthcoming property tax in the course in light, inter alia, of the work of the inter-Departmental expert group being established to advise on the design, scope and implementation of the tax.

### **Local Authority Charges**

349. **Deputy Anthony Lawlor** asked the Minister for the Environment, Community and Local Government the measures in place to ensure that the money collected through the household charge is allocated on a *pro rata* basis by the local authority central fund to the local authority area from which the moneys were initially collected; and if he will make a statement on the matter. [2512/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides that income from the household charge is to be paid into the Local Government Fund. The proceeds from the household charge will be re-distributed on an equalised basis to local authorities within the context of the annual allocations of General Purpose Grants, ensuring that those local authorities with lower populations than others do not suffer unduly as a result.

*Question No. 350 answered with Question No. 334.*

### **Funeral Industry**

351. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government if there are any plans to regulate the funeral industry here, thereby ensuring minimum standards for the industry; and if he will make a statement on the matter. [2571/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department has responsibility for regulations regarding burial grounds. I have no plans to legislate for regulation of the wider funeral industry.

### **Garda Deployment**

352. **Deputy Brendan Griffin** asked the Minister for Justice and Equality his views that savings could be made in an area (details supplied). [2147/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will appreciate that a considerable amount of Garda time has to be devoted to court duties. In that context specific measures have been put in place by the Garda authorities, and in legislation, to minimise the extent to which Garda members have to attend in court. Following a detailed review of the

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procedures involved, the Garda Commissioner is making arrangements to implement a comprehensive set of measures to further reduce the amount of time Garda personnel spend in court. These measures are, of course, subject to the overall requirements of justice and judicial supervision.

My position, and that of the Government, is that it is vital that Garda and other public service resources are utilised as effectively as possible. With this in mind, and with the agreement of the Chief Justice, I have established a Working Group, which includes judges from the relevant jurisdictions, to look at the operations of the Circuit and District Courts with a view to identifying additional efficiencies to benefit the justice sector and how best these could be implemented in the light of current financial circumstances.

### Work Permits

353. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree, if any, to which he can facilitate the issue of visas to non-EU nationals who require ongoing work permits and who have established part-time or full-time work in many small businesses here and whose continued availability is often fundamental to the continuation of the operation of the businesses; and if he will make a statement on the matter. [2602/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The issue and renewal of work permits is a matter for my colleague, the Minister for Jobs, Enterprise and Innovation. Where a person is granted a work permit and requires a visa in order to come to Ireland to take up employment, the matter is expedited by the Irish Naturalisation and Immigration Service subject to normal immigration controls. Re-entry visas are issued to visa required work permit holders who wish to leave the State for short periods for business or personal reasons. I am not aware of any particular problem with the issue of visas to work-permit holders that requires specific action from myself as Minister.

### Legal Aid Service

354. **Deputy Jerry Buttimer** asked the Minister for Justice and Equality if necessary emergency *ex parte* family law court applications are covered by the free legal aid scheme; and if he will make a statement on the matter. [1900/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the Legal Aid Board is unable to provide an immediate service to all applicants. However in recognition of the fact that certain categories of cases require an immediate or almost immediate service the following matters are accorded priority:

- child abduction proceedings;
- cases in which there is a real danger of children being taken out of the jurisdiction without the consent of the applicant;
- cases in which proceedings are being taken on foot of Part IV of the Child Care Act 1991 or applicants presenting with cases that involve a risk of such proceedings;
- cases involving domestic violence;
- cases in which a maintenance debtor has been served with a summons / warrant on foot of section 9A of the Family Law (Maintenance of Spouses and Children) Act

1976, has appeared in Court and has applied for civil legal aid having been advised of his/her entitlement to do so by the Judge;

- cases in which, under the Statute of Limitations, there is a danger that the time limits for issuing proceedings may expire unless immediate action is taken;
- cases in which there is a danger of time limits expiring;
- cases in which there is a danger that assets may be reduced / disposed of so that they would be unavailable to meet the claims of the applicant;
- cases involving District Court and Circuit Court appeals, where the case has been dealt with through the private practitioner service and services are now being sought from the law centre;
- cases in which legal services are required for complainants in rape and certain sexual assault cases;
- cases in which legal aid is required for persons in respect of whom a sex offenders order is being sought;
- cases in which the other party's nationality, domicile or habitual residence enables them to seek a similar remedy in another jurisdiction and the applicant is likely to be prejudiced if he/she does not initiate proceedings first;
- asylum cases; and;
- cases in which managing solicitors retain a residual discretion to provide a priority service where, having regard to the particular case concerned, as compared with other applications on the applications record, and to their own knowledge and experience, they consider that it is appropriate that a particular applicant be given specific priority over other applicants for legal services.

Any family law case that falls within the above categories will be prioritised.

Finally, I wish to clarify for the Deputy that the Legal Aid Board provides 'legal aid' and not 'free legal aid'. The vast majority of persons receiving services from the Board pay a small financial contribution.

355. **Deputy Jerry Buttimer** asked the Minister for Justice and Equality the reasons for the refusal of legal aid to a person (details supplied) in County Cork; if it is possible to reconsider the application for legal aid; and if he will make a statement on the matter. [1901/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that as the Legal Aid Board is a statutory, independent body in accordance with the Civil Legal Aid Act 1995, any decision to grant or refuse legal aid is a matter for the Board. Under Section 7(3) of the Act, I am precluded from exercising any power or control in relation to any particular case with which the Legal Aid Board is or may be concerned.

Furthermore, the solicitor/client relationship is protected by privilege in accordance with the terms of section 32 of the Civil Legal Aid Act 1995 and therefore the Board does not provide information to third parties regarding a person who may or may not be a client of the Board.

Finally, while I can advise the Deputy that a person who is refused legal aid has the right to appeal this decision to an Appeal Committee which is made up of non-executive members of the Board, again I have no role in this process.

### Crime Levels

356. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding armed robberies (details supplied). [1903/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again when the report is to hand.

### Garda Recruitment

357. **Deputy Michael McGrath** asked the Minister for Justice and Equality if he has considered the possibility of a recruitment round for An Garda Síochána drawing only from the pool of Garda reserves; his general recruitment plans for the force; and if he will make a statement on the matter. [1969/12]

**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 re-commence 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.

The regulations governing recruitment to the Garda Síochána would not permit recruitment to be limited to members of the Garda Reserve but the regulations specifically allow the Public Appointments Service to give due recognition to any satisfactory service by a person as a reserve member of the Garda Síochána.

### Legal Services Regulation Bill

358. **Deputy Dara Calleary** asked the Minister for Justice and Equality when a regulatory impact assessment will be published for the Legal Services Regulation Bill; if he does not intend to publish one, the reason for same; and if he will make a statement on the matter. [1983/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Questions No. 27 and 37 of 1 December 2011. In my reply I indicated that 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. This was due to the exceptionally demanding EU/IMF deadline that applied and was met by the Government in publication of the Bill. The situation remains as also stated on that occasion, namely, that work on the regulatory impact assessment for the Bill is nearing completion and it will be made available in the near future.

### Drug Offences

359. **Deputy Joan Collins** asked the Minister for Justice and Equality the number of drug dealing convictions over €12,500 during the years 2005 to 2012; and the resulting sentences for each conviction. [1986/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I understand the Deputy's question to refer to drugs offences which attract the mandatory minimum sentencing provisions as set out in Section 27 of the Misuse of Drugs Act 1977 (as amended by the Criminal Justice Acts 1999, 2006 and 2007).

The data as requested by the Deputy is not readily available in my Department. However, I have asked the Courts Service to supply the information sought directly to the Deputy.

### Legislative Programme

360. **Deputy Mattie McGrath** asked the Minister for Justice and Equality the status of the draft Mediation and Conciliation Bill; when he expects to bring the Bill before Dáil Éireann; and if he will make a statement on the matter. [2007/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Government's Legislative Programme which was published on 11 January provides that the Mediation Bill will be published in 2012. However, as indicated in Section G of the Programme, I intend to forward the draft Heads of the Bill to the Joint Committee on Justice, Defence and Equality for any observations or suggestions they may have prior to finalising its contents.

### Immigration Service

361. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the full cost of the Irish Naturalisation and Immigration Service new computer system AISIP; if the system was fully tested before going live; the action the INIS is taking to address the backlogs in processing and the creating of correspondence arising from the new system; the reason the INIS was unable to ensure the transfer of all records to the new system from the old which has resulted in significant time now being wasted in view of the fact that staff have to check the new and old system databases when queries arise; and if his attention has been drawn to the fact that staff training of the system took place at a time when the system itself was unfinished and untested. [2029/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Irish Naturalisation and Immigration Service (INIS) that the Asylum & Immigration Strategic Integration Programme (AISIP) went live in October 2011. One of the principal aims of the new system is to ensure more efficient management of its cases by combining into one system over 20 stand-alone and disparate IT systems involving 69 separate types of applications and transactions. In any given year the system will record over 800,000 separate transactions. The project was delivered on budget and on time at a total cost of €9.3m for the development of the system and €3.9m on related project costs, such as hardware, software licences and other related costs. These costs are offset by income generated from fees and charges from immigration and related activities.

As well as being a very complex project, it was also the first ever project to address immigration related issues and transactions by taking a “whole of system” approach from the perspective of the client.

System testing was comprehensive, covering all modules of the system, and lasted four months, the latter two months involving user testing from all areas using the system.

With regard to training of staff a “train the trainer” approach was adopted with the aim of delivering the training as close as possible to go-live in order to maximum the benefit for staff. The training was provided after supplier testing of the system had been completed and the system functionality was available for training. Approximately 500 staff received several days' training each with some user testing to identify and resolve any final defects proceeding in parallel. This is a common approach with IT projects and helps minimise costs. Testing and training was planned to allow for a single phase rollout to INIS and related offices, with the aim of controlling costs and limiting the potential for data inconsistencies to occur between the new system and the older legacy systems.

The introduction of a new system together with related work practice changes has understandably had some initial impact on operations as the new system and processes are bedded

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down. This is not unusual with such large scale projects. INIS is working to address these aspects as quickly as possible. System updates are planned to address most aspects with the correspondence module within the coming weeks as well as implementing functionality to cater for new application types, etc. The approach taken to training has meant that staff who were selected and trained to deliver training to staff are available in their respective areas to provide ongoing mentoring and assistance to staff. Such flexibility from staff is one of the practical examples of the implementation of the Public Service Reform Plan and is to be commended.

With regard to the migration of data from old systems to the new, this was a complex part of the project involving taking data from many disparate systems that did not synchronise with each other and combining them in the new system. This also involved a very large data analysis task prior to go live with over 250,000 records reviewed and converted for use in the new database. In some instances, INIS decided not to migrate some older historic data as the cost and effort involved could not be justified. It is also the case that the data in the older systems continues to be available to the organisation in “read-only” mode to ensure accuracy and consistency. Work is ongoing to further refine the data stored in AISIP and to bring in some additional data from the old systems where this is justified.

As outlined above, there are significant benefits to INIS of a single integrated system with a single view of its clients, versus over 20 separate systems which had been developed in an ad-hoc manner over many years to address the multitude of immigration issues that had arisen in the context of the State’s first ever experience of large-scale immigration. This system, like any new system of such size and complexity, will take time to bed down completely. As such it will provide its own challenges for its users; these will be addressed and the system itself provides a firm strategic foundation from which immigration administration can go forward.

### **Departmental Bodies**

362. **Deputy Sean Fleming** asked the Minister for Justice and Equality if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2079/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Ethics in Public Office Acts 1995 and 2001 provide for the disclosure of interests by Office Holders, the Attorney General, members of the Houses of the Oireachtas, Special Advisers and holders of designated directorships and occupiers of designated positions in the civil service and the semi-state sector. Such designated posts are either included in the primary legislation or prescribed by regulations made by the Minister for Public Expenditure and Reform and, therefore, are already in the public domain.

The Standards in Public Office Commission produce annually updated guidelines which detail the Public Bodies, designated directorships and/or designated positions of employment within those Bodies, and the designated positions within my Department, which are subject to the requirements of the Ethics in Public Office Acts.

### **Departmental Staff**

363. **Deputy Sean Fleming** asked the Minister for Justice and Equality the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2095/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In general the lump sum and ongoing pension costs in respect of staff who retire from this Department and from organisations under the auspice of the Department are paid from the Superannuation and Allowances Vote of the Office of the Minister for Public Expenditure and Reform.

However, the retirement lump sums and ongoing pension costs in relation to members of An Garda Síochána are paid from the Garda Vote. The total cost of lump sum payments from the Garda Vote in 2011 was €51.7 million which included payments in relation to a number of members who retired in late 2010 also.

The number of Garda members who retired in 2011 was 438 and the related on-going annual pension cost is estimated at €14.2 million.

There were 13 other lump sum retirement payments totalling €495,000 in respect of organisations within the Justice and Equality Vote in 2011 with ongoing annual pension costs estimated at €121,000.

### **Garda Stations**

364. **Deputy John McGuinness** asked the Minister for Justice and Equality the amount if funding already spent and the amount committed to the extensive renovation works being carried out at Loughlynn Garda station, Roscommon; if the Garda Síochána finance division advised against the works being undertaken while rural stations were being reviewed; if this station is to be kept in service; and if he will make a statement on the matter. [2115/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that an expenditure of €2,200 was incurred by An Garda Síochána from the Garda Vote in respect of minor repair works to Loughglynn Garda station in 2010.

I am further advised that the Office of Public Works has separately undertaken maintenance works at Loughglynn Garda station with a view to securing the overall fabric of the building, in the context of the ongoing maintenance of its property portfolio. Expenditure on these works has been provided from the Vote of the Office of Public Works.

With regard to the closing of the station, the position is that, in reaching a decision on the closure of a number of Garda stations, the Commissioner has reviewed 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. In addition, all Divisional Officers were asked to assess the level of activity in each Garda station in their area.

It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. The Commissioner concluded that resources could be better deployed and more effectively used on the front line if these particular stations no longer had to be staffed and maintained and there are therefore no plans to review this decision.

The priority will remain the provision of an effective and professional policing service to every part of the community, both rural and urban.

### **Animal Pounds**

365. **Deputy John McGuinness** asked the Minister for Justice and Equality the number of occasions in the past three years that the Kilkenny county registrar or courts used the animal pound at Castlecomer Road, Kilkenny; if he will consider returning this property to Kilkenny

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Borough Council in view of the fact that the national animal pound is now located at Urlingford, County Kilkenny; and if he will make a statement on the matter. [2124/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Under the Pounds (Provision and Maintenance) Act 1935 local authorities are required to provide pounds for the use of a County Registrar in exercising the function of Sheriff. The Deputy will appreciate that County Registrars are independent in the performance of their functions in this regard. However, I have had enquiries made and the Kilkenny County Registrar has not used the animal pound at Castlecomer Road, Kilkenny in the past three years.

Section 3 of the 1935 Act allows the County Registrar to certify, with the approval of the Minister for Justice, that a place is no longer required as a pound. I am informed that the County Registrar will respond to any proposal from Kilkenny Borough Council on the matter.

### Departmental Expenditure

366. **Deputy Brendan Smith** asked the Minister for Justice and Equality the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2138/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The total gross allocated budget for the Departments Vote (Vote 19 — Justice and Equality) in 2011 was €402.664 million. The provisional figure for gross expenditure is €400.403 million which does not include €460,000 in unspent capital expenditure carried forward to 2012 under the deferred capital provisions of the Finance Act 2004.

In addition the budget for receipts (Appropriations-in-Aid) was €47.469 million and the provisional outturn is €50.0 million.

The final outturn figures and the detailed breakdown at subhead level will be published as part of the Appropriation Account during 2012.

### Visa Applications

367. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the criteria for An Garda Síochána when filling out police certificates for Irish citizens applying for visas overseas; and if it includes minor driving and public order offences that have not resulted in a significant fine or imprisonment. [2153/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Authorities that a Police Certificate is issued for the information of Consular Authorities only and not for any other purpose. It is issued solely to show convictions, if any, recorded against the applicant.

Subject to the provisions of Section 258 Children's Act, 2001, when completing a Police Certificate in respect of a person who has been found guilty of an offence, where offences were committed before the person had attained the age of 18 years, no mention will be made of such fact. Nor will any mention be made of the fact that a person was dealt with under the Juvenile Diversion Programme.

A charge dealt with under Section 1(1) of the Probation of Offenders Act, 1907, is not regarded as a conviction and, in consequence, no mention is made in the Police Certificate Form of any such charge.

### Legislation on Prostitution

368. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality following his indication in the autumn that officials in his Department were preparing a detailed consultation paper to facilitate the consultation process to help inform the future direction of legislation on prostitution in Ireland, if he will clarify which officials within his Department are engaged in preparing the aforementioned consultation paper; the progress made in the three months since; if he will provide the date when a public announcement will be forthcoming on it and indicate an opening and closing date for when submissions may be made by the public; and if he will make a statement on the matter. [2165/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As indicated by the Deputy, I announced in October my intention to arrange a consultation process to help inform the future direction of legislation on prostitution. I also stated at that time that I am concerned to ensure public debate on this issue is open to the widest possible audience. For that reason, a detailed discussion document to facilitate the consultation process is being prepared.

Drafting of the document, which is progressing well, is being co-ordinated by the Criminal Law Reform Division of my Department. The Department's Anti-Human Trafficking Unit and Crime Division are assisting in this work. You will appreciate that the paper, if it is to fully inform the public, needs to be prepared carefully. At this stage, I expect that the consultation document will be ready for issue before the end of January. This, of course, is subject to resources having regard to competing priorities, including legislative priorities.

As indicated in my press release of 17 October, I will make a further public announcement when the consultation document has been completed. At that point, full particulars regarding the arrangements and time frame for making submissions will be provided. However, I would like to assure the Deputy that ample time will be given to enable members of the public prepare and submit views on this issue.

### Asylum Applications

369. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in determination of eligibility for subsidiary protection in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [2175/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The persons concerned are a husband and wife who entered the State on 10th September, 2004 and lodged separate asylum applications. Their asylum applications were considered by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, both of whom concluded that the persons concerned did not meet the criteria for recognition as refugees.

Arising from the refusal of their respective asylum applications, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the persons concerned were notified, by separate letters dated 7th March, 2011, that the then Minister proposed to make Deportation Orders in respect of them. They were each 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 them. In addition, they were notified of their respective entitlements to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The persons concerned submitted applications for Subsidiary Protection. When consideration of these applications has been completed, the persons concerned will be notified in writing of the outcomes.

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In the event that the applications for Subsidiary Protection are refused, the position in the State of the persons 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 final decisions are made. Once decisions have been made, these decisions and the consequences of the decisions will be conveyed in writing to the persons 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.

### **Homophobic Crime**

370. **Deputy Finian McGrath** asked the Minister for Justice and Equality the support available to persons (details supplied). [2190/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that An Garda Síochána attach importance to managing with sensitivity cases where members of the lesbian, gay, bisexual and transgender (LGBT) communities are victims of crime. Where appropriate, such a victim is referred to a trained LGBT Officer within An Garda Síochána.

All victims of crimes, including those with a homophobic motivation, are urged to report the matter to their local Gardaí.

The Garda Racial, Intercultural and Diversity Office (GRIDO) monitors crimes which have a homophobic motivation on a constant basis so as to ensure that all such crimes are properly recorded and investigated.

GRIDO has responsibility for coordinating, monitoring and giving advice on policing Ireland's diverse communities and covers all nine grounds set out in the Equal Status Act 2000, which include sexual orientation and works closely with organisations that represent the LGBT communities. It coordinates the work of 328 Ethnic Liaison Officers/LGBT Officers who are based in community policing units in each Garda Division in the country. These officers, who have attended training and seminars covering the topics of diversity, racism and homophobia, including training in sensitivity in dealing with the victims of homophobic crime, liaise with groups and advise them of the Garda services available.

An Garda Síochána's policy on the services and support provided to all victims of crime can be found in the An Garda Síochána Victims Charter which was revised in 2010 and is available at [www.garda.ie](http://www.garda.ie). The Charter states that for all victims of crime An Garda Síochána will:

- respond quickly to their call and investigate their complaint;
- give them the name, telephone number and station of the investigating Garda and the PULSE incident number;
- explain what will happen and keep them informed of the criminal investigation; and
- tell them in writing about the Crime Victims' Helpline and the other services available for victims of crime or a traumatic incident. Victims can access a wide range of support

services through this Helpline, which is run by volunteers and is independent of An Garda Síochána.

### **Legal Services Regulation Bill**

371. **Deputy Peter Mathews** asked the Minister for Justice and Equality his views on a matter (details supplied) regarding the Legal Services Regulation Bill 2011; and if he will make a statement on the matter. [2204/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Second Stage debate in respect of the Legal Services Regulation Bill 2011 commenced in the House on 16 December 2011 and is soon to resume. The Bill represents a historical opportunity for modernisation and reform of the way legal services are provided in the State and of the antiquated and opaque legal costs regime. It sets out to achieve an appropriate balance between the Government's reforming policy objective of independent regulation and the professional independence of legal practitioners. In doing this, the Bill strikes a better balance between the respective public and professional interests now at play in the legal services sector.

In Part 2, section 9(4), the Bill sets out six objectives to which the new Legal Services Regulatory Authority must have regard in performing its functions. While three of these address public and consumer interests and the promotion of competition in the provision of legal services, the remaining three objectives relate to—

- Supporting the proper and effective administration of justice
- Encouraging an independent, strong and effective legal profession
- Promoting and maintaining adherence to the professional principles.

Section 9(5) (a) of the Bill goes on to give clear statutory expression to the core 'professional principles', namely that legal practitioners must — (i) act with independence and integrity, (ii) act in the best interests of their clients, and (iii) maintain proper standards of work.

Moreover, under section 9(5)(b), they must comply with the duties that are rightfully owed to the court, and, under section 9(5)(c), they must, subject to professional obligations, keep the affairs of their clients confidential.

The independence of the new Legal Services Regulatory Authority, which will have responsibility for the oversight of both solicitors and barristers, will be assured by the provisions made in the Bill. The Authority itself is to be democratically accountable — including, in its own right, to the Houses and Committees of the Oireachtas. The Bill specifically provides, based on precedent elsewhere in legislation, that the Authority "shall be independent in the performance of its functions". Furthermore, the independence of the new regulatory regime will be bolstered by the establishment of an independent framework to deal with complaints about professional misconduct. This framework is further augmented by a Legal Practitioners' Disciplinary Tribunal which will be independent of both the Authority and the legal professional bodies. As evident from Part 2 and other elements of the Bill, the new Legal Services Regulatory Authority will have the structures, functions and powers consistent with an effective, independent, regulatory body including a lay majority in its membership and a lay Chair. I do not accept, therefore, claims that under the Bill the independence of the new Authority, and thereby that of solicitors and barristers, is about to be fettered — ministerially or otherwise. Rather, the guiding principles of independence permeate the Bill and its respective provisions, particularly those relating to the legal professions and to the functioning of the new regulatory architecture.

[Deputy Alan Shatter.]

As I have stated in presenting the Bill for Second Stage, there is no hidden agenda in relation to ministerial functions or appointments under the Bill. I believe that, taken together, the provisions of the Bill can make the independence of the two legal professions and the independence of their regulation mutually reinforcing. In that spirit, I remain happy to invite any constructive suggestions that might enhance the Bill's regulatory framework in this regard within the Government's stated policy objective of independent regulation. Indeed, I am already considering some relevant amendments for Committee Stage such as removing the requirement for the Minister's consent being obtained for any code of practice the Regulatory Authority proposes be observed by the legal professions. In tandem with the anticipated resumption of Second Stage which will happen in the next week or so, I have been continuing my consultations with relevant stake-holders including the professional bodies. I am confident we can bring the Legal Services Regulation Bill to a successful outcome in its mutual accommodation of the relevant independence principles and concerns.

### **Irish Prison Service**

372. **Deputy John McGuinness** asked the Minister for Justice and Equality the number and the date of each tender competition issued by the central finance unit of the Irish Prison Service for each year 2009, 2010 and 2011; the purpose of each; the outcome of each competition tender; the duration between issue of initial notice and contract award date; the number of persons employed in the unit and their grade; and if he will make a statement on the matter. [2395/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it is not possible, in the time available, to provide a full breakdown of all the information sought. My Department is in the process of collating this information which will be forwarded to the Deputy as soon as possible.

However, I have been informed by the Irish Prison Service that a Central Procurement Unit was established in March, 2007. There are currently seven staff working within the Unit overseen by a Director with responsibility for Finance and Procurement. The structure of the Unit is 1 Assistant Principal Officer, 2 Higher Executive Officers, 3 Executive Officers and 1 Staff Officer, all of whom received training in procurement procedures.

The Irish Prison Service is committed to the principles of fair and transparent procurement and achieving value for money, subject to the overriding requirement to ensure the service is delivered in a safe and secure manner.

### **Deportation Orders**

373. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will review the decision to deport a person (details supplied) in County Sligo; and if he will make a statement on the matter. [2458/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am satisfied that the applications made by the person concerned for asylum and subsidiary protection, as well as the representations made under Section 3 of the Immigration Act 1999 (as amended), together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport him is justified. However, if new information or circumstances have come to light, which have a direct bearing on his case and which have arisen since the original decision to make the Deportation Order against him, there remains the option of applying to me for revocation of the Deportation Order pursuant to the provisions of Section 3 (11) of the Immigration Act,

1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful.

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.

### Prison Committals

374. **Deputy Derek Keating** asked the Minister for Justice and Equality the cost per day to detain a person in Wheatfield Prison, Dublin; and if he will make a statement on the matter. [2463/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Details on the average cost of an available staffed prison space are published in the Irish Prison Service Annual Reports under three headings — Open Prisons, Closed Prisons and High Security Prisons. They are not published for individual prisons.

Wheatfield Prison is a Closed Prison for which the average cost in 2010 (the latest year for which figures are available) was €71,447 (€79,307 in 2009), a decrease on the 2009 cost of €7,860 or 9.9%. The annual 2010 figure of €71,447 is equivalent to a daily figure of €195.74.

These figures are averages and include fixed costs.

375. **Deputy Derek Keating** asked the Minister for Justice and Equality the number of persons who have been sent to prison for minor offences such as TV licence and road traffic fines; if he is considering an alternative to such practice; and if he will make a statement on the matter. [2464/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** 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.

Details on persons committed to prison for non payment of court ordered fines for TV licence and road traffic offences are set out in the following table:

	09/03/2010 to 09/03/2011	10/03/2011 to 09/12/2011
TV Licence	165	132
Road and Traffic Offences	2,417	2,080

The 2011 figures are provisional pending the publication of the Irish Prison Service Annual Report.

I can advise the Deputy that the number of such persons held in custody at any one time is a minute fraction of the overall prisoner population. To illustrate this point, on today's date, only 5 prisoners or 0.1% of the prison population of 4,155 are detained in custody for non payment of road traffic fines with no one imprisoned for TV licence fines.

The Deputy may also wish to note that the Fines Act 2010 includes a number of provisions designed to minimise the level of fine default and where it does occur, to ensure, as far as possible, that fine defaulters are not committed to prison. In particular, under Section 14 of

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the Act, the court must consider the financial circumstances of the person before the amount of the fine is determined. There are also provisions in the Act, that I intend to commence in 2012, allowing for the payment of fines by instalments; the appointment of receivers to recover outstanding fines (or property to the value of those fines); and the substitution of community service orders for fines, where they remain unpaid after the receiver has completed his or her work.

I am also committed to pursuing alternatives to custody. The Criminal Justice (Community Service) (Amendment) Act 2011 commenced on 1 October last and requires judges when considering imposing a sentence of imprisonment of 12 months or less to first consider the appropriateness of community service as an alternative to imprisonment. I expect that these measures, taken together, will all but eliminate the need to commit persons to prison for non-payment of fines.

### **Citizenship Applications**

376. **Deputy Pat Deering** asked the Minister for Justice and Equality when a certificate of naturalisation will issue to a person (details supplied) in County Carlow. [2513/12]

**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 January, 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.

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.

### **Public Order Offences**

377. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of persons arrested and charged with public order offences between 22 December 2011 and 3 January 2012 inclusive; the number of persons convicted to date; the number of fixed penalty notices issued during this period; if he will provide same for each of the past three years; and if he will make a statement on the matter. [2546/12]

**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.

I have also requested a report from the Garda authorities regarding the numbers of fixed charge notices issued. I will contact the Deputy again when the report is to hand.

### **International Agreements**

378. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the names of any agreements he has signed with any third party Government or foreign body since taking office; and the dates on which each of these were signed. [2553/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that since taking office I have signed the following Agreements with other Governments or foreign bodies:

- Memorandum of Understanding between Eolaíocht Fhóiréinseach Éireannach and Forensic Science Northern Ireland, 8 June 2011.
- Agreement between the Government of Ireland and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime, 21 July 2011.

Furthermore by way of additional information, the Deputy might wish to note that on 20 December 2011, I signed, with the UK Minister of State for Immigration the following:

- Joint Statement regarding cooperation on measures to secure the external common travel area border.
- Memorandum of Understanding regarding the exchange of information relating to visa applications.

It should be noted that neither the Joint Statement nor Memorandum of Understanding signed with the UK Minister of State for Immigration have the status of international agreements. The text of each makes it clear that they simply reflect understandings between Ireland and the UK on such cooperation and they are not intended to create legally binding obligations, nor to create or confer rights, privileges or benefits on any persons or parties, private or public.

### **Personal Debt**

379. **Deputy Seán Kyne** asked the Minister for Justice and Equality his plans to regulate or licence private debt management companies which operate their scheme for a fee or charge unlike the non-profit State supported Money Advice and Budgeting Service. [2591/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In line with a commitment in the Programme for Government, the Personal Insolvency Bill is in the course of being urgently developed in my Department to provide for a new framework for settlement and enforcement of debt and for personal insolvency. The commitment under the EU/IMF Programme of Financial Support for Ireland is to publish the Bill in Quarter 1 of 2012. The Heads of the Bill, which are expected to be finalised in the near future, will be forwarded to the Committee on Justice, Defence and Equality for its consideration.

The issue of regulation or licensing of private debt management companies can be addressed in finalising the text of the Bill.

### Departmental Bodies

380. **Deputy Sean Fleming** asked the Minister for Defence if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2072/12]

**Minister for Defence (Deputy Alan Shatter):** The bodies under the aegis of my Department where board members and staff are required under the Ethics in Public Office Acts to complete annual returns to the Standards in Public Office Commission are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The table below sets out the numbers of board members and staff required to complete forms under the Ethics in Public Office Acts 1995 and 2001.

Name of Body	Board Numbers	Number of Staff in Designated Positions
Army Pensions Board	3	Nil
Coiste an Asgard	1	1
Civil Defence	14	4

Insofar as my Department is concerned, the number of staff required under the Ethics in Public Office Acts to complete annual returns to the Standards in Public Office Commission is set out below.

Staff at Department of Defence	Numbers
Senior Staff	19
Staff in Designated Positions of Employment	33
Ministerial Appointees	1

The Ethics in Public Office Acts also apply to the Defence Forces. Detailed information regarding Defence Forces annual returns to the Standards In Public Office Commission is being compiled and will be forwarded to the Deputy as soon as possible.

### Departmental Staff

381. **Deputy Sean Fleming** asked the Minister for Defence the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his department and in respect of each organisation under his auspice; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2088/12]

**Minister for Defence (Deputy Alan Shatter):** It has not been possible in the time available to compile all of the information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

### Departmental Expenditure

382. **Deputy Brendan Smith** asked the Minister for Defence the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2131/12]

**Minister for Defence (Deputy Alan Shatter):** The Net budget allocation for my Department for 2011 for Defence (Vote 36) and Army Pensions (Vote 37) was €882m. The Army Pensions Vote required a supplementary estimate of €15.6m in 2011 which was offset by savings on the Defence Vote. Provisional expenditure to 31 December 2011 at subhead level is provided below:

## Defence (Vote 36) — provisional

Subhead	Description	Expenditure to 31/12/2011 €000
A1	Salaries, Wages and Allowances	16,064
A2	Travel and Subsistence	408
A3	Training and Development and Incidental Expenses	193
A4	Postal and Telecommunications Services	723
A5	Office Equipment & External IT Services	2,252
A6	Office Premises Expenses	1,262
A7	Consultancy Services & Value for Money and Policy Reviews	0
B	Permanent Defence Force: Pay	421,327
C	Permanent Defence Force: Allowances	42,248
D	Reserve Defence Force: Pay, etc.	3,935
E	Chaplains & Officiating Clergymen: Pay & Allowances	1,172
F	Civilians attached to Units: Pay, etc.	32,778
G	Defensive Equipment	36,617
H	Air Corps: Equipment and Expenses	15,489
I	Military Transport	14,369
J	Naval Service: Equipment and Expenses	30,542
K	Barrack Expenses & Engineering Equipment	15,118
L	Buildings (incl. capital carryover of €1.5m)	16,942
M	Ordnance, Clothing & Catering	19,817
N	Communications & Information Technology	7,496
O	Military Training	2,390
P	Travel & Freight Services	2,598
Q	Medical Expenses	2,896
R	Lands	1,179
S	Equitation	90
T	Compensation and Associated Costs	4,884
U	Miscellaneous Expenditure	2,719
V	Costs arising directly from Ireland's participation in the EU's Common Security & Defence Policy	583
W	Civil Defence Board (Grant-in-Aid)	5,585
X	Irish Red Cross Society (Grant-in-Aid)	951
	GROSS TOTAL (incl. capital carryover of 1.5m)	703,437
Y	Appropriations-in -Aid	42,507
	NET TOTAL	660,930

[Deputy Alan Shatter.]

## Army Pensions (Vote 37) — provisional

Subhead	Description	Expenditure to 31/12/2011 €000
A	Army Pensions Board — Salaries, Wages and Allowances	100
B	Defence Forces (Pensions) Schemes & Payments in respect of transferred service	213,679
C	Wound & disability pensions, allowances & gratuities to or in respect of former members of the Defence Forces	8,418
D	Payments in respect of Veterans of the War of Independence	1,125
E	Compensation Payments	18
F	Medical Appliances and Travelling & Incidental Expenses	36
	GROSS TOTAL	223,376
G	Appropriations-in-Aid	6,125
	NET TOTAL	217,251

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	GROSS TOTAL	223,376
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	NET TOTAL	217,251

### Defence Forces Recruitment

383. **Deputy Billy Timmins** asked the Minister for Defence when recruitment will take place in the Defence Forces, the Army, Naval Services and Air Corps; and if he will make a statement on the matter. [2203/12]

**Minister for Defence (Deputy Alan Shatter):** The Government has decided to accept my recommendations that the strength of the Permanent Defence Force will be maintained at 9,500. I believe that this is the optimum level required to fulfil all roles assigned by Government. I am advised by the Military Authorities that the strength of the Permanent Defence Force at 30 November, 2011, the latest date for which details are available, was 9,460 comprising 7,671 Army, 806 Air Corps and 983 Naval Service.

Targeted recruitment continued in 2011 to maintain the appropriate level of Defence Forces personnel and capabilities. It is my intention that targeted recruitment will continue in 2012, within the resource envelope allocated to Defence, so as to maintain the Government approved strength of the Defence Forces.

### Air Corps Operations

384. **Deputy Denis Naughten** asked the Minister for Defence his plans to expand the medical support role of the Air Corps; and if he will make a statement on the matter. [2312/12]

**Minister for Defence (Deputy Alan Shatter):** A Service Level Agreement between my Department and the Department of Health has been in place since 2005 which formalises the arrangements for the provision of an air ambulance service by the Air Corps.

This Agreement was last revised in October, 2011 and details the support provided by the Air Corps, specifically emergency inter-hospital transfers for spinal and serious injuries and illnesses, air transport of neonates requiring immediate medical intervention within Ireland, air transport of patients requiring organ transplants in the UK, air transport of Organ Retrieval Teams within Ireland and air transport of patients from offshore islands to mainland hospitals where the Irish Coast Guard service is not available.

My Department and the Air Corps have been contacted by the Department of Health and the HSE in relation to the possibility that additional aeromedical support for the HSE's National Ambulance Service, specifically in the west of Ireland, might be provided by the Air Corps. The details of this enquiry are currently being examined.

### Departmental Expenditure

385. **Deputy Kevin Humphreys** asked the Minister for Defence the cost of publishing and distributing the military archives calendar; the number that were printed; to whom it was distributed; the person who approved its publication; his views that it is an appropriate use of scarce resources; and if he will make a statement on the matter. [2416/12]

**Minister for Defence (Deputy Alan Shatter):** The Defence Forces Printing Press produces a Defence Forces Calendar annually in conjunction with Military Archives. The calendar is produced as part of the Military Archives' mission to make available the documentary military heritage of the State to the public as well as contributing to the implementation of the Defence Forces public relations strategy. The calendar forms an integral part of the Military Archives outreach programme.

The 2012 Defence Forces Calendar was distributed as a promotional tool at the launch of the Military Archives website in December 2011. 3,500 calendars were printed this year by the Defence Forces Printing Press at a cost of €2,677 for materials. The design, creation, printing and distribution were undertaken internally at no additional cost.

A number are given to Irish United Nations Veterans Association (IUNVA), Óglaigh Náisiúnta na hÉireann Teoranta (ONET) and to Military Attachés. The calendars are also distributed to volunteers and friends of Military Archives, including families who have made donations of private papers to Military Archives; institutions with which Military Archives has a close working relationship; members of the Oireachtas and members of Óglaigh na hÉireann.

### EU Funding

386. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if any money was offered or made available since 1997 by the EU to assist in paying compensation towards those who were adversely affected by the implementation and designations under the habitats directive; if funding was offered, the amount that was offered and the amount accepted by the State; and if he will make a statement on the matter. [2560/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** EU funding has and continues to be provided through the Rural Development Programme, 2007-2013, which provides for a range of measures including payments in respect of designated areas under the Habitat Directive. Compensation for those who were adversely affected by the implementation and designations under the Habitats Directive is delivered as part of the Rural Environment

protection Scheme and could be applied for on a voluntary basis. The total spend on the REPS scheme including this form of compensation since 1997 is €3.6 billion. The EU contribution is €2.2 approximately.

### Grant Payments

387. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he will make arrangements to pay an outstanding grant under the farm waste management scheme to a person (details supplied) in County Cork; and if he will make a statement on the matter. [1878/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person referred to by the Deputy is an applicant under the Farm Waste Management Scheme. The grant payment in question has been the subject of an appeal to both the Agriculture Appeals Office and the Office of the Ombudsman which have upheld the decision of my Department not to pay the grant amount concerned.

388. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a payment under the agri-environment option scheme 2011 will be paid to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [1968/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st December 2010 and full payment has issued in respect of 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue in respect of the 2011 payment.

In addition, applicants with non-productive Capital Investments must have their claim processed prior to the year 2 payment issuing.

During these checks on the capital investment claim of the person named, a discrepancy was identified. My Department has issued a letter to the person named notifying them of this issue which involves an over-claim on one element of the capital investment claim. The application will now be further processed and a reduced payment will shortly issue.

### Argi-Environment Options Scheme

389. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if future agri-environment option schemes will have a longer opening period; and if he will make a statement on the matter. [1993/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I am considering the possibility of re-opening the Agri-environmental Options Scheme in 2012, possibly on an amended basis or on a limited scale and will make an announcement on the matter in due course. The full year cost of funding a new scheme will fall to be met in 2013 and the decision to re-open for applications in 2012 will be taken in the context of my Department's expenditure ceiling for 2013 as agreed by Government and, in particular, on how a new scheme might be funded within the reduced funding and the resulting pressures on the 2013 Vote for my Department.

### Grant Payments

390. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if he

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will investigate the delay in single payment entitlement transfer in respect of a person (details supplied) in County Kerry. [1994/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application was received on 29 April 2011 requesting the transfer of 34.22 Single Payment entitlements from the joint names of the person named and his late wife to the sole name of the person named.

Following communication from the Transfer of Entitlements section, the testamentary status of the estate of the late wife of the person named was clarified, most recently on 16 November 2011 in a letter from the solicitor administering the estate.

The transfer of entitlements has now been processed and payment will issue as soon as possible.

### **Fur Farming**

391. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Food and the Marine if the commitment to strengthen legislation on animal welfare and cruelty includes plans to legislate to ban fur farming; and if he will make a statement on the matter. [2028/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I established a Review Group in my Department in November 2011 to review the issue of fur farming. The Terms of Reference of the Group are as follows:

1. To review fur farming in Ireland taking into account existing legislative provisions for the licensing of mink farming,
2. To comment on the economic benefits of the sector,
3. To consider the effectiveness of existing welfare controls, and
4. To make appropriate recommendations.

Submissions were invited on the review with a closing date for receipt of submissions of 31st December 2011. A large number of submissions have now been received from interested parties and these are currently being examined by the Review Group. I will consider what action, if any, to take following the submission and conclusions of the Group's findings.

### **Grant Payments**

392. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [2032/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in February 2010 and received payments for the first year of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any payments can issue. These checks have now been completed and payment amounting to €7687.20 issued to the person named on 29th December 2011 in respect of the second year of contract.

393. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine the position regarding single farm payment in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [2034/12]

**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 10 May 2011, processing of which has recently been finalised, thereby allowing payment to issue directly to the nominated bank account of the person named in the coming days.

394. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine the position regarding a second payment due under the single farm payment scheme in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [2035/12]

**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, the 50% advance payment of which issued on 17 October 2011. As processing of the application is now complete, the balancing payment due issued directly to the nominated bank account of the person named on 17 January 2011.

395. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Questions Nos 404 of 8 November 2011 and 453 of 29 November 2011, if a decision has been made on the review of the grassland sheep scheme 2010 application in respect of a person (details supplied) in County Cork; if in view of all the circumstances he will make arrangements for payment of the outstanding balance; and if he will make a statement on the matter. [2064/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2010 Single Payment Scheme/Grassland Sheep Scheme was received from the person named on the 14 May 2010. This application was fully processed and payment under the Grassland Sheep Scheme issued on 1 February 2011, based, in accordance with the provisions of the Scheme, on the original Sheep Census return received by my Department on 11 January 2010, which indicated that the person named had twenty breeding ewes in his flock. I can confirm that the case has been reviewed and, having considered all the circumstances, it has been concluded that an additional payment is now due. The necessary arrangements are now being made to have this payment issued to the person named.

### **Departmental Bodies**

396. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine if he will list the number of public bodies under his auspice in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2068/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The bodies under the auspices of my Department whose board and staff have obligations under the Ethics Acts 1995 and 2001 (the Ethics Acts) are set out in Statutory Instrument No. 707 of 2001. In relation to my Department, all officers at Principal Officer or equivalent level and above are in designated positions, which carry obligations under the Ethics Acts. The other designated positions,

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which carry obligations under the Ethics Acts. The other designated positions in my Department are set out in Statutory Instrument No. 644 of 2011.

As set out in the Standard in Public Office Guidelines for Public Servants (ninth edition), a person occupying a designated position which carries obligations under the Ethics Acts, is only required to furnish a statement of interests where those interests could materially influence him/her in, or in relation to, the performance of his/her official functions.

### Departmental Staff

397. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspices; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2084/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** 108 staff in my Department retired in 2011. The total amount of annual pensions payable is €2,611,210 and the total cost of lump sums paid was €8,421,942.

The parallel information in respect of the State Bodies under my aegis is an operational matter for the bodies themselves.

### Departmental Expenditure

398. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2127/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The funding allocation under the 2011 budget and the corresponding actual outturns for my Department under the four expenditure programmes was as follows:

	Budget	Actual
A. Agri-Food policy, Development and Trade:	€383.6m.	€344.1m.
B. Food Safety, Animal Health and Welfare And Plant Health	€317.1m.	€256.6m.
C. Rural Economy and Environment	€647.9m.	€535.6m.
D. Effective Delivery of Client Focused Schemes and Services	€298.9m.	€285.1m.
Total	€1,647.5m.	€1,421.4m.

Under financial procedures, savings in 2011 amounting to €29.834m. have been carried over into the 2012 Vote for the Department.

A full breakdown of the 2011 actual expenditure figures under each programme by sub-programme will be published next month by the Minister for Public Expenditure & Reform in the 2012 Revised Estimates Volume.

### Departmental Schemes

399. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a decision will be made on whether a person (details supplied) in County Galway may use concrete stakes as opposed to timber stakes as part of their sheep fencing grant scheme; and if he will make a statement on the matter. [2181/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named is an applicant under the Sheep Fencing/Handling Scheme and has already received an approval to proceed with the sheep fencing concerned.

My Department's specifications for such fencing permit an applicant to use either timber or concrete posts, provided they meet the requirements of those specifications. The specifications concerned are available on my Department's website.

### Grant Payments

400. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [2396/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st November 2010 and full payment has issued in respect of 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue in respect of the 2011 payment. These checks have now been successfully completed and I expect payment to issue shortly

401. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the reason the single farm payment case has stalled in the Department since early last year in respect of a person (details supplied) in County Cork; the time it will take to resolve this application; and if he will make a statement on the matter. [2422/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment Scheme was received from the person named on 14 April 2011, processing of which has recently been finalised, thereby allowing payment to issue directly to the nominated bank account of the person named on 12 January 2012.

### Fisheries Protection

402. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the case of a person (details supplied) in County Louth who uses an environmentally sustainable fishing method, a seine netter, which uses only 25% of the fuel that trawlers used who was forced to tie up their boats and whose family run fish shop was put in serious difficulties as a result of lack of supply due to his interpretation of EU rules on Irish Sea management; if there were uncaught Irish quotas for haddock and Dublin bay prawns which could not be caught by Irish vessels in December; and if he will make a statement on the matter. [2423/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The EU Cod Recovery Plan Regulation 2342/2008, established a long-term plan for cod stock covering both the setting of Total Allowable Catches (TACs) and Quotas each year and limiting effort in terms of time spent fishing at sea in each area. The areas covered of interest to Ireland are the Irish Sea and Area VIa (west of Scotland and north-west of Ireland).

Under the terms of the 2008 EU Regulation a specified number of days at sea were allocated annually to each Member State for specified gear types in the TAC and Quota Regulation. The effort set for 2011 involved a 25% cut on that allocated for the previous year. The Regulation, under Article 13, permits the allocation of additional effort for highly selective gear and cod avoiding fishing trips. Under Article 11 of the EU Regulation, there exists the possibility

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of the EU Commission granting an exemption for vessels provided that the percentage of cod catches as assessed by the EU Scientific, Technical and Economic Committee (STECF) does not exceed 1.5% of total catches. The EU Commission, following discussions at the EU December Fisheries Council has amended its interpretation of Article 13 in terms of the amount of fishing effort that may be recouped through the use of the provisions of that Article, following representations made by the UK authorities. It is important to note that this re-interpretation by the EU Commission is applicable only to situations whereby Article 13 is being implemented in terms of fishing trips being subject to use of highly selective gear and cod-avoidance.

The EU Regulation delegated responsibility to the Member State for the implementation of the cod effort allocations. In Ireland, an Effort Advisory Group comprising industry representatives, the Marine Institute, BIM and the Department made recommendations on the arrangements for each area and each gear type each year which were implemented. This Group has been meeting on a regular basis since 2008 and make recommendations on the measures to be applied to each fishery in both the Irish Sea and in Area VIa (off Donegal) which are subject to the Cod Recovery Plan and these recommendations have been implemented.

In Area VIa, an area off Greencastle is closed for 6 months each year to protect juvenile cod under Article 13 of the Regulation. This closure delivers reduced cod mortality by the Irish fleet each year and on that basis Ireland claims back effort based on the reduction in cod mortality delivered through the closure. In addition, in Area VIa Ireland claims back the full 25% cut applied to all effort in deeper waters in Area VIa as allowed in the Regulation on the basis that cod is not generally found in these deeper waters. In the Irish Sea, in 2009 and 2010 Ireland has not introduced specific measures to reduce cod catches and accordingly have not been in a position to claim back any of the effort cut each year. At the end of 2011 a limited scheme involving the use of the highly selective fishing gear, the Swedish gird in the prawn fishery was implemented by Ireland in the Irish Sea. At the end of the EU Fisheries Council the prawn (TR2) and mixed whitefish fisheries (TR1), in the Irish Sea which had been closed, were re-opened following the transfer of fishing effort to Ireland from France and the UK which had been negotiated on the margins of the Council.

The purpose of the EU Regulation is to support the recovery of the cod stocks in the Irish Sea. Seine Nets which are used by the named individual comes under Gear type TR1 in the EU Regulations and this gear is used to specifically target whitefish species including cod. In the past, actions have not been proposed or applied to TR1 type fishing gear (including seine nets) which would involve the fishing operations coming under the scope of Article 13 of the EU Regulations. Following discussions with the fishing industry at the Effort Advisory Group last week, there does not appear to be, at this time, an acceptable means for vessels using seine nets to meet the terms of Article 13 of the EU Regulation. Proposals from industry for the use of cod avoidance measures to meet the terms of Article 11 or Article 13 of Council Regulation (EC) No. 1342/2008 are assessed by Bord Iascaigh Mhara and the Marine Institute and the agencies are available to advise vessel owners in relation to the options for the use of cod avoidance measures / highly selective fishing gear in the fisheries in the Irish Sea.

The current quota usage figures for 2011 in ICES Area VIIa (Irish Sea) for Haddock is that there is 22% of the quota remaining. The quota for nephrops/ prawns for ICES Area VII covers all the stocks around the coast, the waters off the west coast, the south coast and the Irish Sea. The current quota usage figure for 2011 is that there is 18% of the quota remaining. 10% of the annual quota may be carried forward into 2012 for each of these stocks.

### Grant Payments

403. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their agri-environment options scheme payment; and if he will make a statement on the matter. [2472/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue. During these checks a query arose in respect of land parcels declared which will require digitisation for AEOS purposes. My Department has been in direct contact with the applicant in relation to the situation. Once this has been resolved the application will be processed with a view to early resolution and payment.

404. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the position regarding a hardwood plantation thinning grant in respect of persons (details supplied) in County Kerry; and if he will make a statement on the matter. [2494/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Woodland Improvement Scheme was suspended with effect from 16 December 2011 pending a review of liabilities and confirmation of the availability of funding for the Scheme. Applications that had yet to be approved by that date, as in the case of the person named, are affected by this suspension. It is expected that a decision on the future of the Scheme will be made shortly following completion of the review.

405. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the position regarding a forestry road grant application in respect of persons (details supplied) in County Cork; and if he will make a statement on the matter. [2495/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Forest Road Scheme, under which the person named had applied, was closed with effect from 16 December 2011. Consultations with the forestry industry are ongoing about the introduction of a new Scheme with revised conditions. Subject to completion of these discussions, and the necessary funding being available, it is hoped to open a new Scheme as soon as possible. Applicants under the old Scheme whose applications had yet to be approved by the time the Scheme was closed, as in the case of the persons named, will be offered the opportunity to transfer their application to the new Scheme, subject to their acceptance of its revised conditions.

406. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their single farm payment; and if he will make a statement on the matter. [2499/12]

**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 12th 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-

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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.

407. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive their REP scheme payment; and if he will make a statement on the matter. [2515/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in August 2009 and received payments for the first two years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any payments can issue. These checks have now been completed and the 75% payment amounting to €3116.14 issued on 11th January 2012 and the balancing 25% payment amounting to €1038.70 issued on 16th January 2012.

408. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the position regarding a single farm payment application in respect of a person (details supplied) in County Mayo. [2532/12]

**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 10th May 2011.

This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection.

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 process is now complete and payments to the person named under the Disadvantaged Area Scheme and Single Payment Scheme will issue in the coming days.

409. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2573/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue. During these checks a query arose in respect of land parcels declared which will require digitisation of the areas concerned. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment at the earliest opportunity.

410. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the position regarding the outstanding REP scheme 4 payment due to a person (details supplied) in County Cork; and if he will make a statement on the matter. [2594/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in June 2008 and received payments for the first three years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU Regulation which require detailed administrative checks on all application to be completed before any payments can issue. The administrative checks in respect of 2011 payments have been finalised. During the course of the administrative check, an area discrepancy was discovered between the Single Payment Scheme application for 2011 and the REPS 4 Agri-Environmental Plan of the person named. My Department is investigating the issue with a view to an early resolution and payment in respect of 2011.

### Preschool Services

411. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she is reviewing funding for the free preschool year; and if she has ruled out any cut to the scheme funding. [2015/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Every major item of Government expenditure, including the Early Childhood Care and Education (ECCE) programme, was reviewed as part of the Comprehensive Review of Expenditure undertaken by my Department prior to Budget 2012.

In line with the Programme for Government, my Department has made a significant commitment to maintaining the universal free pre-school year. In this context the funding for the pre-school year has not been cut, but in fact is to increase from €166 million in 2011 to €175.8 million in 2012 to cater for changing demographics, which means that there is an increased number of children in the relevant age cohort.

The programme was introduced in January 2010 and I am pleased to say that the take-up of the programme, which is in the region of 95% of children in the eligible cohort, is very high.

### Health Service Staff

412. **Deputy Patrick O'Donovan** asked the Minister for Children and Youth Affairs if and when a position (details supplied) will be filled. [2405/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### Foreign Adoptions

413. **Deputy Terence Flanagan** asked the Minister for Children and Youth Affairs if she will enter into an agreement with a country (details supplied) regarding the adoption of children in view of the fact that there have been very positive results from adoptions to date; and if she will make a statement on the matter. [1992/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Taiwan is not a signatory to the Hague Convention on Intercountry Adoption and as such is covered by Section 73 of the Adoption Act, 2010.

With effect from 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention or with which Ireland has a bilateral agreement. Ireland currently has no bilateral agreements in respect of intercountry adoption. As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the

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Adoption Authority of Ireland have indicated that their first priority is to reach agreements on arrangements with other Hague countries. The AAI are currently developing administrative arrangements with a number of countries who are signatories to the Hague Convention, including the USA, Mexico and Vietnam. I am extremely conscious that the Authority have a full work programme in the terms of these countries as well as the important ongoing engagement with Vietnam.

Under the provisions of section 73 of the Adoption Act, 2010, "*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 AAI have not sought my consent in relation to Taiwan to date.

The Authority and my officials held exploratory meetings with Russian authorities in December in relation to preliminary discussions around the potential for a bilateral on inter-country adoption with that State. In addition, I have recently given the AAI approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The assessment of non-Hague countries and the possibility of entering discussions on a bilateral is complex and resource intensive. I have to have regard to the resources available to the AAI and to my Department, and to the work priorities of both.

### **Departmental Bodies**

414. **Deputy Sean Fleming** asked the Minister for Children and Youth Affairs if she will list the number of public bodies under her auspices in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under her Department and including her Department. [2070/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I would like to inform the Deputy that the position in respect of public bodies under the auspices of my Department is that there are four agencies funded by the Exchequer through my Department's Vote. These are the Adoption Authority of Ireland, the Family Support Agency, the National Educational Welfare Board and the Ombudsman for Children. The Ethics in Public Office Acts 1995 and 2001 apply in respect of the Board members and certain designated staff of each agency.

In relation to the National Educational Welfare Board, 18 Board members (who were Board members at some stage in 2011) and 16 employees (who were designated employees at some stage in 2011) were subject to reporting obligations under the Acts.

The Ombudsman for Children's Office is an independent statutory body established under the Ombudsman for Children Act, 2002 and has two designated people covered by the provisions of the Acts namely the Ombudsman for Children and the Director of Investigations (Principal Officer).

Family Support Agency Board members and 6 members of staff at Assistant Principal or higher level were required to make returns under the Acts for 2011.

The Board of the Adoption Authority of Ireland consists of 7 members and there are currently two vacancies, therefore 5 members are required to make returns under the Acts.

With regard to staff in my own Department, all positions at Principal Officer level and above are required to complete returns under the Acts. In addition, certain staff at Assistant Principal Officer and Higher Executive Officer level working in Human Resources, Finance and Corporate Support functions and those with authority to enter into contracts and/or with authority to

purchase are also covered by the Acts. In total there are 31 staff in my Department who must comply with the legislation and make the necessary returns.

### Departmental Staff

415. **Deputy Sean Fleming** asked the Minister for Children and Youth Affairs the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in her Department and in respect of each organisation under her auspice; the total annual estimated pension costs associated with these persons in 2012; and if she will make a statement on the matter.

[2086/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I set out below in tabular form the information requested by the Deputy for my Department and Agencies.

Name of Dept/Agency	Number retired in 2011	Lump Sum Pension Costs	Pension Costs in 2012
Dept of Children and Youth Affairs	1	€95,504.47	€29,819.93
Family Support Agency	1	€8,902.80	€1,231.46
National Educational Welfare Board	2	€175,371.39	€55,851.80

### Departmental Expenditure

416. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs the total allocated budget for her Department in 2011; and the actual outturns in each of her Department subheads at the end of 2011. [2129/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As indicated to the Deputy in answer to his PQ Reply No: 40397/11, question 282 on 17th December, 2011, the resource allocations made available to my Department under Vote 43, which was established in June of this year, are contained in the Revised Estimates for Public Services 2011 as published by the Department of Public Expenditure and Reform on 21 July 2011. This gross funding allocation in 2011 amounts to €230 million and this includes a current provision of €224 million and a capital allocation of €6 million.

Particulars relating to the funding allocations in 2011 across each Subhead in the Vote and the provisional expenditure outturn (which has yet to be finalised) in each case is set out in the following table:

Subhead	2011 Estimate Allocation €000	2011 Provisional Outturn €000
<i>Administration</i>		
A.1 Salaries, Wages and Allowances	6,505	6,218
A.2 Travel and Subsistence	137	70
A.3 Training and Development and Incidental Expenses	235	116
A.4 Postal and Telecommunications Services	100	100
A.5 Office Equipment and External IT Services		
Current	92	92
Capital	28	28
A.6 Office Premises Expenses	200	200
A.7 Consultancy Serviced and Value for Money Reviews	118	10

[Deputy Frances Fitzgerald.]

Subhead	2011 Estimate Allocation €000	2011 Provisional Outturn €000
<i>Childcare Payments and Programmes</i>		
B.1 Early Childcare Payment	1,000	1,000
B.2 National Childcare Investment Programme		
Current	24,304	24,304
Capital	4,950	4,450
B.3 Early Intervention Programme for Children	3,625	3,625
B.4 ECCE Pre-School Year Programme	80,080	77,080
<i>National Children's Strategy</i>		
C. National Longitudinal Study and Other Programmes		
Current	17,291	14,591
Capital	800	800
<i>Youth Services</i>		
D. Grant-in-Aid Fund for General Expenses of Youth Organisations	23,795	23,795
<i>Other Services</i>		
E. School Completion Programme	30,256	29,256
F. Visiting Teacher Service for Travellers	207	198
G. Grants to Community Organisations (National Lottery)	500	500
H. Statutory and Non-Statutory Inquiries/Legal Fees/Settlements	1,000	285
I. Developmental, Consultative, Supervisory, Regulatory Bodies	31,468	30,215
J. Constitutional Referendum on Children's Rights	3000	3,000
Gross Total	229,691	216,933
K. Less Appropriations-in-Aid	7,828	4,129
Net Total	221,863	212,804

### National Drugs Strategy

417. **Deputy Aodhán Ó Ríordáin** asked the Minister for Health if he has any plans to introduce drug rehabilitation reforms at this time similar to programmes introduced in Portugal which focuses resources on rehabilitation through education, training and therapy and succeeded in reducing illegal drug use; and if he will make a statement on the matter. [2154/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I understand that Portugal has introduced a package of measures across the areas of prevention, harm reduction, treatment and rehabilitation, as well as the decriminalisation of the possession of drugs that were deemed to be for personal use. Apart from the decriminalisation aspect, the approach to dealing with the drugs problem is broadly similar in the two countries.

Rehabilitation is one of the key pillars of the National Drugs Strategy. I am particularly focused on ensuring that there is an increased emphasis on moving people on from drug treatment to a drug-free life where that is achievable. Apart from the obvious benefits to the people involved, this will open up more treatment opportunities, allowing us to encourage more people into treatment.

The Report of the Working Group on Drugs Rehabilitation sets out the framework for our multifaceted approach to the delivery of rehabilitation. Considerable success has been achieved with an increased number of people in the opiate substitution programme, increased availability of residential detoxification facilities as well as more places in rehabilitation programmes. This work is being complemented by greater focus in drugs treatment services on integrated care plans for individuals and more co-ordinated inter-agency working.

Last November I launched the first results from the Drug Prevalence Survey 2010/2011 and these indicate that use of drugs in the last year was stable, and had decreased in the case of many drugs. This is an encouraging outcome and we will continue to push for improved results in the coming years.

### **Health Services**

418. **Deputy Sandra McLellan** asked the Minister for Health the reason North Lee Health Service Executive cannot accept a private assessment from a consultant child and adult psychiatrist (details supplied) when the South Lee area accept the same assessment and have accepted such assessments in the past; and if he will make a statement on the matter. [2496/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### **Hospitals Building Programme**

419. **Deputy Aodhán Ó Ríordáin** asked the Minister for Health the reason the National Rehabilitation Hospital, Dún Laoghaire, County Dublin, have had its plans for a new building put on hold; if funding was initially earmarked for this project; the timeline for completion of this project; and if he will make a statement on the matter. [1876/12]

**Minister for Health (Deputy James Reilly):** Following the publication of the 'Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework', the Health Service Executive commenced drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department is reviewing the proposals and following up with the HSE where further details may be required.

The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform. Details of the plan will be published by the Executive following its approval.

### **Health Service Staff**

420. **Deputy Brian Walsh** asked the Minister for Health the position regarding efforts to recruit a senior audiological scientist in Galway following interviews for the position, which were held in October; and if he will make a statement on the matter. [1898/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### **Health Services**

421. **Deputy Billy Kelleher** asked the Minister for Health when a person (details supplied) in County Cork who has been on the waiting list for a hearing test from the Health Service Executive since January 2010 will receive an appointment. [1902/12]

**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.

### Hospitals Building Programme

422. **Deputy Finian McGrath** asked the Minister for Health the reason the new building for the National Rehabilitation Hospital, Dún Laoghaire, County Dublin, has been delayed; and if he will fund this project immediately [1954/12]

**Minister for Health (Deputy James Reilly):** Following the publication of the 'Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework', the Health Service Executive commenced drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department is reviewing the proposals and following up with the HSE where further details may be required.

The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform. Details of the plan will be published by the Executive following its approval.

### Suicide Incidence

423. **Deputy Finian McGrath** asked the Minister for Health the number of persons who died from suicide in 2011 [1955/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Data on mortality is compiled by the Central Statistics Office and published in the Annual and Quarterly Reports on Vital Statistics. The Annual Report for 2011 has not yet been published. The latest report available is for 2010 and this indicated that there were 486 deaths by suicide — 386 male and 100 female. These figures are based on year of registration and are therefore subject to future revision.

### Health Services

424. **Deputy Finian McGrath** asked the Minister for Health the position regarding care in respect of a person (details supplied) in Dublin 3. [1956/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

425. **Deputy Kevin Humphreys** asked the Minister for Health his plans to reform and reorganise paediatric services for children with diabetes in the Dublin region as outlined in Diabetes Action Ireland's policy document (details supplied); and if he will make a statement on the matter. [1961/12]

**Minister for Health (Deputy James Reilly):** The Health Service Executive (HSE) National Clinical Programme for Diabetes — which includes the care of children and adolescents with diabetes — was established within the Clinical Strategy and Programme's Directorate. The purpose of the programme is to define the way diabetic clinical services should be delivered, resourced and measured; and a clinician has been appointed to lead this development and the programme, which has as its central aim to save lives, eyes and limbs of patients with diabetes.

The national clinical leads for diabetes and paediatrics have met to discuss the issues involved in the care of children and adolescents with diabetes. They set up a working group to discuss

current services across the country; to agree a model of care and to standardise these across the country. Their work — among others — involves the development of criteria for the use of Continuous Subcutaneous Insulin Infusion (CSII) therapy (insulin pumps) in children and adolescents with Type 1 diabetes as the benefits of CSII therapy are well established — particularly in children less than 5 years of age. They will also work on policy to aid the early detection and prevention of diabetes in young children and adolescents. This group's work is continuing.

In parallel, my Department and the HSE continue to meet the Diabetes Federation of Ireland with a view to progressing the issues around the care for children and adolescents with diabetes.

### Medical Cards

426. **Deputy Tom Fleming** asked the Minister for Health if he will investigate the undue delay in the ongoing processing of an application for a medical card in respect of persons (details supplied). [1962/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### National Substance Misuse Strategy

427. **Deputy Patrick Nulty** asked the Minister for Health if there is a date for the formal launch of the national substance misuse strategy. [1970/12]

**Minister for Health (Deputy James Reilly):** A date has not yet been declared to launch the report of the National Substance Misuse Strategy Steering Group.

### Health Services

428. **Deputy John O'Mahony** asked the Minister for Health further to Parliamentary Question No. 210 of 23 November 2011, when a reply will issue on this matter; and if he will make a statement on the matter. [1981/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The information sought by the Deputy is not readily available. However, I have again asked the Health Service Executive to supply this information to me and I will forward it to the Deputy as soon as possible.

### Departmental Bodies

429. **Deputy Mattie McGrath** asked the Minister for Health his views on the fact that the Health Information Quality Authority have charged a hospital €8,500 every three months for registration and inspection; his further views on the fact that this fee has to be taken out of the hospital's yearly budget and impacts on the services that can be provided; his further views that this is an inefficient use of resources and his plans to change the funding structure for HIQA to ensure that hospitals' limited budgets will not be adversely affected in the future; and if he will make a statement on the matter. [1999/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** It is important that there are effective mechanisms to maintain and enhance public confidence in the delivery of quality residential care. Residents, their families and the public need to be reassured that the care people receive will be monitored by an independent inspectorate. It is important therefore

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to have an effective, robust, independent and properly resourced inspection regime for residential services for older people.

The Health Information and Quality Authority commenced the current system of registration and inspection on 1 July 2009, introducing, for the first time an independent system for inspection of both public and private nursing homes. It was decided that this regime would mainly be self-financing. In this regard the Health Act 2007 provides for the following fees:

- Applications for registration or renewal of registration under Section 48.
- An annual fee under Section 99.
- A fee for variation or removal of any conditions of the registration under Section 52.

It was originally decided to set a registration fee of €500, payable every 3 years by each nursing home together with an annual fee of €190 per place in each registered centre. Following a review of the fees in 2010 it was decided that the annual fee be reduced to €183 (€3.52 per week) per registered place. There are currently no plans to review the registration and annual fees for nursing homes.

### Health Services

430. **Deputy Tom Fleming** asked the Minister for Health if he will examine a renewal application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2000/12]

**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.

### General Practitioner Services

431. **Deputy Robert Dowds** asked the Minister for Health the process involved in setting up a general practitioner's practice. [2003/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** General Practitioners are private contractors and upon completion of their GP training, they may decide to work with other GPs in an established practice or alternatively set up their own practice. There are some 2,600 GPs working in the State. Of these, approximately 2,300 are contracted by the HSE to provide services under the General Medical Services (GMS) Scheme to medical card and GP visit card patients.

The Form of Agreement with General Practitioners (GPs) for the provision of services under the General Medical Services (GMS) contract outlines the minimum standards required in terms of practice facilities. This includes:

- (a) A waiting room with a reasonable standard of comfort and hygiene, sufficient in size to accommodate the normal demands of the practice with adequate seating accommodation.
- (b) A surgery sufficient in size for the requirements of normal general practice, with appropriate facilities.

While the contract sets a minimum standard to be observed by contractors, the standard of practice premises in general has improved considerably since the contract was introduced, through investment in practice infrastructure.

There is also a requirement for GP surgeries to comply with statutory obligations in the area of planning permission and fire certification in respect of the defined usage. The surgeries are also obliged to comply with Building Regulations governing a wide range of construction and operational matters. Compliance with the Disability Act in the context of access and functional operation of premises is also required.

### Hospital Staff

432. **Deputy Robert Dowds** asked the Minister for Health the path for a medical doctor to become a hospital consultant. [2004/12]

433. **Deputy Robert Dowds** asked the Minister for Health if he will outline the work of a junior hospital doctor under the headings, the way to achieve such a post; the hours and remuneration; the way to progress beyond such a post and the posts to which junior hospital doctors tend to progress; and the extent to which junior hospital doctors tend to emigrate. [2005/12]

434. **Deputy Robert Dowds** asked the Minister for Health the measures he is taking or intends to take to retain Irish trained medical doctors here. [2006/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 432 to 434, inclusive, together.

An individual in Ireland, aspiring to be a consultant, must progress along a training pathway from undergraduate training with one of the medical schools to postgraduate training with a postgraduate training body recognised by the Medical Council. The first year of postgraduate medical training, the intern year, is undertaken in a teaching/university hospital, following which doctors can apply to commence training in the area of medicine in which they hope to specialise.

Initial specialist training, which generally takes two years to complete, involves working in a series of Senior House Officer posts in supervised clinical settings, which include structured training opportunities. Upon successful completion of initial specialist training doctors are eligible to apply for higher specialist training. However, as the number of such posts is limited, many doctors work as Registrars, under the supervision of a consultant, for one or more years before progressing to higher specialist training.

Higher specialist training, at Specialist Registrar level, takes up to seven years and is overseen by the relevant postgraduate training body. It involves rotating through a number of supervised training posts in the relevant specialty, undertaking in-house and external training activities and sitting prescribed membership examinations conducted by the post-graduate training body. Doctors who have successfully completed higher specialist training are entitled to registration in the Specialist Division of the Register of Medical Practitioners and are eligible to apply for a consultant post in their specialty.

Non-Consultant Hospital Doctors (NCHDs) are contracted to work a 39-hour week. The NCHD is required to deliver these hours on any five days out of the week as determined by the employer. The current annual salary scales for NCHDs are as follows:

- Intern — €30,257
- Senior House Officer — €38,839 to €54,746
- Registrar — €50,578 to €60,305

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- Senior Registrar — €65,347 to €79,468
- Specialist Registrar — €60,404 to €76,072

NCHDs may also receive training supports and qualify for pay allowances, including a living-out allowance in certain circumstances, and incremental credit. In addition there are approximately 900 posts required solely for service delivery.

At my request a proposal is currently being developed for the creation of a new specialist grade of doctor which would make for a more appropriate and sustainable model of service provision. While consideration is at an early stage, it is envisaged that this would be a non-training post filled by doctors who have completed specialist training.

### Medical Cards

435. **Deputy Peadar Tóibín** asked the Minister for Health the number of medical cards that have been cancelled each month for the past three years in County Meath; the average waiting time for medical card applications to be processed; the number of those who have had their medical cards suspended for any reason and have had their medical cards returned to them within those three years; the number of medical card users who have had their cards suspended and then returned to them who have had the medical expenses incurred in the intervening periods paid for by the Health Service Executive in the past three years. [2010/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The information sought by the Deputy is not readily available. However, I have asked the Health Service Executive to supply this information to me and I will forward it to the Deputy as soon as possible.

### Hospital Services

436. **Deputy Michael Lowry** asked the Minister for Health further to the closure of St. Michael's Unit at Clonmel and the transferral of patients from the north Tipperary area to Ennis General Hospital, County Clare, if his attention has been drawn to the delays in admitting mental health patients from north Tipperary to Ennis General Hospital; if there are a specific amount of beds set aside for patients for the north Tipperary area; his views that this allocation is sufficient; the way beds in the Ennis unit are being utilised; and if he will make a statement on the matter. [2058/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### Ambulance Service

437. **Deputy Gerry Adams** asked the Minister for Health if he will provide all information relating to the tender process involved in the framework agreement for patient transport services, HSE 143/11; the factors taken into account; the criteria and so on; and if he will make a statement on the matter. [2059/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Medical Cards

438. **Deputy John Lyons** asked the Minister for Health the position regarding a medical card

appeal in respect of persons (details supplied) in Dublin 9; and if he will make a statement on the matter. [2062/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Services

439. **Deputy Kevin Humphreys** asked the Minister for Health the health services that are currently available at Baggot Street Community Hospital, Dublin; the services the hospital has ceased to offer in the past five years; his long-term plans for the hospital; if he will consider developing it as a primary care centre for the local community; and if he will make a statement on the matter. [2067/12]

**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 Bodies

440. **Deputy Sean Fleming** asked the Minister for Health if he will list the number of public bodies under his auspices in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2077/12]

**Minister for Health (Deputy James Reilly):** The information in relation to Non-Commercial State Agencies is currently being collated and will be forwarded to the Deputy as soon as it is available.

### Departmental Expenditure

441. **Deputy Sean Fleming** asked the Minister for Health the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his Department and in respect of each organisation under his auspices; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2093/12]

**Minister for Health (Deputy James Reilly):** The information requested by the Deputy in relation to the Department of Health is set out thus:

No. of Department Staff who retired in 2011	Total cost of lump sums	Total annual estimated pension in 2012
9	541,369.73	158,928.84

The information in relation to the Non-Commercial State Agencies and the Health Service Executive is currently being collated and will be forwarded to the Deputy as soon as it is available.

### Hospital Services

442. **Deputy Kevin Humphreys** asked the Minister for Health when the cystic fibrosis unit at St. Vincent's Hospital, Dublin, will open; the number of units that will be available this year; and if he will make a statement on the matter. [2107/12]

**Minister for Health (Deputy James Reilly):** St Vincent's University Hospital is the designated National Adult Referral Centre for patients with CF.

Phase 2 of the development at St Vincent's Hospital is designed to provide a state of the art clinical building which will include up to date isolation facilities with accommodation for people with cystic fibrosis and others requiring such facilities.

St Vincent's University Hospital and the HSE are working to ensure the earliest possible delivery of the new ward block with construction works proceeding well, in full accordance with the contract. Construction work on the Unit will be complete in the Summer of 2012. The hospital management in conjunction with relevant stakeholders is currently preparing plans for the transfer of patients to the new accommodation to take place as soon as possible.

This new building will provide 100 new inpatient beds, all of which will be in single ensuite rooms. Included in this bed complement will be 20 dedicated isolation rooms. This reflects best practice in terms of infection control. The unit will also provide a dedicated CF Day Unit, containing offices, treatment rooms, together with 10 single day treatment rooms, each with en-suite sanitary facilities for treating patients with cystic fibrosis. It is Department of Health policy that there must be sufficient inpatient beds to treat all people with Cystic Fibrosis who require hospitalisation. The number of inpatients with cystic fibrosis at St Vincent's University Hospital is expected to vary between 20 and 34. In this respect, 20 inpatient beds are a minimum and not a maximum, and the number of beds with appropriately trained staff can potentially accommodate 34 inpatients. When the beds are not required for Cystic Fibrosis they will be used for other inpatients with a clearly agreed protocol that there will always be beds available for patients with Cystic Fibrosis who require admission.

The appropriate consultation steps are being taken with the relevant stakeholders to ensure a smooth transfer process.

### Medical Cards

443. **Deputy Peadar Tóibín** asked the Minister for Health when a medical card will issue in respect of a person (details supplied); the reason for the delay; and if medical expenses incurred in the waiting period will be paid by the State [2110/12]

**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, as a matter of urgency.

444. **Deputy John McGuinness** asked the Minister for Health if a full medical card will be issued to a person (details supplied); and if he will expedite the matter. [2120/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Waiting Lists

445. **Deputy John McGuinness** asked the Minister for Health if an early date will be set for an appointment at the ENT outpatients clinic, Waterford Regional Hospital in respect of a person (details supplied) in County Kilkenny; if there is a waiting list; the number on the list; and if he will expedite the matter [2122/12]

**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 were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

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.

### Departmental Expenditure

446. **Deputy Brendan Smith** asked the Minister for Health the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2136/12]

**Minister for Health (Deputy James Reilly):** The Gross Current Vote for my Department in 2011 was €331.610m, of which €275.372m was spent to the end of December, leaving €56m unspent at that date.

This surplus can be attributed to a number of factors:

#### *Hepatitis C Compensation Subheads*

#### *Subhead D, Inquiries and Miscellaneous Legal Fees and Settlements*

#### *Administrative Budget*

The Administrative Budget had a €5m in surplus in 2011. €1m of this relates to a provision made in Subhead A.7 in relation to a proposed consultancy in relation to VHI. A further €1.5m approximately is on other non-pay subheads, such as training, cleaning, office machinery and supplies etc. The remainder of the surplus is attributable to the non filling of vacancies as a result of the moratorium on recruitment, and reduced levels of overtime.

#### *Grants to Health Agencies*

At the end of December there were savings of some €12m in relation to Grants to Health Agencies. The main agencies showing surpluses are the Health Research Board and the Health Information and Quality Authority, with small surpluses on some of the other directly funded agencies.

There was also an underspend of €6.7m on the Gross Capital Vote of €16.091m, €1.5m of which was approved for a Capital carryover into 2012.

The outturns in each of my Department's subheads is set out in the accompanying table:

Vote 39 DOH	Outturn €000	Profile €000
<i>Return</i>		
A01	22,872	25,581
A02	313	654
A03	679	868
A04	524	778

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Vote 39 DOH	Outturn €000	Profile €000
A05	967	1,101
A06	836	925
A07	832	2,194
Sub-total Admin Budget	27,023	32,101
B01	34,430	36,797
B02	3,286	3,286
B03	16,501	17,743
C00	2,579	2,600
D00	15,464	22,593
E01	49,721	61,569
E02	5,950	5,950
E03	85,587	85,587
E04	2,003	2,190
F01	374	745
F02	0	1
F03	28,600	50,786
F04	3,600	8,849
G00	254	813
Gross non capital	275,372	331,610
A-in-A	4,973	3,916
Net total	270,399	327,694
<i>Capital</i>		
A5	349	473
B3	1,070	618
H	7,939	15,000
Total	9,358	16,091
Grand Total	279,757	343,785

### Medical Cards

447. **Deputy Sandra McLellan** asked the Minister for Health if he will expedite the issuing of a medical card in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [2148/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Waiting Lists

448. **Deputy Heather Humphreys** asked the Minister for Health when a person (details supplied) in County Cavan will receive an appointment for an operation; and if he will make a statement on the matter. [2155/12]

**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 were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery

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

449. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2166/12]

**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.

450. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised for persons (details supplied) in County Carlow; and if he will make a statement on the matter. [2167/12]

**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.

451. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2168/12]

**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.

452. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised for a person (details supplied); and if he will make a statement on the matter. [2169/12]

**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.

453. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2170/12]

**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.

454. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2171/12]

**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.

455. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised for a person (details supplied) in County Carlow; and if he will make a statement on the matter. [2172/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Closures

456. **Deputy Sean Fleming** asked the Minister for Health if he will meet a delegation from St Brigid's Hospital, Shaen, Portlaoise, County Laois; if he will give a date for such a meeting; and if he will make a statement on the matter. [2173/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Requests to meet my colleague, Minister Reilly, are normally arranged through his Office. Accordingly I would suggest a representative of the delegation should make contact with the Minister's Office at *ministers—office@health.gov.ie*.

### Medical Devices

457. **Deputy Aodhán Ó Ríordáin** asked the Minister for Health the position regarding defective breast implants (details supplied); and if he will make a statement on the matter. [2176/12]

458. **Deputy Finian McGrath** asked the Minister for Health the assistance available to persons (details supplied). [2188/12]

492. **Deputy Billy Kelleher** asked the Minister for Health if he has established the number of Irish patients affected by the poly implant prostheses scandal; the direction and action that will be undertaken by him; and if he will make a statement on the matter. [2303/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 457, 458 and 492 together.

Since concerns were first raised regarding the issue of breast implants provided by the now defunct French company Poly Implant Prothese (PIP) the Irish Medicines Board (IMB) and my Department have been in constant touch with European and UK investigators of the matter and with any relevant initiative involved. As information on PIP implantation worldwide and within the European Community emerges, my Department and the IMB are continuing to review advice for recipients of PIP implants. The advice remains consistent: that there is no evidence to date of increased risk of cancer for women with this brand of implant, the risk of rupture is low and anyone with a concern about their breast implants should discuss the matter with their GP and/or surgeon.

Approximately 1,500 Irish patients have received PIP breast implants at three centres in Ireland. The implants used were for aesthetic purposes only; none was used in reconstructive surgery for breast cancer patients and no public hospital has used these implants. The IMB has been in regular contact with the three centres which implanted the devices and instructed all

three to contact their clients on the matter and to reiterate its continuing advice: ‘that there is no current evidence of health risks associated with PIP implants’. I expect that any private hospital in Ireland which provided a PIP breast implant procedure would provide for its removal should that course of action be recommended for a woman after consulting with her surgeon.

The Irish Medicines Board is the competent authority for medical devices in Ireland and is responsible for monitoring of post market surveillance of medical devices and sale. Medical devices are regulated in a different way to medicinal products in that the competent authority does not approve products for placing on the market. Medical devices may be placed on the market anywhere in the EU following certification by a notified body. In this instance a notified body in Germany was responsible for the certification.

In addition my Department and the IMB continue to liaise with the Health Security Committee’s Health Threats Unit which is maintaining the up to date position on the issue for all Member States.

I am satisfied that all relevant emerging information and updates on the PIP implant issue are being thoroughly assessed and all concerned and interested parties kept aware of the emerging position.

### **Hospital Services**

459. **Deputy Peter Mathews** asked the Minister for Health if he will provide details of the 150 firms that received the most money from each voluntary hospital in 2011; the name of each firm; the amount of money paid to them in tabular form; and if he will make a statement on the matter. [2192/12]

**Minister for Health (Deputy James Reilly):** The information requested by the Deputy is not available within my Department and not readily available to the Health Service Executive. The information sought is extremely broad and detailed in nature, and would require the extensive and costly use of scarce resources. If the Deputy has a particular objective in asking the question I would be happy to discuss the matter with him.

### **Medical Cards**

460. **Deputy Jerry Buttimer** asked the Minister for Health when an application for a medical card will be finalised in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [2193/12]

**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.

461. **Deputy Heather Humphreys** asked the Minister for Health if his attention has been drawn to the fact that 130 medical cards were cancelled in one practice in County Monaghan in a three-week period; if his further attention has been drawn to the fact that a number of these medical cards were cancelled without the holders receiving a review form; and if he will make a statement on the matter. [2198/12]

**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.

462. **Deputy Heather Humphreys** asked the Minister for Health if he will outline in detail the process involved in dealing with medical card applications; if he will confirm if the 15 days

[ Deputy Heather Humphreys.]

which the Health Service Executive claims it takes to process applications is dated from the date of receipt of the application; the steps being taken to make this process more efficient; and if he will make a statement on the matter. [2200/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I have asked the Health Service Executive to provide the information which the Deputy has requested and I will revert to the Deputy as soon as possible.

463. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2261/12]

**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.

464. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2262/12]

**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.

465. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Westmeath may expect a decision on an application for a medical card. [2263/12]

**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.

466. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2264/12]

**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.

467. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2265/12]

**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.

468. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Galway may expect a decision on an application for a medical card. [2266/12]

**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.

469. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2267/12]

**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.

470. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2268/12]

**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.

471. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Laois may expect a decision on an application for a medical card. [2269/12]

**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.

472. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2270/12]

**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.

473. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2271/12]

**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.

474. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2272/12]

**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.

475. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2273/12]

**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.

476. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Wicklow may expect a decision on an application for a medical card. [2274/12]

**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.

477. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2275/12]

**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.

478. **Deputy Barry Cowen** asked the Minister for Health when persons (details supplied) in County Offaly may expect a decision on an application for a medical card. [2276/12]

**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.

479. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2277/12]

**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.

480. **Deputy Barry Cowen** asked the Minister for Health when persons (details supplied) in County Offaly may expect a decision on an application for a medical card. [2278/12]

**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.

481. **Deputy Barry Cowen** asked the Minister for Health when persons (details supplied) in County Offaly may expect a decision on an application for a medical card. [2279/12]

**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.

482. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2280/12]

**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.

483. **Deputy Barry Cowen** asked the Minister for Health when a person (details supplied) in County Offaly may expect a decision on an application for a medical card. [2281/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Hospital Waiting Lists**

484. **Deputy Barry Cowen** asked the Minister for Health if he will arrange an outpatient appointment for an operation to be brought forward in respect of a person (details supplied) in County Leitrim. [2282/12]

**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 were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

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.

485. **Deputy Barry Cowen** asked the Minister for Health the steps that have been put in place to reduce waiting lists for orthodontic treatment in County Offaly which is at present up to and in excess of three years; and if he will make a statement on the matter. [2283/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Medical Cards

486. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued in respect of persons (details supplied) in County Kilkenny; and if he will expedite the matter. [2288/12]

**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.

487. **Deputy John McGuinness** asked the Minister for Health if a medical card which has been approved will be issued as a matter of urgency in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [2289/12]

**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.

488. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued to a person (details supplied) in County Kilkenny in view of the fact that the further information was submitted five times by post and email. [2290/12]

**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.

489. **Deputy John McGuinness** asked the Minister for Health if an application for a medical card submitted in July 2011 will now be approved in respect of a person (details supplied) in County Kilkenny; and the reason two application client ID's were issued [2291/12]

**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.

490. **Deputy Tom Fleming** asked the Minister for Health if he will investigate the delay in the processing of a medical card application in respect of a person (details supplied) in County Kerry. [2293/12]

**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.

491. **Deputy Mattie McGrath** asked the Minister for Health the number of staff in the primary care reimbursement services dealing with medical card applications; the number of applications that have been received since the centralisation; her plans to provide the extra necessary staff and resources to ensure that applicants do not continue to experience such delays; and if he will make a statement on the matter. [2299/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I have asked the Health Service Executive for a report on the issue raised by the Deputy. I will revert to the Deputy on the matter as soon as possible.

*Question No. 492 answered with Question No. 457.*

### Nursing Education

493. **Deputy Simon Harris** asked the Minister for Health his plans to reverse the decision to cut payments to pre-registration student nurses which was taken in 2010; if he intends to restore the 80% payments to fourth year nursing students during their 36 week pre-registration shifts when they are required to replace trained staff; and if he will make a statement on the matter. [2310/12]

**Minister for Health (Deputy James Reilly):** Following my appointment, I initiated a review of the decision of the previous Government to phase out pay to student nurses when undertaking the rostered placement. This review was completed in October 2011. It included consideration of representations made by the nursing unions but also took cognisance of the position in relation to the public finances. On foot of the review, it has been decided that undergraduate pay during the 4th year placement will be:

- 2011-2012 academic year — 60% of first point of the relevant staff nurse salary scale.
- 2012-2013 academic year — 50% of first point of the relevant staff nurse salary scale.

The rate for the 2012-2013 academic year will be maintained for subsequent years or until any changes resulting from the review of the Nursing Degree Programme come into effect.

### Departmental Reports

494. **Deputy Denis Naughten** asked the Minister for Health when he will publish his report on mortality rates at acute hospitals; and if he will make a statement on the matter. [2316/12]

**Minister for Health (Deputy James Reilly):** The Chief Medical Officer of my Department is finalising a report examining the potential of hospital discharge data in measuring the quality of health care. This includes the measure of recorded 30 day in-hospital mortality rates following heart attack. It is expected that the report will be finalised and published in the near future.

### Mental Health Services

495. **Deputy Denis Naughten** asked the Minister for Health the steps he is taking to establish the 116 123 number in conjunction with the Samaritans; and if he will make a statement on the matter. [2392/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The EU Commission has reserved the number 116 123 for emotional support helplines. The purpose of this helpline will be to enable callers to benefit from a genuine human relationship based on non-judgmental listening and to offer emotional support to callers who suffer from loneliness, are in a state of psychological crisis or are contemplating suicide. I am currently in discussions with the relevant telecommunication providers in relation to the provision of a national freephone telephone helpline and I hope to advance the provision of this helpline as soon as possible.

### Medical Cards

496. **Deputy Denis Naughten** asked the Minister for Health the reason a medical card granted in respect of a child (details supplied) in County Roscommon is being reviewed; the reason medical cards for those with ongoing, lifelong conditions are reviewed on a such a frequent basis; his plans to change this position; and if he will make a statement on the matter. [2398/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

I am currently engaged with the HSE as to how the processing of medical cards might be improved and I will ask them to examine the feasibility of the Deputy's suggestion.

497. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [2400/12]

**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.

498. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [2401/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

499. **Deputy Billy Kelleher** asked the Minister for Health when the decision was made by the Health Service Executive to cut the training bonus for disabled and mental health clients attending rehabilitative training programmes; the reason they decided to send out such an important notice on 23 December 2011; and if he will make a statement on the matter. [2403/12]

500. **Deputy Billy Kelleher** asked the Minister for Health the reason the Health Service Executive chose to reduce the training bonus payment for the disabled; the restitution that will be made to compensate persons for the loss of income; and if he will make a statement on the matter. [2404/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 499 and 500 together.

Rehabilitative training focuses on the development of an individual's life skills, social skills and basic work skills with the objective of enhancing the trainee's quality of life and general work capacity.

The decision to reduce the top up payment made to people with a disability attending rehabilitative training was implemented by the Health Service Executive (HSE) without informing the Department of Health. The reduction from €31.80 per week to €20 per week, from 1 January 2012, was communicated to the HSE Local Managers in advance of the Minister approving the National Service Plan for 2012. This is not acceptable to me.

I acknowledge that this proposed measure sought to bring consistency to the top up bonus paid to people attending the HSE rehabilitative training scheme with similar payments paid in other State training schemes.

Any reduction in payments to individuals requires adequate advance notice to enable the recipients and indeed, service providers, to take the reduction into account in planning their support needs and other arrangements.

It should also be noted that people with a disability attending Rehabilitative Training are usually in receipt of a State payment such as the Disability Allowance.

Accordingly, the HSE has agreed to my request to review its decision.

### Hospital Waiting Lists

501. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will seek to have urgently required surgery expedited in the case of a person (details supplied) in County Offaly; and if he will make a statement on the matter. [2407/12]

**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 were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day-case surgery

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

502. **Deputy Gerry Adams** asked the Minister for Health the number of patients in October, November and December 2011 who have had their medical cards removed in the north-east area and in each of the other Health Service Executive regions; and the way this compares to the number of patients who had medical cards removed from them in each of the regions in 2009 and in 2010. [2418/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I have asked the Health Service Executive for a report on the issue raised by the Deputy. I will revert to the Deputy on the matter as soon as possible.

### Departmental Properties

503. **Deputy Eric Byrne** asked the Minister for Health the organisation to which the Health Service Executive has leased and-or rented the old health centre premises on Emmet Road, Inchicore, Dublin; if he will provide details of the duration of this lease and renting arrangement; if the whole of the premises is currently occupied; the plans the HSE has for the long-term use of the premises, including its disposal; and if he will make a statement on the matter. [2424/12]

**Minister for Health (Deputy James Reilly):** Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

### Medical Cards

504. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [2429/12]

**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.

505. **Deputy Gerry Adams** asked the Minister for Health when a medical card application will be processed in respect of a person (details supplied) in County Louth; and if he will make a statement on the matter. [2461/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

506. **Deputy Martin Ferris** asked the Minister for Health when a person (details supplied) in County Kerry who has been waiting six months, will receive their hearing aid; and if he will make a statement on the matter. [2479/12]

**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.

### Medical Cards

507. **Deputy Paudie Coffey** asked the Minister for Health when a decision will issue on a medical card appeal in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [2483/12]

**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.

508. **Deputy John McGuinness** asked the Minister for Health when a medical card will issue to persons (details supplied) in County Kilkenny; and if he will expedite the matter. [2493/12]

**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

509. **Deputy Finian McGrath** asked the Minister for Health the amount of public funding an organisation (details supplied) received in 2011; and the amount it will receive in 2012. [2500/12]

**Minister for Health (Deputy James Reilly):** The organisation referred to by the Deputy received €10,000 from my Department's National Lottery discretionary fund in February 2011 towards the cost of a once-off project. As the organisation is funded by the HSE for services it provides on behalf of the Executive, I have asked the Health Service Executive to reply directly to you in respect of this matter.

### Health Services

510. **Deputy Dominic Hannigan** asked the Minister for Health the steps a community can take to set up and fund a community first responders unit in their communities; the number of first responders schemes that he currently funds; the location of these schemes; the number of persons covered by each scheme that is funded, in tabular form; and if he will make a statement on the matter. [2528/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Ambulance Service**

511. **Deputy Seán Kenny** asked the Minister for Health the refurbishment works that were carried out at each ambulance station in the Dublin north-east region for the years 2008, 2009, 2010 and 2011; the cost of each project; and if he will make a statement on the matter. [2540/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Hospital Waiting Lists**

512. **Deputy Jack Wall** asked the Minister for Health his views on a submission (details supplied); the actions he will take to address the concerns raised; if the waiting period as stated is acceptable in view of the serious concerns the family have regarding the child; if there are any grants or funding to enable the child to obtain treatment outside the country if necessary; and if he will make a statement on the matter. [2547/12]

**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 were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day-case surgery

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### **Health Services**

513. **Deputy Michael McCarthy** asked the Minister for Health the sources of funding available from him to assist in the training of persons with learning, physical and sensory, or mental health disabilities; and if he will make a statement on the matter. [2549/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Vocational training, including training for people with intellectual, physical or sensory disabilities and mental health issues is the responsibility of the Department of Education and Skills and FÁS. Rehabilitative training, which has no connection with the open labour market, is the responsibility of the Department of Health and the Health Service Executive (HSE). The purpose of rehabilitative training is to develop the individual's life skills, social skills and basic work skills. Approximately 3,000 people avail of rehabilitative training each year, which is funded by the HSE from Vote 40.

### Hospital Services

514. **Deputy Brendan Smith** asked the Minister for Health if he will ensure that there will be no reduction in services at the outpatient department of Cavan General Hospital in view of the fact that any reduction in services would lead to unacceptable waiting lists for patients; and if he will make a statement on the matter. [2589/12]

515. **Deputy Brendan Smith** asked the Minister for Health if he will ensure that there will be no reduction in elective surgery at Cavan General Hospital in view of the fact that any such reduction in service would add considerably to waiting lists for surgery; and if he will make a statement on the matter. [2590/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 514 and 515 together.

I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day-case surgery

In relation to the Deputies questions concerning Cavan General Hospital, as these are service matters, they have been referred to the HSE for direct reply.

### Departmental Funding

516. **Deputy Niall Collins** asked the Minister for Transport, Tourism and Sport if funding will be provided by him to local authorities to cover applications that were approved and qualified under the local improvement scheme prior to the recent budget 2012 announcement. [2212/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** It is the practice with this, and similar schemes, that any funding allocated to individual projects be expended in the year in which the funding is allocated. In 2011, this Department provided funding to local authorities for local improvement schemes and where these schemes were carried out and monies claimed in accordance with the requirements for such grants then the Department fully recouped all monies due to local authorities.

The current expenditure for regional and local roads will be reduced significantly over the next few years. Cuts of the magnitude proposed necessitated that some very good and worthwhile projects be curtailed.

In making adjustments to the regional and local roads budget the primary aim has been, as far as is possible, to protect previous investment in the road network and use the available funding to maintain and restore public roads, including those in rural areas.

To that end, it was necessary to discontinue grants under this Scheme which achieved a saving of €5 million. While the importance of this scheme to rural communities and in assisting local development projects on non-public accommodation roads is acknowledged, the maintenance and improvement of these roads is, in the first instance a matter for the relevant landowner.

[Deputy Leo Varadkar.]

Given that the priority in using scarce resources in the current difficult economic climate is to maintain public roads it is not possible to assist with any works on non-public roads and therefore this scheme has been suspended and not abolished. If and when the financial position of the State improves, it will be possible to re-open this scheme. It is of course open to individual local authorities to fund such works from their own resources in the interim.

### **Rail Network**

517. **Deputy Tony McLoughlin** asked the Minister for Transport, Tourism and Sport if consideration is been given to the upgrade of the rolling stock on the Sligo to Dublin railway line; and if he will make a statement on the matter. [1959/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. Matters relating to rolling stock on individual railway lines are day-to-day operational issues for Iarnrod Eireann and I have no function in such matters.

Noting this I have referred the Deputy's question to Iarnrod Eireann for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

### **Taxi Regulations**

518. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport if taxi and hackney drivers have the option of displaying their names in English and or Irish in accordance with the Official Languages Act 2003; if display of their name in Irish has to be prior notified to the Taxi Regulator; if he is satisfied that such notification would comply with the provisions of the Act and the constitutional place of the Irish language; and if he will make a statement on the matter. [1972/12]

531. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the rationale for the issuing of new taxi information cards to licence holders; and the rationale for them being printed in the English language only. [2417/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** I propose to take Questions Nos. 518 and 531 together.

The regulation of the taxi industry, including issues relating to driver identification in the English or Irish language, is a matter in the first instance for the National Transport Authority (NTA) under the Taxi Regulation Act, 2003. I have arranged for the Deputies' request for clarification to be sent to the NTA. If you do not get a response within ten working days please advise my private office.

### **Railway Network**

519. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the position regarding proposals to construct railstops at Crusheen, County Clare and Oranmore, County Galway; and if he will make a statement on the matter. [1979/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Funding has been provided for the construction of both Oranmore and Crusheen stations along the Western Rail Corridor in the Exchequer Capital Investment Framework 2012-2016 published last November. Specific implementation plans in relation to these stations are a matter for Iarnród Éireann.

However I understand from Iarnród Éireann that planning permission was received for both stations during 2011 and that it is planned to commence construction of Oranmore during 2012. In relation to Crusheen, Iarnród Éireann are negotiating with a third party over funding contributions. On the conclusion of these negotiations the procurement process for Crusheen will commence.

### **Departmental Expenditure**

520. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the position regarding payments in respect of an organisation (details supplied). [1989/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** No payments have been made to the organisation referred to by the Deputy since 2007.

The Internal Audit Unit of the Department is currently in the process of finalising an audit report into the organisation with a view to it being submitted to the Department's Audit Committee as soon as possible.

### **Integrated Ticketing**

521. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport the reason the new integrated public transport ticketing system, Leap card, does not function along specified travel time periods, measuring an individual's cumulative travel time as opposed to issuing individual tickets for each public transport journey taken, as integrated ticketing systems do in other countries for example the Oyster card in London; and if he will make a statement on the matter. [2019/12]

522. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that the new integrated public transport ticketing system for the greater Dublin region, Leap card, does not offer any financial incentives to commuters who are charged the standard cash fare rate for each journey taken; and if he will make a statement on the matter. [2020/12]

523. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport if the National Transport Authority will be making efforts to simplify ticketing systems and zones across Dublin Bus, Irish Rail, Bus Éireann and the Luas to increase the efficiency and appeal of the new integrated public transport ticket, Leap card; and if he will make a statement on the matter. [2021/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** I propose to take Questions Nos. 521 to 523, inclusive, together.

The responsibility to develop, procure, implement, operate and maintain the integrated ticketing system in the Greater Dublin Area (GDA) became the function of the National Transport Authority (NTA) with effect from 30th September 2010 in accordance with section 58 of the Dublin Transport Authority Act 2008.

The Leap Card is being launched on a phased basis in line with all other ticketing schemes internationally. The new card contains an 'ePurse' which can be topped up and used to pay fares across Dublin Bus, Luas and Irish Rail services. The project will be extended shortly to include Bus Éireann and private operators ticketing on the smart card. In 2012, it will be further expanded to incorporate prepaid discounted products, such as monthly and annual travel tickets, that are currently provided by the public transport operators.

[Deputy Alan Kelly.]

The Leap Card already offers significant financial incentives to commuters over the use of cash. In fact, using a Leap Card to pay for single journey is significantly cheaper than paying cash fares and offers varying discounts up to 11% (Dublin Bus) 17% (Luas) and 18% (Irish Rail DART and Commuter rail) when the Leap Card is used.

It is the ambition of the NTA to ensure that fares are simplified across all modes and that they do not penalise those passengers who change services in their journey. It is actively examining ways of simplifying the ticketing structure across the GDA and is in discussions with the transport operators about rationalising their various period ticket options prior to implementation on the Leap Card.

The NTA considers it important that products currently on offer which incentivise multi-leg and multi-modal journeys should continue in the Leap Card offer. Monthly and annual tickets on offer allow multi-leg trips for a reasonable cost per day and some operators operate incentives for changing modes.

The NTA is also examining the feasibility of introducing single operator daily and weekly capping which would mean a maximum charge per day or week for the journeys done with one operator. The next phase would be to introduce a cap across all operators for daily and weekly journeys. A fare rebate whereby the public transport customer pays a reduced amount for second or multiple journeys within a particular time frame may also be considered.

The introduction of all such concessions must of course be balanced against the current financially constrained environment which has resulted in the public transport subvention being reduced in 2012. Clearly this cut will impact any new offering proposed by the NTA. Therefore a key requirement of any concessions will be that no extra subsidy be required.

The key benefit of the introduction of the Leap Card is that it provides the platform to introduce any of these integrated fare schemes in the future. However, the NTA must ensure that the current level of incentivising through rambler tickets, for example, continues in the offer to the public transport customer on the smart card. Further integrated fares measures must also be introduced without resulting in the overall revenue from fares being reduced.

### **Road Network**

524. **Deputy Peadar Tóibín** asked the Minister for Transport, Tourism and Sport the reason County Meath residents are being forced to pay twice for the M3 firstly, through the increased toll on the M3 and secondly through income taxes that help service the subsidy paid to the private owners of the motorway. [2027/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. However, the implementation of individual national road schemes, including the M3, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993-2007. In particular, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

The M3 PPP incorporates a traffic guarantee mechanism. I am advised by the National Roads Authority that the inclusion of a traffic guarantee mechanism was to enhance the fundability of these projects and obtain competitive funding terms to the benefit of the taxpayer. I am advised that the Authority's choice was narrowed effectively to between an increase in the level

of operational subvention that Tenders could bid for or the provision of a Traffic Guarantee in certain circumstances.

As mentioned in my response to Parliamentary Question Number 10 on November 9th, 2011, The contracts for the privately-operated toll schemes are commercial agreements between the NRA and the Public Private Partnership (PPP) concessionaires concerned and there is limited scope for the contracts to be renegotiated.

It should be noted that this project predates my tenure as Minister for Transport, Tourism and Sport.

Tolled PPP roads are constructed to a high standard (motorway or high quality dual carriageway) and provide users with an enhanced level of service. However, road users can opt to forego the improved service and shorter journey times such tolled PPP roads offer and travel instead on alternative toll-free routes.

As further mentioned in my response to Question 10 on November 9th, 2011 in respect of the traffic guarantee mechanism, such difficulties will not arise because it is envisaged that future PPP projects will be funded by way of unitary-availability payments rather than through tolling. Under this arrangement, it is envisaged that availability payments would be made on a regular basis by the NRA for the duration of the contract, with penalties applying in the event that the road or particular road lanes were not available.

### **Departmental Bodies**

525. **Deputy Sean Fleming** asked the Minister for Transport, Tourism and Sport if he will list the number of public bodies under his auspices in which members of the board, employees, staff and other persons are required to complete forms under the ethics in public office rules, framework, regulations; and the number of persons required to complete these forms in respect of each public body under his Department and including his Department. [2083/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** A list of the public bodies which are subject to the Ethics in Public Office provisions is set out in the relevant legislation. Also listed are the staff in those bodies and in my Department who are designated as being subject to such legislation. All staff so designated are required to complete forms.

### **Departmental Staff**

526. **Deputy Sean Fleming** asked the Minister for Transport, Tourism and Sport the total cost of lump sums paid to staff and the number of staff involved who retired in 2011 in his department and in respect of each organisation under his auspices; the total annual estimated pension costs associated with these persons in 2012; and if he will make a statement on the matter. [2099/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Department of Transport, Tourism and Sport was established on 9th March 2011. A total of €1,550,964 in lump sums was paid to 21 staff from 9th March to the end of 2011. The total annual estimated gross pension cost associated with these persons in 2012, following the application of the Public Service Pension Reduction, is €463,605.

I have asked the non-commercial State Agencies under the aegis of my Department to provide the Deputy with the corresponding relevant data for their organisations.

### **Departmental Bodies**

527. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport the amount

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of funding that the National Transport Authority has received from the State in 2007, 2008, 2009, 2010 and 2011 in tabular form; the policy objectives behind this funding; if these objectives have been achieved; and if he will make a statement on the matter. [2100/12]

528. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport the amount of funding which has been allocated by the National Transport Authority for areas (details supplied) in the years 2007, 2008, 2009, 2010 and 2011 in tabular form; the reasons that this funding was allocated; if all this funding was spent by the relevant local authorities; and if he will make a statement on the matter. [2101/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 527 and 528 together.

The National Transport Authority (NTA) was established on 1 December 2009. In accordance with the Dublin Transport Authority (DTA) Act 2008, the functions of the NTA include securing the provision of public transport infrastructure projects in the Greater Dublin Area (GDA). At a national level, the NTA has responsibility for securing the provision of public passenger land transport services. This includes the provision of subvented bus and rail services by Bus Éireann, Dublin Bus and Irish Rail. The Authority also licenses public bus passenger services. In January 2011 the NTA assumed responsibility for the regulation of the small public service vehicle sector (i.e. taxis, hackneys and limousines).

The following is the capital funding for the GDA provided to the NTA for 2010 and 2011:

Year	€
2010	€359.7m
2011	€211m

The principal functions of the NTA with respect to the GDA transport infrastructure include:

- provision of public transport infrastructure generally including light rail, metro and heavy rail;
- the development of an integrated ticketing system;
- effective management of traffic and transport demand;
- strategic planning of transport;
- development of an integrated, accessible public transport network.

The capital funding provided to the NTA to fulfil its statutory role is allocated in line with the policy objectives and priorities outlined in the various capital development plans as revised from time to time, most recently the Infrastructure and Capital Investment Programme 2012-2016 — Medium Term Exchequer Framework which was published in November of 2011.

My Department works closely with the NTA to ensure that overall objectives and priorities are progressed and delivered.

The allocation of funding to individual projects in the local areas identified and the expenditure in respect of those individual projects are matters that are within the remit of the NTA. I have referred the Deputy's question to the Authority for direct reply. Please advise my private office if you do not receive a reply within ten working days.

529. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport if he will consider introducing greater flexibility for local authorities into the way funding provided by the National Transport Authority can be spent in view of the financial pressures which many local authorities are experiencing and in view of the broad range of transport infrastructure needs which local authorities are charged with meeting. [2102/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The National Transport Authority (NTA) is required to operate within the statutory remit set out in the Dublin Transport Authority Act 2008 and the Public Transport Regulation Act 2009 in allocating funding to the relevant local authorities. For the period 2012-2016 it must also have regard to the priorities as set out in the new Capital Investment Framework.

I understand that the NTA is currently liaising closely with the GDA local authorities to agree work programmes for the next five years in order to ensure the optimum use of the available funding.

Through the funding provided by my Department, the NTA funded almost two hundred transport-related projects, covering a wide spectrum of schemes, throughout the seven counties within the Greater Dublin Area in 2011.

### Departmental Expenditure

530. **Deputy Brendan Smith** asked the Minister for Transport, Tourism and Sport the total allocated budget for his Department in 2011; and the actual outturns in each of his Department subheads at the end of 2011. [2142/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The total allocated budget for my Department is available in the Revised Estimates for Public Services 2011 (REV) which was published in July, 2011. The provisional outturn for 2011 will be available in the 2012 REV which is due to be published by end February 2012.

*Question No. 531 answered with Question No. 518.*

### Olympic Games

532. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if he will provide an update on the arrangements for the torch relay route here for this year's Olympics; the role envisaged for sporting groups to participate in the event, particularly those in the County Louth area; and the way that the changeover of the torch at the border is envisaged. [2419/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** Responsibility for all aspects of the visit of the Olympic Torch Relay to Ireland in June rests with the Olympic Council of Ireland.

### Rail Network

533. **Deputy Colm Keaveney** asked the Minister for Transport, Tourism and Sport his plans to proceed with a pilot proposal to provide for access to rail passengers at Woodlawn Station, County Galway. [2478/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding in relation to public transport. Matters relating to improvements and to services at individual railway stations

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are day-to-day operational issues for Iarnród Eireann in the first instance and I have no function in such matters.

Noting this I have referred the Deputy's question to Iarnród Eireann for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

*Question No. 534 withdrawn.*

### **Tourism Promotion**

535. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport if he and the agencies responsible for tourism under his remit will examine the way to utilise the opportunity presented by the staging of the closing ceremony of the Volvo Ocean Race in Galway as a prototype for the Gathering given, in view of the international aspect of the event which will showcase Galway and the west. [2570/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** In relation to the organising of The Gathering in 2013, Fáilte Ireland has established a Project Board to oversee its planning and delivery. As the Deputy may be aware, Fáilte Ireland is also a sponsor of the staging of the finale of the Volvo Ocean Race in 2012. Accordingly, I have referred the Deputy's Question to the agency for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Tourism Industry**

536. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the growth in unofficial tourist offices; and his views on the implications these may have for the perception in and standard of service provided by the official State-run offices, in view of the impartiality and not-for-profit status of such official tourist information offices. [2592/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I have noted the increased number of unofficial tourist offices. In that regard, I should point out that it is open to any individual to open a Tourist Information Office. Tourist Information Offices are not regulated under the Tourist Traffic Acts and I have no proposals to introduce such regulation.

Fáilte Ireland is responsible for the operation of an extensive network of official Tourist Information Offices throughout the country, some of which are operated by the local community under a service agreement with Fáilte Ireland. Fáilte Ireland's approach is to differentiate its visitor information offering through the use of the 'Discover Ireland' brand to make the visitor aware of the availability of official tourist information offices. I am happy to note that Fáilte Ireland's 2011 Visitor Attitudes Survey shows a very high satisfaction rating among visitors with the Discover Ireland offering.