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

Paidir.

Prayer.

Visit of Israeli Delegation

An Ceann Comhairle: Before proceeding to the business of the House I wish, on my own behalf and that of the Members of Dáil Éireann, to offer a céad míle fáilte, a most sincere welcome, to Mr. Reuven Rivlin, MK, Speaker of the Knesset of Israel, and Mr. Yitzhak Herzog, MK, leader of the Labor Party in the Knesset. Incidentally, Mr. Herzog's grandfather, who was an Irish national, was Chief Rabbi of Ireland and ultimately the sixth President of Israel.

When I was a guest in Israel, Mr. Speaker, you expressed the view that peace between peoples is in their mutual interest. You are a man with whom those who wish to have a dialogue can have an honest and fair dialogue that is grounded in your sense of equal respect for all, irrespective of whether their opinions may differ with your views. I respect your belief in the right of all to be heard with dignity and respectful silence, especially those from minority groups, and your fearless vocal championing and defence of democratic principles, be they in defence of Israel as a democracy or, as you have done as Speaker of the Knesset, in defence of the democratic rights of minority groups within Israel and the Knesset. I hope the dialogue we started when I was your guest in Israel can be continued here in Ireland and that the dialogue with those whom you meet is open and honest but always conducted with dignity and mutual respect. Mr. Speaker and your guests, I very much welcome you to Dáil Éireann.

Leaders' Questions

Deputy Micheál Martin: On behalf of my party I also welcome the Speaker of the Knesset and our guests from Israel, and I commend the Ceann Comhairle and the Speaker for initiating an important dialogue between our two Parliaments.

It was reported this morning on RTE that the Taoiseach, on behalf of the Government, is expected to convey to the European Union leaders at the end of this month, that is, within 12 days, whether Ireland will need to hold a referendum to ratify the new intergovernmental treaty which is intended to lead to fiscal stability in the Union. It is ironic that it was from RTE that we learned this. I ask the Taoiseach to give the Dáil and the people the courtesy of a briefing on the content of the treaty and its implications, and to confirm whether a referendum is required. All of the leaks we have had to date on this have proven accurate. Last week I held up a copy of the EU draft treaty, which the Taoiseach dismissed. We are now into the fifth draft.

We asked at some stage before Christmas whether an EU committee could be set up specifically to deal with the treaty so we could have updates and inputs from Members of the House on a regular basis. It is extremely important that the people of Ireland and Dáil Éireann are informed of the Government's position. The Government should not feed into anti-EU cynicism, which is growing in this country, and anti-EU sentiment. So far the only European policy the Government has revealed is a desperate attempt to do anything to avoid a referendum. We know what it is against but not what it is for.

Deputy Bernard J. Durkan: There were a couple of attempts at referendums by the previous Government.

Deputy Micheál Martin: People are saying the treaty will be signed in March. The Taoiseach yesterday admitted in the House that the interdepartmental committee on EU affairs has not met even once in the last 12 months and has had no impact on this treaty.

Deputy Bernard J. Durkan: Twice for Nice and twice for Lisbon.

Deputy Micheál Martin: The treaty should not be a simple case of "we are in or we are out". I ask the Taoiseach the conditionality that is being attached to this treaty in terms of our participation in the permanent European stability mechanism and our capacity to draw funds from the bailout programme.

The Taoiseach's silence to date has been deafening. Can he outline to the House the exact position of the Irish Government on the proposed treaty? Will it affect the existing bailout programme? Can he indicate whether it will be possible to enshrine the new EU treaty in national legislation, or is a referendum required?

The Taoiseach: I join with the Ceann Comhairle in welcoming the Speaker of the Knesset to our Parliament. I had the opportunity a number of years ago to visit the Knesset myself, and from conversation with the Ceann Comhairle I know the value of his recent visit there.

I can tell Deputy Martin what we are for. The Government fully supports the potential of the European Union to realise economic growth within the Union and, as a consequence, provide opportunities for continued strengthening of exports, deepening of trade links and jobs and career opportunities for our people here and throughout the EU. I heard the report this morning on RTE. I have admired the work of Tony Connolly for many years; he is a good reporter. This report, however, is not accurate, and I will tell the Deputy why. Tomorrow I expect a final draft of the discussions about the intergovernmental treaty. If that is the final draft from the technical people who are meeting to discuss this, that is the draft that will be

presented at the European Council meeting on 30 January. That does not mean the draft concluded tomorrow will be the draft that will be concluded at the European Council meeting, nor does it mean that the discussions on 30 January at a political level will conclude on whatever draft is before them. As Taoiseach, I am not in a position to ask for formal legal advice from the Attorney General until the politicians and the political process at Heads of Government level have dealt with the draft that comes before them.

Tomorrow, I expect a draft text will be concluded at the technical level. That text will go before the political process, that is, the Heads of Government, on 30 January. It is only when that process has been decided that I will be in a position to ask the Attorney General for formal legal advice. I hope that clears up the matter for Deputy Martin and that he now understands the process we must go through before the Government can ask the Attorney General for formal legal advice. The Deputy should also understand that if there is a requirement on this country to have a referendum, that will happen. If it is not necessary to have a referendum, that speaks for itself.

Deputy Micheál Martin: The Taoiseach is talking in riddles. He has been very passive, politically, on this issue from the beginning.

Deputy Bernard J. Durkan: The Deputy has been passive for a long time too.

Deputy Micheál Martin: He has only met one eurozone leader since the Government took office. He has been very dismissive of this House on these issues. This is a familiar refrain from the Taoiseach. Every time the House meets the Taoiseach dismisses all reports and draft treaties. If a draft treat is online, for the fifth time, why in the name of God can it not be laid before the House?

Deputy Bernard J. Durkan: It is a draft.

Deputy Micheál Martin: Why can a committee of this House not examine it?

Deputy Alan Shatter: This is political game playing.

Deputy Micheál Martin: I have the opportunity, as leader of my party, to raise some very important and fundamental questions so I ask Members to have the decency to stay quiet to allow me to do that.

An Ceann Comhairle: I will deal with them. The Deputy should continue.

Deputy Micheál Martin: Why has a committee of the House not had an opportunity to have a decent input into the treaty and its implications? Make no mistake, this treaty will have a significant impact on how the country is organised in years to come in terms of the fiscal situation and so forth.

An Ceann Comhairle: The Deputy should ask a question.

Deputy Micheál Martin: I do not believe the Taoiseach's statement that he does not have any idea of the legal implications of this treaty. I am aware of the process that leads to an amendment of a treaty and so forth. The Attorney General would be acquainted with all of the drafts——

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

Deputy Micheál Martin: —and would be giving advice. Please do not try to separate the process up to now from the summit meeting. The Taoiseach's officials and those at COREPER act, and should act, on political instructions from the Taoiseach and the Government. There is no demarcation line whereby they are working in splendid isolation and the Heads of Government meet on 30 January and make a dramatic new impact. The treaties that have been published today will be significantly similar to what will emerge on Thursday. The Taoiseach is treating the House with contempt in terms of the preparations for this treaty.

The Taoiseach: That contribution is beneath the Deputy, as somebody who served as a Minister for Foreign Affairs. I will repeat what I said. Of course, the drafts of the text have been online, but they are not the final draft. That is being decided by the negotiators from all the member states.

Deputy Micheál Martin: What is the role of the Dáil?

The Taoiseach: We could have a debate in the House about the evolution of each draft if the Deputy wishes, but that is irrelevant.

Deputy Micheál Martin: It is not irrelevant.

The Taoiseach: The draft that must be decided on is the draft that is eventually agreed. The personnel from each country who have been involved in intensive negotiations about the wording and the meaning of the wording will finalise the work tomorrow from their perspective—

Deputy Micheál Martin: What does the Taoiseach mean by their perspective? They are working on his behalf.

The Taoiseach: Yes, they are.

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: They will conclude their draft tomorrow. That draft will go before the Heads of Government. The relationship between the countries of the European Union and of the eurozone might well bring about changes to the text that is put before them on 30 January. I hope the Deputy understands that. I did not refer to legal implications.

Deputy Micheál Martin: The Taoiseach did.

The Taoiseach: The Deputy's statement about an interdepartmental committee not having dealt with this is spurious. I explained to the Deputy yesterday that the interdepartmental committee, chaired by the Minister of State with responsibility for European affairs, will deal with a range of issues about the European Parliament, the EU Commission, the involvement of the Oireachtas and preparation for the European Parliament—

Deputy Micheál Martin: This is the most important issue and it is not even on the agenda.

The Taoiseach: The Economic Management Council, which I chair and which is attended by the Tánaiste and Minister for Foreign Affairs and Trade, the Minister for Finance, the Minister for Public Expenditure and Reform and any other Minister necessary, has regularly discussed the question before us and which is now being debated by officials from the different countries.

It is true that personnel are available from the Office of the Attorney General to give advice as those texts evolve, but I am not in a position, as the Deputy well understands but does not

wish to say, to ask the Attorney General for formal legal advice until I have a final draft to present to the Attorney General.

Deputy Michael McGrath: It was confirmed that the Taoiseach had legal advice.

Deputy Micheál Martin: The Taoiseach has legal advice.

The Taoiseach: I do not. That final draft will not be available until the political process at Heads of Government level decides how it should be presented on or after 30 January. I hope I have made that clear. At that point——

Deputy Micheál Martin: What is the role of Parliament?

The Taoiseach: ——the Attorney General is asked for formal legal advice on the text as concluded.

Deputy Micheál Martin: It is a *fait accompli*.

The Taoiseach: The text today and tomorrow is not concluded. It is when the political process deals with it on or after 30 January that I will be in a position to ask for formal legal advice. I hope the Deputy understands that.

Deputy Gerry Adams: I join in giving a céad míle fáilte to the Speaker of the Knesset, a man with Belfast roots. The big interest of the people on this island is in securing a working peace accord in the Middle East which upholds the rights of the people of Israel and the rights of the people of Palestine. Hopefully, this visit will assist that process.

Deputy Martin says the Taoiseach is very passive on this issue. I disagree. The Taoiseach is very active on the issue. He supports this treaty and has made that clear. It is an austerity treaty and will institutionalise current Government policy. Yesterday, the Taoiseach waxed lyrical about the need to involve the Oireachtas and the public in European affairs. Invariably, however, and I agree with Deputy Martin in this regard, no respect is shown to the Oireachtas. We pick up tittle tattle, leaks, spin and media speculation. The Taoiseach has said it is his objective to be the Taoiseach who retrieves Ireland's economic sovereignty. This treaty is totally at odds with that objective. The Government must respect the Dáil and the people. I ask the Taoiseach to commit to ensuring that the Minister for Finance reports to the House on his discussions today in Germany and to holding a debate on this issue before he signs off on the final draft of the treaty.

On the referendum issue, this is not about giving legal advice. There is a matter of democratic principle here. Regardless of whether this is a constitutional or legal change, it is about enshrining austerity and the Taoiseach, as a democrat, must give the people their say.

The Taoiseach: Deputy Adams deliberately confuses the issue.

Deputy Michael McGrath: You are not so bad at that yourself.

The Taoiseach: Since this Government took office, it has been its policy to have discussions in the House before and after any meetings of the European Council. In fact, I intend to have the pre-Council meeting discussion in the House next Tuesday because I must attend an economic forum on Wednesday and Thursday. The Deputy will have an opportunity to have his say on Tuesday before the Council meeting. He will also have the text that will be concluded, in so far as the officials are concerned. It should be available tomorrow.

[The Taoiseach.]

Obviously the Deputy has a very different view on Europe from that of the Government and most parties in the House. He has opposed everything about Europe, except when it suits. In this case, when the text is eventually decided on by the political process, I will, as Head of Government, ask for formal legal advice from the Attorney General. If that advice indicates that a referendum is necessary, a referendum will be held. If the advice is that a referendum is not necessary, a referendum will not be needed.

Deputy Gerry Adams: On the contrary, I am very pro-European Union. Republicanism is a European concept in its first formation.

(Interruptions).

Deputy Bernard J. Durkan: Deputy Adams has had a late conversion.

Deputy Gerry Adams: I am, however, against the type of European Union which has the Taoiseach handing over authority to super-states or would have German and French presidents and leaders running our affairs. I am also against austerity.

Sinn Féin has put forward progressive policies and is asking the Taoiseach to reconsider his support for the proposed treaty. What is very clear — no one should miss this point — is that the Taoiseach was not cajoled, fooled, tricked or beaten into accepting the treaty. He favours it as much as any German or French leader favours it. Why does he not reconsider his support for the treaty and argue instead for investment in jobs and growth? Why does he not ask for a debt restructuring agreement? This issue is essentially about economic sovereignty which the Taoiseach is giving away. I have no doubt he will come to the House seeking support for a treaty which will do the very opposite of achieving the objective he has outlined and instead of retrieving Ireland's economic sovereignty, he will give it away. Why does he not argue for investment in jobs and growth and a debt restructuring agreement?

The Taoiseach: I already made the point that it would be much more preferable if all 27 countries of the European Union were involved in the process of having a demonstration of fiscal discipline and that when countries sign up to programmes they adhere to them in order that every economy can make its way towards prosperity and expansion and, as a consequence, jobs. I have listened to the Deputy's party's proposals on many occasions. What Sinn Féin essentially wants to do is raid the National Pensions Reserve Fund and add on to that——

Deputy Mary Lou McDonald: The Government has already done that.

Deputy Gerry Adams: It gave it to the banks.

The Taoiseach: ——what is available from the European Investment Bank.

I heard the Sinn Féin spokesman on finance say it was the Government which put forward the proposition in respect of the European Stability Mechanism. Deputy Adams is aware of the efforts we have made to have sufficient firewalls built up to prevent contagion, return to relying on the *communautaire* method which was always used and ensure the founding principles of the European Union, namely, solidarity, trust and co-operation, are inherent in what we do.

Deputy Gerry Adams: Will the Taoiseach answer my question?

The Taoiseach: I have made the point that in respect of arguing for jobs and growth, I agreed with the British Prime Minister in our discussions the other day that, because of our shared

view of the importance and potential of the Single Market — a view that is also shared by many other countries — the two countries would make a series of propositions to the Commission and all our colleagues in the European Union——

Deputy Gerry Adams: It should be put in the treaty.

The Taoiseach: ——that the process whereby decisions are made and legislation is drawn up from a European perspective have at its core the possibility of creating growths and jobs. Far from the Deputy's view that I never argue for these things, my Government is bringing the issue right to the centre of every action that will be taken as part of the European Union.

Deputy Gerry Adams: That is not the case. The Taoiseach would be better staying at home.

Deputy Shane Ross: I too welcome the Speaker of the Knesset although I believe he has departed the Chamber.

Is the Taoiseach aware of disturbing figures which are emerging about the growth rate for the economy for 2012? Davy Stockbrokers has downgraded its figure on projected growth for 2012 from 1.7% to 0.4%, while Goodbody's has produced a figure of 0.7%, down from 1.2%. Prior to the budget the ESRI downgraded its figure to 0.9%. While this is disturbing, the most disturbing figure is the 1.3% forecast produced by the Department of Finance which is way out of line with the projections provided by all the independent commentators. It is even more disturbing because the budget was based on the Department's figures.

There is a long and slightly unwelcome tradition of the Department puffing the prospects for the economy. One must ask whether these guys are number-crunching on crack at the moment. What are they doing producing and sticking to figures with which no independent commentators agree and on which the budget is now based? As the Taoiseach knows, lower growth, as anticipated by independent commentators, means lower taxation revenue and a wider deficit. Given that the Government has declared the objective of chasing the deficit a primary target, if we have a wider deficit, as is forecast, we will miss the targets on which we gave a commitment to the troika. Does the Taoiseach stand by the 1.3% growth projection, which is way out of line with the figures provided by everyone else? If the Department of Finance is forced to revise its figure, does he anticipate introducing new, sudden and unexpected austerity measures in pursuit of his declared goal of reducing the deficit?

The Taoiseach: Deputy Ross is well aware of all of the factors that influence growth rates. The growth rate set out by the Department of Finance on behalf of the Government is an average, medium-term rate which we expect to be able to meet. When the troika came here at the start of its ten day visit it outlined very clearly that the period ahead would be the most challenging in respect of three areas, namely, meeting the budgetary targets that were set out, dealing with State assets and dealing with continued movement in respect of banks.

Yields, which stood at 14% last year, have fallen below 8%. This is an indication of volatility and, in our case, some degree of rising confidence, although we obviously have a long way to go. There is probably not an economist in Europe — and Deputy Ross is a respected economist — who can give a definitive verdict on the growth rate for any country because of global volatility and the fact that changes can occur instantly. We believe the targets we have set out will be achieved in 2012 and the Minister for Finance has been consistent on that issue. It is my belief that if the political process at European level is able to deal with the eurozone crisis, both in terms of the scale of the firewall to prevent contagion and in finding an approach to fiscal responsibility and conditions that apply to countries which are able to meet their demands, we have 1,000 engines in this country to help us achieve the growth rates that have

[The Taoiseach.]

been set out. The figures are medium term and we believe they can and will be achieved. We live and operate in a period of great volatility and uncertainty in Europe and the world. It is very difficult, given all of the factors involved, to give a precise definition of what growth rate will be achieved at the end of 2012. I am sure Deputy Ross understands that clearly.

Deputy Shane Ross: I would be grateful if the Taoiseach would answer the question as to whether he stands by the 1.3% figure. If he does not, it would have serious implications for the budgetary arithmetic and the prospects for the introduction of a mini-budget, sudden taxation measures and future budgets. Will the Taoiseach anticipate or respond to one of the independent commentators, namely, Goodbody's, which states we will no longer be able to meet our deficit target of 3% of GDP in 2015, not through the fault of the Government but as a result of the recession in Europe?

What contingency plan do we have to deal with a situation such as that? Is it to impose further austerity, to look for a deal on the debt or simply to live in hope that something will go right and the recession will end?

The Taoiseach: I stand by the growth figures and I do not agree with Goodbody's assertion. We have already made it plain at the technical discussions on the fiscal circumstances in which we find ourselves, having borrowed more than €60 billion at excessive interest rates before the facilities of the EFSF and ESM came on stream, that it would be very beneficial for Ireland in dealing with our deficit and, as a consequence, our debt repayments were we to have the capacity to move from where we are now to having those facilities available in regard to the moneys borrowed for recapitalisation of the banks which, as the Deputy knows, had an impact on European banks as well. That is a matter which is being discussed intensively at a technical level. It would be beneficial for Ireland as a separate matter entirely from the inter-governmental agreement discussions were that to happen.

11 o'clock

We stand by the figure we have set out. I do not agree with Goodbody's assertion. The discussions taking place in regard to the fiscal circumstances of the country are continuing with some intensity.

Order of Business

The Taoiseach: It is proposed to take No. 12, Energy (Miscellaneous Provisions) Bill 2011 — Order for Report Stage and Report and Final Stages; No. 13 — Health (Provision of General Practitioner Services) Bill 2011 — Order for Report Stage and Report and Final Stages; and No. 4 — Industrial Relations (Amendment) (No. 3) Bill 2011 — Second Stage (resumed). Private Members' business, No. 39, motion re provision of guidance counselling in schools (resumed) shall conclude at 9 p.m., if not previously concluded.

An Ceann Comhairle: There are no proposals to be put to the House.

Deputy Micheál Martin: I note a Chairman of the Joint Oireachtas Committee on European Union Affairs has yet to be appointed and there is a meeting of the committee next Friday. Will the Government facilitate a discussion on the forthcoming treaty at the Oireachtas committee next Friday? This is a very important issue which will have a profound impact on the country and its future. It is incomprehensible that the Dáil has not had the opportunity to have any input into this treaty. The least that should be facilitated is a discussion with the relevant Ministers and officials at the Oireachtas committee on the draft treaty and the implications in terms of the new fiscal rules and so forth. It is a basic requirement.

I meant what I said earlier that this House is being treated with contempt on this issue. The very least we deserve as Members is an opportunity to have our say and an input. There is no point presenting a *fait accompli* next week, or a take it or leave it situation in terms of this treaty, which is what is happening. If that is what materialises, it will come back to haunt the country in terms of people's attitudes towards the European Union. We have legitimate points to make in this regard. I do not share the Taoiseach's scepticism about the RTE EU department.

An Ceann Comhairle: That is a separate issue and is not for the Order of Business.

The Taoiseach: I have not seen the Deputy's proposals on the draft text which is online.

Deputy Micheál Martin: The Taoiseach has seen them.

The Taoiseach: I have not.

Deputy Micheál Martin: The Taoiseach has seen them.

The Taoiseach: I have not.

Deputy Micheál Martin: I have articulated them in this House in debate after debate.

The Taoiseach: I have not seen——

Deputy Micheál Martin: The Taoiseach has seen them.

The Taoiseach: ——the Fianna Fáil gold-plated response——

(Interruptions).

An Ceann Comhairle: Will Deputy Martin resume his seat?

(Interruptions).

The Taoiseach: ——to a draft text.

Deputy Micheál Martin: The Taoiseach has seen it.

The Taoiseach: Deputy Martin can send me his provisions on all the drafts——

Deputy Micheál Martin: The Taoiseach certainly has seen it.

The Taoiseach: ——despite the fact it has not even concluded yet.

Deputy Donohoe will chair the Joint Oireachtas Committee on European Union Affairs in the absence of the Minister of State, Deputy Joe Costello, but I will discuss that matter and the question the Deputy has raised.

Deputy Micheál Martin: It has been a good week for the Costellos.

The Taoiseach: I disregard completely the Deputy's claim that this House is being treated with contempt. We are giving so much more time, and rightly so, to European Union issues.

Deputy Micheál Martin: It is optics, spin and a sham.

An Ceann Comhairle: Sorry, Deputy Martin——

The Taoiseach: Next Tuesday the Deputy can give me his definitive text arising from what will be concluded tomorrow by the officials. I will look forward to it.

Deputy Gerry Adams: Can I ask two questions about the timing of debates?

An Ceann Comhairle: Yes.

Deputy Gerry Adams: Yesterday the Taoiseach committed to a debate on the HSE service plan. On Monday a citizen, Maureen Kane, collapsed on the streets of Drogheda and died before she could be taken to the hospital, which was only a stone's throw from where she was and a stone's throw from the Cottage nursing home. This is the second time that has happened in Drogheda. Another citizen, Peter Sherlock, also died. It shows the urgency of these issues and I call for an urgent debate.

I welcome the debate next Tuesday on this austerity treaty. It would help if the Government made available to us a copy of the Irish submission to the EU and if we knew what the Government was pitching in all of this, so we can have an informed debate.

I am only a short time in the House but I do not believe that there is inclusive discussion on these issues or that the Oireachtas is getting the respect it deserves from the Government on these crucial issues. This austerity treaty is very bad for the EU but, more important, for the people of this State. The Taoiseach knows that and that is why he is dodging the issue. He is for it and we deserve the right to influence his opinion on this matter.

The Taoiseach: I will take the second matter first. Not only do I treat the House and its Members, who are elected by the people, with respect but I gave a briefing to Deputy Adams and Deputy Martin. As a consequence, Deputy Adams came up with his own words which leads me to believe that in future I will have to take very careful notes about what I say so that when I hear Deputy Adams report what I said, it will be accurate.

Deputy Gerry Adams: The Taoiseach can have my notes.

The Taoiseach: At least Deputy Martin had the respect and responsibility to treat a confidential briefing as such.

Deputy Micheál Martin: I listen to Tony Connelly a lot.

The Taoiseach: Deputy Martin might not agree but at least he did that and I commend him.

(Interruptions).

The Taoiseach: I will deal with another matter Deputy Adams raised.

Deputy Gerry Adams: I asked about the Government's submission——

An Ceann Comhairle: We are not discussing the issue. We are discussing when the debate will take place.

The Taoiseach: The officials will conclude their work tomorrow on whatever text emerges. That then goes to the Heads of State and Government. We will have a discussion on the text at the pre-European Council debate next Tuesday and Deputy Adams can have his say then.

Deputy Adams raised another matter of importance. Anything I say cannot bring back the deceased and I tender my sympathies to her family and friends. It is important to put on record that the national ambulance service confirmed that a 999 emergency ambulance call was received at 5.22 p.m. on 16 January for the Drogheda area. The vehicles stationed in the

Drogheda area are tasked with being on call all of the time. Following the standard operating procedure, the closest available ambulance was dispatched at 5.23 p.m., which was one minute later, and it arrived at the scene at 5.40 p.m., which was 18 minutes later. The patient, God rest her, was then transported to Our Lady of Lourdes Hospital, Drogheda, and arrived at 6.05 p.m.

The national ambulance service works on an area basis rather than on a local one and it is a dynamic and not a static service. Seven emergency ambulances operate in the area — two in Drogheda, four in Dundalk and one in Ardee. They are supported by ambulances from surrounding stations in the first instance and by ambulances from adjoining area. The response time in this incident was within the Health Quality and Information Authority target for clinical status one incidents, which is 18 minutes and 59 seconds, but that is of no consequence to the family of the deceased. Any confusion that may have arisen here, which may have led to the impression that the response time was considerably longer, happened because of a procedural omission. I understand that when ambulances arrive at an incident like this there is an on-scene arrival status button which is pressed to record the time of arrival at the scene, but that did not happen in this case. While it is important to note the response times, anything I say here cannot bring back the life of the deceased.

Deputy Gerry Adams: Just for the record, there is no ambulance station in Drogheda. That is what the Taoiseach left out of his reply.

An Ceann Comhairle: We cannot discuss that issue now. I note that the Deputy has requested the matter be debated during Topical Issues. He will be better able to deal with it tomorrow.

The Taoiseach: If the Deputy raises the matter about a debate on the health service plan at the Whips' meeting, I am sure the Minister will be happy to accommodate that at an early date.

Deputy Michael McGrath: Is any legislation planned to deal with a situation whereby there is a difference of over 2% in the variable interest rate being charged on mortgages by State-owned banks? The Taoiseach asked the Financial Regulator whether he wanted additional powers to intervene in this area, and the answer was "No". Will the Government take the initiative to bring forward legislation to address a clear anomaly, which is affecting mortgage holders who are already in serious distress?

The Taoiseach: We will bring forward a package to deal with the mortgage issue. I referred yesterday to the personal insolvency Bill, which I expect to come before Government next week. When I wrote to the Financial Regulator I pointed out to him that he is the regulator, but that if he requested powers from the Oireachtas the Government would respond to his claim. He wrote back to say that, on consideration, he did not require and neither was it opportune to have powers given to him.

Deputy Michael McGrath: It is up to us; we can give him powers.

The Taoiseach: It is not a case of the Government saying that we will supersede the regulator. If a claim is made by the regulator for increased authority or a changed responsibility in that regard, the Government will respond to it.

Deputy Michael McGrath: He works to the rules we set. We set the rules.

Deputy Willie O'Dea: On a similar topic, the Taoiseach told me yesterday, and has now confirmed it, that the personal insolvency Bill is due to come before the Cabinet on Tuesday. The Taoiseach was unsure yesterday whether or not it would cover mortgage debt. Does he agree that if it does not cover mortgage debt, it is pretty innocuous? This is the major problem

[Deputy Willie O'Dea.]

we will be dealing with, so will he use his influence at Cabinet to ensure that the legislation will cover mortgage debt?

The Taoiseach: It is a very extensive Bill because of all the legal implications involved. I do not want to give any indication of the Bill's range until the Government has made its decision next Tuesday.

Deputy Willie O'Dea: That is what everybody is asking.

The Taoiseach: I am well aware of what the Deputy is saying.

Deputy Catherine Murphy: The Legal Services Bill commenced Second Stage before Christmas, but there was no regulatory impact assessment accompanying that measure. I tabled a parliamentary question but the reply said it was being put together. I would have thought that would have preceded the legislation. Will that regulatory impact assessment be available before we recommence Second Stage of the Bill next week?

The Taoiseach: I cannot answer that but it is expected that the Bill will be processed through the House by Easter. There will be a great deal of consultation, debate and discussion about it. I will raise the question of the regulatory impact assessment with the Minister for Justice and Equality and he will respond directly to the Deputy.

Deputy Éamon Ó Cuív: Bhí sé geallta i gclár an Rialtais go mbéadh leasú dhéanamh ar Acht na dTeangacha Oifigiúla 2003. Cén fáth nach bhfuil seo ar an gclár reachtaíochta?

Chomh maith leis sin, an bhfuil sé i gceist ag an Taoiseach iarraidh ar an Aire Oideachais agus Scileanna ceartú a dhéanamh ar an méid adúirt sé sa Teach an lá faoi dheireadh maidir leis an mBille um Sheirbhísí Uisce, nuair a dúirt sé rud a bhí thar a bheith mí-chruinn?

The Taoiseach: Níl a fhios agam céard a dúirt an t-Aire Oideachais agus Scileanna. Ní raibh mé ag éisteacht leis. Ní raibh mé sa Teach nuair a bhí sé ag caint. Tá a fhios ag an Teachta go bhfuil freagraí cruinn soiléir leagtha amach ag an Aire Comhshaoil, Pobail agus Rialtais Áitiúil faoin rud seo.

Bhí mé ag léamh ar maidin faoi ráiteas an Teachta Ó Cuív i gContae Chill Mantáin faoi chúrsaí séarachais agus costais a bhaineann leis. Ní raibh a ndúirt sé cruinn. Tá sé i bhfábhair coinníolacha a bheith ag baint leis an gcóras nua. Bíodh sé cinnte de seo. Beidh an t-Aire Comhshaoil, Pobail agus Rialtais Áitiúil an-soiléir faoi seo. Ní bheidh aon dabht in aigne an Teachta féin céard go díreach atá i gceist, ó thaobh na hEorpa de agus ó thaobh ard-chaighdeán maidir le séarachas agus uisce. Níor chuala mé an rud a dúirt an t-Aire Oideachais agus Scileanna.

Deputy Éamon Ó Cuív: An rud a dúirt sé ná go mbéadh fíneáil ar an tír seo ó Mí Feabhra seo chugainn.

An Ceann Comhairle: I am calling Deputy Broughan. We are not having a discussion.

Deputy Éamon Ó Cuív: An bhféadfadh an Taoiseach a rá leis an Aire go bhfuil sin mícheart?

An Ceann Comhairle: Suigh síos más é do thoil é. I call Deputy Broughan.

(Interruptions).

An Ceann Comhairle: I will speak in English, in case the Deputy does not understand my Irish. I am asking him to resume his seat immediately or else he will be taking a walk.

(Interruptions).

An Ceann Comhairle: Will the Deputy listen to me? When I stand, he should not continue to ignore the Chair, which he does on a continuous basis.

Deputy Éamon Ó Cuív: I did not hear you.

An Ceann Comhairle: I suggest that the Deputy must get his hearing tested. I shouted at him three times.

Deputy Emmet Stagg: Specsavers are doing that now.

Deputy Pat Rabbitte: They are not paying any attention to him now.

Deputy Éamon Ó Cuív: I did not hear you.

An Ceann Comhairle: The Deputy should show respect for this House, but he shows no respect for it. I call Deputy Broughan.

Deputy Éamon Ó Cuív: I do show respect for the House.

An Ceann Comhairle: The Deputy certainly showed no respect for it last Friday with his behaviour. I ask him to resume his seat. His behaviour last Friday was a disgrace. I call Deputy Broughan.

Deputy Thomas P. Broughan: Could I ask the Taoiseach——

Deputy Micheál Martin: On a point of order——

An Ceann Comhairle: I have called Deputy Broughan. There is no point of order. The Deputy is play-acting again about this issue.

Deputy Micheál Martin: I am not play-acting.

An Ceann Comhairle: What is your point of order?

Deputy Micheál Martin: You should show a bit more respect to people on this side of the House.

An Ceann Comhairle: I do show respect.

Deputy Micheál Martin: You do not, actually. Your remark there did not show respect. When the House is misled——

An Ceann Comhairle: I am able to read.

Deputy Micheál Martin: ——I am simply asking for reports to correct the record of the House.

An Ceann Comhairle: I am talking about behaviour in the Chamber.

Deputy Micheál Martin: Am I included?

An Ceann Comhairle: I am able to read and I read the full transcript of what happened.

Deputy Micheál Martin: Yesterday, an attempt was made in this House to raise a point of order, but you did not even entertain the person. The person could not even speak and was dismissed. That is not good enough for a point or order.

An Ceann Comhairle: If Deputy Martin is not satisfied with my performance, there is a method by which he can deal with it. I call Deputy Broughan.

Deputy Thomas P. Broughan: You are doing grand, a Cheann Comhairle.

An Ceann Comhairle: Thank you very much.

Deputy Thomas P. Broughan: I have three brief questions for the Taoiseach. When is it expected that the Coroners Bill will be brought before the House?

Second, in reply to a number of questions on the personal insolvency legislation, the Taoiseach said yesterday that the heads of the Bill would come before the Cabinet next Tuesday. Has the Taoiseach raised with the British Prime Minister, Mr. Cameron, the flight of our builders and developers to the UK to avail of their California-style bankruptcy laws?

An Ceann Comhairle: I am afraid that is not in order.

Deputy Thomas P. Broughan: I am just asking the Taoiseach if he has raised the matter with Mr. Cameron. Does he think our legislation is adequate?

An Ceann Comhairle: A parliamentary question would be suitable.

Deputy Thomas P. Broughan: Third, I wish to ask about Priory Hall. There is a notice concerning this before the Supreme Court tomorrow. Has the Taoiseach spoken to the Minister for the Environment, Community and Local Government, Deputy Hogan, about this matter? Are we making progress to resolve this horrifying situation for 50 families in my constituency?

The Taoiseach: The Coroners Bill is before the Seanad. I cannot give the Deputy any date when it will conclude there.

I did not raise the question of builders fleeing to Britain with Prime Minister Cameron. We had a range of other issues that we did discuss.

I have spoken to the Minister, Deputy Hogan. Deputy Broughan will be aware that the Minister of State, Deputy Jan O'Sullivan, has met with some of the Priory Hall residents. This is a mess. When I hear claims from the major building organisations about cutbacks in the capital programme and so on, there is a responsibility here. The Minister, Deputy Hogan, is well aware of the requirement to put in place a system that does not allow this kind of cowboy tactic to impinge dramatically on the lives of families who, in good faith, purchased properties with a view to living their lives and raising their families there. They have found this horrendous spectre coming at them because of incompetence or greed. This has got to stop. The Minister is well aware of the sensitivity of this matter and is involved in discussions on it. There is another court case pending and a date has been set by the council in respect of the contribution it is making. We need to resolve this issue in respect of these families.

Deputy Charlie McConologue: In the final sitting week before Christmas, I asked if it would be possible to have time set aside for a debate on the future of the A5 project from the Monaghan Border to the Derry Border. The Northern Ireland budget is coming up at the end of February and this project is critical to the future of the north-west. What progress is being

made in allocating time for such a debate? Will the Taoiseach agree to set time aside to discuss the matter?

The Taoiseach: We discussed this at the North-South Ministerial Council on the last occasion in Armagh. I met with the First Minister and Deputy First Minister in Belfast and Armagh and indicated the decision of the Government that €25 million would be made available in 2015 and 2016 for the A5. That road is to be developed in three sections and officials met subsequent to our decision to reconfigure the budgetary figures from the Northern Ireland perspective for the development of the road. There is no need for any further debate on it and we have made our position clear. I communicated directly with the First Minister and Deputy First Minister in Belfast and at the North-South Ministerial Council.

Energy (Miscellaneous Provisions) Bill 2011: Order for Report Stage

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I move: “That Report Stage be taken now.”

Energy (Miscellaneous Provisions) Bill 2011: Report Stage

An Ceann Comhairle: Amendment No. 1 is in the name of Deputy Ferris.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Would Deputy Ferris permit me to correct a minor typographical error under the clerk’s correction procedure? It relates to the correction of a second “that”. In accordance with Standing Order 140, the Chair should direct the clerk to make a verbal correction to the text of the Bill on page 29, line 12. I request the Chair to direct the clerk to remove the word “that” at the start of the line.

An Ceann Comhairle: Is that agreed? Agreed.

Amendments Nos. 1, 5 and 6 are related and amendments Nos. 2, 3, and 7 are consequential on amendment No. 6. Amendments Nos. 1 to 3, inclusive, and Nos. 5 to 7, inclusive, will be discussed together.

Deputy Martin Ferris: I move amendment No. 1:

In page 33, line 12, after “(“Fund”).” to insert the following:

“The Fund shall be integrated into the fuel poverty programme and all measures proofed to ensure compliance with the objectives of that programme.”.

Every Member of this House is aware of the number of people caught up in fuel poverty at this time of the year. Many people go without adequate fuel provision and there are consequences to this, particularly for elderly people living in rural and isolated areas who find themselves unable to provide adequate fuel to heat their houses, themselves and their families. If the amendment was made, it would be a commitment that people who need heating urgently and are in dire circumstances will be compensated accordingly. I hope the Minister will accept this amendment in the terms in which it is meant. It is intended to help elderly people, low-income families and those on social welfare and on old age pensions who find themselves in these circumstances. This would provide certainty.

Deputy Éamon Ó Cuív: I welcome the proactive approach of the Minister to accept suggestions made by the Opposition. I regret that his colleague, Deputy Phil Hogan, is not as interactive as Deputy Rabbitte. If he was, we would have resolved the issue of septic tanks long ago. I compliment the Minister and thank him. I accept amendment No. 6 and I will withdraw

[Deputy Éamon Ó Cuív.]

amendments Nos. 4 and 5. I want to get back to the Committee Stage of the Water Services (Amendment) Bill. I support the Minister in respect of amendment No. 6.

Deputy Pat Rabbitte: I acknowledge what Deputy Ferris said about the importance of fuel poverty. I appreciate what Deputy Ó Cuív said because we debated these issues on Committee Stage and I undertook to accommodate what Deputies Ferris and Ó Cuív were trying to do if I could. We have come up with a reasonably clever way of meeting them. For that reason, I cannot accept Deputy Ferris's amendment, No. 1, or Deputy Ó Cuív's amendment, No. 5, which he intends to withdraw.

Section 14 provides for the creation of an energy efficiency fund, which is provided for in order to allow contributions from energy suppliers to be reinvested in energy efficiency and meet the specific objectives set out in subsection 5. On Committee Stage, Deputies Ferris and Ó Cuív suggested that section 14 be amended to provide for a mandatory obligation requiring that the proposed energy efficiency fund shall provide for specific measures for the alleviation of fuel poverty. On Committee Stage, I offered to accommodate the Deputies while stating that I did not want to be overly prescriptive. In order to accommodate the Deputies, I am proposing a number of amendments, which have been drafted following discussions between my Department and the Office of the Parliamentary Council. The key amendment is No. 6, which provides that the energy fund be used for the alleviation of energy poverty. The wording of the section has been agreed by the Office of the Parliamentary Council and that is as far as I can go. Amendments No. 2, 3 and 7 are minor, technical amendments that are required in view of amendment No. 6.

With regard to fuel poverty, I launched the affordable energy strategy in November 2011, which sets out the range of tangible, time-bound measures to tackle and alleviate energy poverty in a cohesive, cross-governmental approach. Moreover, there is already a Better Energy, Warmer Homes scheme in place, administered by the SEAI, which has provided energy efficiency improvements in over 80,000 homes since it was launched in 2006. The 2012 allocation for the energy poverty strand of the better energy programme amounts to just over €17 million, which will enable some 17,000 low-income homes to be retrofitted this year under the warmer homes scheme. The programme for Government signalled the Government's intention to move away from grants by the end of 2013. The proposed pay as you save scheme is considering the issue of how to incentivise people on low incomes, who typically fall into a definition of energy or fuel poor. I intend, in the near future, to bring a memorandum to Government on the issue of pay as you save.

Deputy Martin Ferris: I thank the Minister for his reply. In light of what he has said, particularly with regard to amendment No. 6 which covers much of what I have been talking about, I am prepared to withdraw the amendment.

Amendment, by leave, withdrawn.

Deputy Pat Rabbitte: I move amendment No. 2:

In page 33, line 23, to delete "and".

Amendment agreed to.

Deputy Pat Rabbitte: I move amendment No. 3:

In page 33, line 25, to delete "measures." and substitute the following:

“measures, and

(c) to promote energy audits and financial instruments for energy savings.”.

Amendment agreed to.

Amendments Nos. 4 and 5 not moved.

Deputy Pat Rabbitte: I move amendment No. 6:

In page 33, to delete lines 26 and 27 and substitute the following:

“(6) Without prejudice to the Fund’s objectives, the Fund may be used for the alleviation of energy poverty (within the meaning of a document entitled “Warmer Homes — A Strategy for Affordable Energy in Ireland” published by the Department of Communications, Energy and Natural Resources).”.

Amendment agreed to.

Deputy Pat Rabbitte: I move amendment No. 7:

In page 33, to delete line 33 and substitute the following:

“in *subsection (5)* or for the alleviation of energy poverty or both.”.

Amendment agreed to.

Deputy Pat Rabbitte: I move amendment No. 8:

In page 48, line 19, to delete “or” and substitute “and”.

This is a purely technical amendment. It substitutes the word “and” for “or”. The amendment corrects a minor error in section 20 which was inserted into the Bill on Committee Stage. Section 20 enables the Minister for Communications, Energy and Natural Resources to dissolve by order certain non-trading statutory subsidiaries of Bord Gáis Éireann, BGÉ. Bord Gáis Éireann is seeking to wind up these subsidiaries in the interest of the good corporate administration of the BGÉ Group and in doing so remove an unnecessary administrative and corporate compliance burden.

The amendment substitutes the word “and” for the word “or” at the end of paragraph 2(a), as it is intended that both the rights and liabilities of the non-trading statutory subsidiaries would transfer to BGÉ on dissolution of these subsidiaries.

Amendment agreed to.

Bill reported with amendments.

Bill, as amended, received for final consideration.

An Ceann Comhairle: When is it proposed to take Fifth Stage?

Deputy Pat Rabbitte: Now.

Energy (Miscellaneous Provisions) Bill 2011: Fifth Stage

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

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I thank the Deputies on the other side of the House for facilitating the enactment of legislation which is important but not controversial. The Bill is designed to revise, consolidate and expand existing energy legislation in order to reflect the current structure of the market. Its enactment will result in more robust energy legislation.

The Government amendments introduced on Committee Stage were, by and large, minor technical amendments that aim to improve the quality of the legislation. I have followed up on the commitment I gave on Committee Stage to Deputies Ferris and Ó Cuív to look positively, on Report Stage, at their request that a mandatory obligation be included in the Bill requiring that the proposed energy efficiency fund shall provide for specific measures to alleviate fuel poverty. I also acknowledge that I did not wish to be prescriptive about the fund’s remit. The Government amendments agreed by the House today go a long way to addressing the issues raised by Deputies Ó Cuív and Ferris and are an appropriate compromise. I am pleased to have been able to facilitate the Deputies in the regard.

In the meantime and in conclusion, the publication of the affordable energy strategy at the end of November last proposes, for the first time, a framework that will combine national and geographically focused actions to improve the thermal efficiency of the housing stock, provide targeted income supports and ensure that comprehensive advice and information is provided to vulnerable and other groups affected by energy poverty. Since 2006, more than €81 million has been expended on providing energy efficiency improvements in over 80,000 homes under the Better Energy programme, which is administered by the Sustainable Energy Authority of Ireland, SEAI, on behalf of my Department. My Department and the SEAI had a target of 20,000 homes in 2011 and by the year end a total of 20,388 were completed. This equates to energy savings for recipients of approximately €2.62 million. The SEAI advises that over 5,800 full-time jobs were being supported in 2011 and we expect to support a minimum of 4,500 full-time jobs in 2012.

Energy efficiency is an area of increasing investment and innovation in Ireland. Improving energy efficiency will pay dividends for the environment, energy security and competitiveness. It will also contribute towards meeting our European target of 20% energy efficiency savings by 2020.

Again, I thank Deputies for their co-operation in advancing the Bill.

Question put and agreed to.

An Ceann Comhairle: The Bill will now be sent to the Seanad.

Health (Provision of General Practitioners Services) Bill 2011: Order for Report Stage

Minister for Health (Deputy James Reilly): I move: “That Report Stage be taken now.”

Question put and agreed to.

Health (Provision of General Practitioners Services) Bill 2011: Report Stage

Minister for Health (Deputy James Reilly): Before we continue with proceedings, I would be obliged if, in accordance with Standing Order 140, the Chair would direct the Clerk to make a verbal correction to the text of the Bill. On page 4, line 16, the word “speciality” appears.

This should read “specialty”. Accordingly, I request the Chair to direct the Clerk to change the spelling of the word to “specialty”.

An Ceann Comhairle: Is that agreed? Agreed.

As there are no amendments, we will proceed to Fifth Stage. When is it proposed to take Fifth Stage?

Deputy James Reilly: It is proposed to take Fifth Stage now.

Health (Provision of General Practitioners Services) Bill 2011: Fifth Stage

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

Minister for Health (Deputy James Reilly): I thank Deputies on the other side of the House for their co-operation during the passage of the Bill. It is an important part of Government policy to open up the general medical service to allow doctors who are suitably qualified to deliver services in parts of the country that currently have no service and to open the service to competition, to the benefit of the recipients of the service.

Question put and agreed to.

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

Deputy Clare Daly: To listen to employers’ reactions to the Bill when it was published at the end of last year one would think it was a heroic step forward for workers. Organisations such as the Restaurants Association of Ireland expressed its outrage at the Government’s decision to re-introduce Joint Labour Committee, JLC, wage setting systems, demanding that the Minister abolish the JLCs and allow employers to recruit without barriers. This point was echoed by the Irish Hotels Federation, claiming the Bill was an impediment to job creation, and the Irish Small and Medium Enterprises Association, ISME, said the issue of pay had not been well enough tackled.

Despite wailings from the rump end of employers’ organisations the Bill does not restore previous JLC wage levels. At best there is a partial restoration of the protection that the agreements provided for. It is a bit rich of the Labour Party, in particular, to hide behind the trade unions in accepting this fudge or half-way house as a step forward. It is not a step forward at all.

Let us look at the deal in detail and at the nature of the legislation. The first point one must make about the legislation is that pay will be reduced under it. There are no ifs or buts about that. The setters of the rates must take into account a range of factors, which include the legitimate financial and commercial interests of the employers in the sector in question but also the general level of wages in comparable sectors including comparable sectors in other relevant jurisdictions; the current national minimum hourly rate of pay; and the appropriateness of fixing a higher statutory minimum rate of pay. When one considers all the little caveats and hypothetical arguments, one must ask what other jurisdictions are being talked about. Is the Minister talking about Britain or Northern Ireland, where conditions are not comparable and where the standard of living would be lower than what workers in this country would have to put up with? The vagueness allows employers here to set the rates quite low.

The key issue, which has already been highlighted and which is one of the key weaknesses of the restoration, is the fact that the Sunday rate is gone. The Minister has requested that the LRC devise a code of practice for Sunday working but it is not dependent on consensus between the unions and employers. At best, it is a sort of vague fudge. That the Government

[Deputy Clare Daly.]

keeps saying the organisation of working time legislation gives cover in regard to Sunday work is not good enough because it is a different mechanism of protection and does not establish the necessity of having an extra payment for Sunday. It allows for time off instead or another solution.

That the legislation allows only two higher additional rates of pay is not good. It restricts the scale and manner in which workers can progress. A considerable problem is the fact that the legislation is allowing for sub-minimum rates of pay to be paid in accordance with national minimum wage legislation categories for under-18s in regard to first employment and training. It seems very silent on the sort of training in question. We have all come across very spurious, bogus training schemes that allow employers to escape paying what they are statutorily obliged to pay. Why has a proper, accredited training scheme not been factored in under the National Qualifications Authority of Ireland or other similar organisations? I presume that safeguard must be built into this legislation.

Another major flaw or weakness is in the inability-to-pay sections of the Bill. The legislation is making it possible for employers to plead inability to pay and seek an exemption for between three months and two years. Furthermore, it is stated the Labour Court shall not grant an exemption if the employer has been granted an exemption in respect of the same worker or workers under that subsection within the previous five years. Even the Minister's legislation is telling us that it is anticipated that employers or companies will use the inability-to-pay clause. The Bill allows an employer to plead inability to pay for four out of seven years based on the way it is formulated. It provides for the fact that if workers and the trade unions do not agree, the Labour Court will be able to impose binding arbitration without obtaining the consent of the parties. That is a dangerous clause to include.

It is regressive and regrettable that there is no provision in the legislation to allow workers to examine the books or accounts of employers who are pleading inability to pay. Workers and their representatives should be allowed to see the books where an employer is seeking to evade his obligations under the inability-to-pay clause.

The parts of the legislation that deal with trade union organisation and refer to trade unions being "substantially representative" are dangerous. The unions must prove themselves to be substantially representative. This sounds a little like the circumstances in the United States where union recognition has been whittled away. While I can understand why the Government would include such a clause, it is not as understandable as it might be given that the Labour Party is a partner in Government. The trade union movement, which has been bleating, whinging and gasping for this legislation, is in part shirking responsibility in that it is relying on organs of the State to do the job it was set up to do. If unions spent half as much time organising workers and doing the job they were set up to do as they do running after politicians, workers would achieve far greater protection than they would if they were to rely on legislation alone.

One of the points of misinformation issued by the Government on this subject is that it is claimed that workers currently covered by JLCs will not be affected by the changes in that they are currently covered by their current contracts of employment. That is not a sufficiently good answer. There are, as we know, many workers who, despite the previous JLCs and the existence of NERA, do not have individual contracts of employment. Many employers have questioned the constitutionality of JLCs because of the High Court ruling. If an existing contract refers to an ERO or JLC rate, there is no issue but the figures may not be specified. In that sense, the wages of those already covered by this agreement could be affected.

We have all seen employers using the circumstances that obtain — particularly where there are vulnerable workers, many of whom are of non-Irish origin — to state the law has changed

and that the contracts must consequently be changed. Workers sign under duress and there are insufficient safeguards.

Skills, training and higher remuneration for workers need to be examined. The Minister's press release on the legislation referred to having two additional higher rates of pay based on length of service in the sector or enterprise concerned in addition to standards and skills recognised for the sector concerned. Skills are not mentioned at all in paragraph 42A(4)(b), which deals with the higher rates of pay. It provides for a "minimum hourly rate of remuneration and not more than 2 higher hourly rates of remuneration based on length of service in the sector or enterprise concerned, for all or any such workers". A worker could have a certain period of service, say, ten or 15 years in a particular sector, perhaps in a restaurant, but his new employer could use the ambiguity in the legislation to state he did not have to recognise the employee's greater skills. The employer could state the employee's term of service pertains only to his current employment and that he does not, therefore, have to give the employee higher remuneration.

The key point, which is the same one made last week on the new legislation dealing with agency workers, is that although we can keep introducing legislation, we will be wasting our time unless the necessary supports are put in place to ensure enforcement and we will be creating an illusion that workers are being protected.

In its report in the middle of last year on non-compliance with the old JLC rates, the NERA revealed that the compliance rate in catering was only 26%, that the rate in retail was only 28% and that the rate in the hotel industry was 26%. This was under the old JLC-ERO legislation which we all said established a great system, yet only a small minority, a quarter, of employers were found to be in compliance. Therefore, legislation alone is not enough. If the Minister is serious about safeguards, both enforcement and adequately equipping organisations and individuals such as the LRC rights commissioners must be addressed urgently.

Deputy Tom Fleming: The most important matter in this Bill is that in making any amendments to the Industrial Relations Act 1946 in order to conform to the High Court judgment, these amendments should not only be within the parameters of the judgment but in unambiguous wording which is also compatible with the spirit and intent of the 1946 Act. Any amendments must be framed to ensure the approximately 200,000 workers covered by employment regulation orders, EROs, cannot have their entitlements detrimentally affected and do not lose out on any benefits they currently receive.

The JLCs have served this country well since their introduction and provide a very democratic representation between employers and the unions representing workers. It is well known this has been a tried and tested procedure whereby the JLCs make recommendations to the Labour Court, which then makes an employment regulation order. This process has been highly successful down the years and I would be apprehensive of any major overhaul of the existing Act, particularly as it has survived the test of time and has contributed enormously to industrial peace in many sectors of employment.

The JLCs have also introduced an element of civilisation into the wage structures and conditions of employment in the work system. Employers and employees in certain industries are bound in a highly disciplined fashion by the labour regulations. In the past, low paid workers had often not been represented by trade unions and the JLCs were introduced at that time to give them, in a civilised manner, a floor for wages and employment conditions. Therefore, the main thrust of the JLC concept in the 1946 Act will have to be retained in conforming to the High Court judgment. We must take cognisance of the success of the old system, although the reality is that adjustments have to be made to make it more responsive to the needs of the current economy.

[Deputy Tom Fleming.]

The main emphasis of the legislation will have to be, as it has always been, the protection of vulnerable workers as well as being in the fair interests of the employers in order to ensure the business is viable and remains competitive so as to survive in these challenging economic times. Therefore, it is crucial to strike a fair balance in an equitable manner.

A number of matters arise. The Bill inserts a new section in the Act of 1946 that sets out the principles and policies the Labour Court must take into account when considering whether to register an agreement. The Labour Court will be required to have regard to whether the parties to the agreement are substantially representative of the workers and employers in the sector. In this context, the court shall have particular regard to the number of workers represented by the trade union party. However, given some 200,000 workers are not represented by a trade union, there is an anomaly in so far as the 2010 budget removed the income tax relief for trade union subscriptions. I call on the Minister for Finance to reintroduce that relief. We tend to forget that in private industry only a minority of the workforce is unionised, which leaves a majority of such workers with no professional representation. This incentive should be reintroduced to give them the chance to be properly represented.

Subsection (13) of section 33A provides that if a new worker replaces a worker to whom an exemption relates, the employer may pay the new worker the lower rate. The current protection of employees in regard to temporary agency work is very relevant in this regard. There is a need for protection and I hope that when the legislation for temporary agency work is introduced, it will cover aspects of this. I ask the Minister to take note of this point and to ensure that temporary workers replacing full-time workers would be entitled to all the increments, entitlements and pension rights they should have. This should be considered when drafting the Bill.

Another matter is the reduction of the number of existing JLCs from 13 to six, which is not an acceptable method of dealing with the matter. I ask that the 13 JLCs would be retained for a period of five years. The Bill provides that the Labour Court will, following the commencement of this Act and at regular five-year intervals thereafter, conduct a review of all establishment orders in respect of existing JLCs. I ask that we would retain the existing 13 JLCs for that five-year period.

The composition of the boards of the JLCs is another issue given new appointments to the boards are being considered. I ask that the existing members would be retained to give recognition to the work they have done as well as to their capabilities and the experience and knowledge they have gained, which will be vital in setting up the new JLC system.

Deputy Clare Daly referred to the section precluding JLCs from setting Sunday premium rates but allowing compensation for Sunday working to be assured under the Organisation of Working Time Act 1997. I support the call by Deputy Daly on this matter. We should have a complete reconsideration because there should be some input from the JLCs.

Overall, the main point is that we would have legislation that will be workable, practical and rational and which will follow the concept of the old JLCs, which were set up to protect vulnerable employees. Naturally, we want to ensure our business people will also flourish and continue to exist in the market and create new jobs. We will have to look at all aspects of the issue and strike a very fair balance.

Deputy Nicky McFadden: I wish to share time with Deputies Paul Connaughton and Simon Harris.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Nicky McFadden: I welcome the opportunity to speak on the Bill. In publishing the Bill, the Minister, Deputy Bruton, has recognised the urgent need for a fully reformed and modernised joint labour committee structure. Reform is needed to ensure that the system is constitutionally robust and representative of Ireland's economic situation. This need was made even more evident in the recent High Court judgment which struck down the employment regulation orders as invalid. The decision meant that the EROs made under that system could no longer be enforced and cases against employers for breaches would have to be dropped completely. This would leave employees in a very serious predicament as basic rights could not be protected under the Constitution. Constitutionality is a fundamental issue that had to be addressed urgently.

Registered employment agreements are supposed to provide protection for local contractors as well as for employees whose wages and conditions are set by the agreements. Minimum rates of pay and other conditions of employment for workers in sectors such as hotels and catering are laid down in employment regulation orders made by the Labour Court. These orders are determined by the proposals of the relevant JLCs. Employers are bound to pay rates and provide conditions of employment not less favourable than those prescribed in employment regulation orders.

In dealing with what is undoubtedly a complex and multifaceted issue, important aspects that must be tackled by the Minister include overtime, premium Sunday payments, the number of JLCs and the general function of the system as a whole. The main problem with the previous system was that there was no principle of guidance for JLCs in making wage-setting decisions. This Bill will allow joint labour committees to set a basic adult rate of pay and two higher rates. However, in rate-setting decisions important factors such as unemployment rates and competitiveness must be taken into account. Sunday premium rates will no longer be set by JLCs but will be governed by a statutory code of practice, to be prepared by a labour relations committee. These rates will be recognised, mainly through options set out in the Organisation of Working Time Act. Provisions of time in lieu are not included in these options.

Reformation of the current system is based on two primary objectives. The first is to help businesses survive in what are turbulent times; the second is to protect existing jobs and help create new ones. The commitment to reform the system was outlined in the programme for Government. The economic situation had a significant impact on the labour market, particularly in areas such as retail, hospitality and construction. The reality for employers is that labour costs account for a large part of costs. In the current environment it is vital to ensure that structures are flexible enough to adapt to changing conditions and reflect economic realities.

According to the latest statistics available from the Central Statistics Office there are approximately 33,000 people in the midlands on the live register. This Bill will open an opportunity for employers to create more positions within their companies, which will go some way towards reducing live register numbers. This Bill is an example of a forward-looking reform that is part of an overall commitment to reduce the number of unemployed and get as many people as possible off the dole queues and back to work.

It is the intention of this Government that through this Bill barriers to job creation should be removed in so far as possible while at the same time protecting workers' basic rights. A balance has to be found between improving employer competitiveness and protecting the rights of thousands of low paid workers. It is important to point out that existing workers will not be affected by the changes as they are covered by their current contracts of employment.

I welcome the publication of this Bill and commend the Minister, Deputy Richard Bruton, in all his works thus far.

Deputy Paul J. Connaughton: I thank the Ceann Comhairle for giving me the opportunity to speak on this very important Bill.

Maintaining competitiveness in what are volatile national and international markets is a key element of this Government's economic strategy. To that end, I welcome the provisions of the Bill as it seeks to overhaul wage setting mechanisms radically in response to the current deep recession the country is experiencing. A wage-setting mechanism had evolved in recent decades that reflected an increasing prosperity and sought to ensure that the economic fruits of the Celtic tiger era were shared among workers. Now, in a drastically different economic climate, it is timely and just that these wage-setting mechanisms should be changed to reflect the new challenges faced by industries across all sectors.

This Bill seeks to implement a robust system of protection for workers following a High Court ruling in summer 2011 in which employment regulation orders, EROs, were found by Mr. Justice Feeney to be unconstitutional as they lacked the necessary Oireachtas oversight. This case was one of a number of important cases brought in recent years in respect of wage-setting mechanisms. There are also a number of challenges in regard to electrical and construction registered employment agreements, REAs, pending in the High Court.

Following the judgment of Mr. Justice Feeney, an independent review report, the Duffy-Walsh report, was brought forward, which featured a range of recommendations in terms of wage reform. The introduction of such legislation to reform the JLC system had been part of the commitment in the programme for Government and this commitment was underlined in the EU-IMF memorandum of understanding, by which the Government undertook to introduce legislation to modernise registered employment agreements and employment regulation orders, with a view to reducing the negative impact on both job creation and competitiveness.

The principal measures outlined in the action plan included a proposal that JLCs would no longer set Sunday premium rates or any other conditions of employment covered by universal standards provided for in existing legislation. However, it is important to point out that the special position of Sunday working will still be upheld under section 14 of the Organisation of Working Time Act 1997, and a special code of practice to be devised under that Act.

Employers will be able to seek temporary exemptions from EROs and REAs in cases of financial difficulties. I also welcome the fact that in setting rates, JLCs will have to take into account factors such as unemployment rates, competitiveness and wage trends here and in our major trading partners. This reference to those trading partners is a key inclusion, given that huge disparities in wage rates in certain sectors are giving industries outside this jurisdiction an unfair advantage when it comes to tendering for important contracts. I note that the Minister has signalled his intention to introduce an amendment to clarify this matter. I also welcome the reduction in record keeping requirements for employers in the sectors covered by the JLCs.

Overall, the provisions of this Bill aim to maintain the country's competitiveness in key areas and underpin employment levels in these sectors. As with any such new regime, it is key that proper review structures are put in place and adhered to. The new legislation provides for a review mechanism to ensure that reviews of the JLCs will be undertaken by the Labour Court, at a minimum at five year intervals. These comprehensive reviews will examine the scope of all remaining JLCs and changes to the relevant orders if necessary.

The derogation offered by the current legislation is a key feature of the current Bill, providing a much-needed lifeline to many businesses currently struggling to pay wage bills. The new derogation will pertain where it can be proved to the satisfaction of the Labour Court that there is a genuine inability to pay. It provides that the maximum period to which the derogation can apply is two years and it must be for a minimum of three months. An employer will not

be entitled to seek an exemption if he or she has already received an exemption in respect of the same worker in the previous five years.

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

A safeguard in the Bill is provided in that the Minister may refuse to make any order that he or she considers inappropriate, and if the Minister is not satisfied that the procedures have not been complied with, he or she may refuse to make an order and notify the Labour Court of his or her decision. Another welcome provision in the Bill is that civil penalties will be used rather than the current reliance on criminal sanctions. In recent court decisions the use of criminal law as a sanction for failure to comply with employment registered orders has already been questionable. One hopes this measure represents a move away from incarceration as a remedy to all social ills. The individual industries involved have profit making as a primary aim and therefore civil penalties are wholly appropriate.

This Bill contains a proposal to remove the Sunday premium from the remit of the JLCs and its replacement with a code of practice on Sunday working, to be devised by the Labour Relations Commission. The LRC will seek submissions from employer interests and trade union representatives in preparing the proposed code of practice. The consultation process will result in a code of practice that will be given effect by a ministerial order. This code will provide guidance to all employers and their employees in sectors covered by EROs on the compensatory arrangements that must apply, including the additional amounts deemed reasonable for Sunday working and the procedure to apply in the event of a dispute concerning the various entitlements.

This consultation process should be greatly widened to allow individuals and various interest groups to take part. For example, an increase in the number of people required to work on Sunday could have a huge impact on sporting organisations, youth groups and also many community events such as village fairs and fetes, agricultural shows, county ploughing championships and other community events.

Religious organisations should also be offered an opportunity to have a say on this Sunday working code of practice. Such a consultation process would open the debate on Sunday working practices to a wider public and determine a course of action that takes into account both the undoubted market for shopping on Sundays with the effect that even wider Sunday opening could have on family life across the country. This consultation process must not be limited to only employer interests and trade union representatives but open to the wider public.

Competitiveness across all sectors and industries will be a key factor in putting the economy back on a sound footing. The economic conditions that pertained in the boom times are but a distant memory for many companies and wage-setting mechanisms have to be changed to reflect that. However, I caution that much greater consultation than is envisaged is needed in the treatment of Sunday working practices in the economy for the future.

Deputy Simon Harris: I welcome the publication and introduction of this important legislation. It continues the Government's agenda of both helping job retention and establishing the foundations for economic recovery while supporting the most vulnerable workers in our

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society. It follows on from the restoration of the minimum wage, clearly aimed at assisting lower paid workers, and the jobs initiative, aimed at incentivising small businesses and schemes.

It is welcome to see issues of working conditions discussed in this Chamber once more. For too long, particularly during the boom years, decisions about pay and conditions were taken behind closed doors and never scrutinised or discussed by we, the people's representatives. It is important more discussions on the labour market such as this take place in the House. While I have no difficulty with the Government engaging with vested interests, be they trade unions or business interests, this is the primary forum for such discussions.

An overhaul of the statutory wage-setting mechanisms has long been overdue. The Government was also left with no choice in light of a recent High Court ruling on them. This Bill sets out to fulfil an important commitment in the programme for Government to overhaul inherited wage-setting mechanisms which were farcical, impractical and very much outdated. A balance is to be found in reforming the joint labour committee, JLC, system to ensure a robust system of protection for workers is reinstated but one which gives flexibility to allow businesses to respond to changing economic circumstances.

As we seek to create jobs and to support small and medium-sized businesses, we must also protect the jobs we already have. Job retention is a key consideration for every business and employee. We are faced with the challenge of creating legislation which both protects the position of the worker and ensures employers and employees alike are not trapped in bureaucratic systems which are not suitably responsive to their needs in these difficult economic times. This legislation strikes this balance.

What we are seeking is a move to reinstate the robust protection that workers deserve but in a manner which reflects the operation of a modern economy. When the Minister is criticised by both sides of the debate — business representatives on the one hand, trade union officials on the other hand — for not going far enough, it means he must be doing something right. The Government, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, and the Minister of State, Deputy Perry, are not beholden to either side of that vested interest struggle. The political temptation is always to flock too far to one side. This Bill has resisted that temptation and taken the responsible course, standing by the economy while protecting vulnerable workers, a difficult task in itself.

Several of the Bill's specific measures should be widely welcomed. The first is the introduction of clear principles and policies that JLCs must refer to in setting minimum pay and conditions. This common sense approach will require JLCs to make specific reference to the best interest of employers and workers and the need for competitiveness and wages in comparable sectors. While JLCs may have taken these factors into account in setting wages in the past, it is important this arrangement is formalised and reflected in legislation.

Section 13 provides for a mechanism to allow employers a temporary derogation from the scope of employment regulation orders, EROs, on the grounds of financial difficulty. While the Government is striving to create the right conditions to create additional jobs, it must be recognised many businesses are doing everything they possibly can to retain the staff they already have. It is important any actions this House takes sets out to support businesses in that task.

The idea business is out to reduce the workforce and its labour costs is not reflected in many of the small and medium-sized businesses we public representatives encounter. Since my election, I have had the pleasure of meeting with many local business owners across County Wicklow. In our towns and villages, there is a sense of community and these businesses want to retain and create employment.

Given the current economic circumstances, the mechanism for this derogation is important which will restore confidence to both employers and their employees who look at it rationally. I also welcome the safeguard the Minister included in this provision to prevent worker exploitation by unscrupulous employers. It is clear this will be a one-off exemption of a set maximum duration.

I agree with Deputy Connaughton on the need for consultation and recognition of the different factors in the removal of the traditional Sunday premium from the scope of EROs. However, we must also acknowledge the economy is not nine to five, Monday to Friday. Many sectors involved in EROs may see their busiest days on weekends. Restoring that flexibility to Sunday working arrangements is not just about benefiting employers but about creating conditions in which workers are able to work hours that suit their lifestyles and skills sets. I understand the Minister proposes to complement the removal of the Sunday premium by having the Labour Relations Commission devise a code of practice on Sunday working. I welcome this consultation process, which should be wide as possible.

Just as we are seeing new and additional reforms of the working practices in the private sector, there is scope for further reform in the public sector. Many private sector workers listening to this debate are only too aware of the difficult circumstances facing many businesses. Many of them will also be galled by the anomaly of salary increments being paid to individuals in the public sector earning above €70,000. This is not an attack on the public sector. Pitting of private against public is ridiculous and a legacy of the previous Government. It is helpful to no one. We need to protect all those on modest incomes and vulnerable workers, be they public or private. As many families and businesses struggle in these challenging economic times, we must work to protect the wages and conditions of all low-paid workers while ensuring flexibility and responsiveness in all sectors in which this has not always been the case.

I welcome this legislation and commend it to the House.

Deputy Dara Calleary: I wish to share time with Deputy Brendan Smith.

Acting Chairman (Deputy Paudie Coffey): Is that agreed? Agreed.

Deputy Dara Calleary: I have much sympathy for the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, in tackling this legislation. Much of what is contained in the Bill is fair and reflective of how the economy, and small businesses in particular, stands. It contains the wish across the entire House to provide the best possible protection for employees governed by JLCs. I acknowledge the departmental officials in the Chamber who have done their walk to Calvary on this legislation and have probably been nailed to a few crosses along the way. While the Bill may not be perfect, I hope it, combined with reforms to industrial relations institutions such as the Labour Court and the Employment Appeals Tribunal, will provide a far more efficient, robust yet flexible system. The current system is not flexible or responsive in the context of our current economic position and the erosion of workers' rights. Over the past number of weeks, companies have gone out of business overnight and left their workers without basic statutory entitlements, something that rarely happened in the past. This generally involved multinational companies with huge legal advice behind them. We must have a system that is robust and can stand up to that. A little tweaking of the legislation would be welcome.

I welcome the fact that an inability to pay mechanism has finally been devised. Companies have been forced to make difficult decisions over the past number of years and they have had no flexibility under REAs and JLCs. In a number of companies, the workforce agreed with the management without having guns held to their heads about the need for a derogation but management was in a position to implement it. Some of them closed or redundancies were made because every company was tied into an REA. Jobs were lost and Members protested

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about that. I will bring them to businesses where jobs were lost because of the lack of a derogation mechanism and show them the tumbleweed. I tried to introduce it as Minister of State but I was stymied by those who say they were acting in the interest of job creation. The introduction of the inability to pay provision is being diluted by the manner in which the Minister has reduced the redundancy rebate. That will come back to haunt the Government because many companies will be forced to close rather than lay people off because of the massive overnight reduction in the rebate. The strength of the provision will be diminished by that.

Last week, I contributed to the debate on the temporary agency directive. I have not made it a secret since I entered the House that I tend to adopt a pro-business view. We look to business people to create jobs. Governments do not create jobs; they create the conditions for jobs. When one stands up on behalf of business, all sorts of accusations are thrown. I read some of the contributions following my own last week by Members, some of whom have not even worked a day in their life, never mind created a job, who had a go because I stand up for business. I make no apology for that because not every business in the State behaves like La Senza, GAMA or Vita Cortex. Approximately 95% of business people wake up on Monday morning wondering how the hell they will open the door that day and how will they pay the wages or the energy bills. We need to get a debate going to stand up for them in order that in the House we understand the pressure they are under when they wake up Monday morning wondering how they will pay the bills. We have all met business people who are not taking a salary from their business and who are living off savings or other salaries coming into their house because they are paying the bills in an attempt to keep their businesses open while hoping for the turnaround. When legislation is framed that impacts on them, we need to think more about the pressures they are under and I, therefore, welcome some of the flexibilities in this Bill.

The workload of the Labour Court, the Employment Appeals Tribunal and other institutions will increase under the legislation. I acknowledge that the Minister is bringing forward a range of reforms but current tribunal waiting times are unacceptable. It is 74 weeks in Dublin, up from 58 weeks in 2010, and 76 outside Dublin. If cases are urgent and need to be heard quickly, a shorter turnaround than 18 months is needed and the system must be robust in order that rogue employers who let the business community down know they can be tackled urgently.

I refer to NERA. The previous Dáil taught me a lesson about the making of legislation in the House. When the authority came under my watch, there were queues of Members from every side of the House having a go with NERA being described as the biggest anti-Christ in the State. I checked with many of them who had contributed to the debate when the legislation was going through and the majority supported the authority's creation and they gave it all its powers. When NERA began to use the powers it had been given by the House, Members started kicking up. It was an eye-opener. However, the authority needs to engage in an information campaign about the legislation. When it is passed, NERA needs to hit the road and not assume that every employer will know what are their obligations. Instead of carrying out inspections, it needs to conduct information campaigns and fill employers in on their obligations similar to the Revenue Commissioners. I accept we picked on the Revenue last week but it is a good organisation in the context of providing information on people's rights and obligations.

I agree with Deputy Connaughton that we should take this opportunity for a debate on Sunday working. Let us take it out of the industrial relations-business context. There should be a day in the week when workers get a break from the rat race but for many of them, it cannot be Sunday. Some people have to work in order that others can have a break and Sunday is, therefore, not a day of rest for many anymore. It might be Tuesday or Wednesday and a

clash will result if old style ways of doing things are imposed on modern ways of living. Provision should be made for people to take days off but there should not be an insistence on using only one day. This issue should also be considered in the context of people who work six days a week.

The legislation should have been considered in tandem with the temporary agency directive and the reform of various institutions that is coming down the track. At the end of this process, we need a system that is robust and can stand up to legal challenge with the Oireachtas being able to say it did its job properly by introducing strong legislation. We need a flexible system because business and employment patterns are changing. What worked in the 1930s and 1940s does not work anymore and what worked in 2011 probably will not work next year, given the pace of change. Employment cannot always be behind the curve. There is potential in the reform of the JLCs to address this. Agreements must be monitored and changed to reflect different circumstances. I welcome the introduction of time limits to impose change. What happened previously was ridiculous. JLCs would begin a discussion that would go on for years and, in the meantime, workers would lose their jobs. That is a legacy of the old system.

There is a great deal of concern about reducing the number of JLCs. I am not convinced of the merits of retaining a set number of committees. It would be much better to debate the sectors in which such committees should be established. JLCs are needed in the services, retail and a range of other sectors but rather than agreeing a precise number, the sectors in which they are needed should be examined such as those in which labour is transient and in which there is the greatest erosion of labour law. JLCs should be focused on those sectors rather than on ensuring a particular number of committees is set up. Laundries were relevant in the 1940s but they are not today, yet there is still a JLC in place for them.

I have a great deal of sympathy for the Minister. I tried to pursue this agenda previously. I am lucky that I do not have a choir of Labour Party backbenchers in the House having a go at me with their choirmasters in SIPTU leading the charge. We have something we can work on but, by the end of this year, this legislation needs to be enacted as well as the legislation on the reform of various institutions and the temporary agency directive. The Government has taken a range of decisions since November that are anti-business, although that was probably not intentional, such as the VAT increase, the reduction in the redundancy rebate and the reduction in the capital programme. As well as introducing pro-business legislation, the Government needs to get back to implementing pro-business policies. Then maybe we can all start achieving our shared aim of job creation.

Deputy Brendan Smith: I am glad to have the opportunity to make a short contribution on this important legislation.

My colleague, Deputy Calleary, referred to the ongoing dispute in Cork about which Deputies Buttimer and Martin have been exercised for the past number of weeks. On Thursday last, some of the workers from Vita Cortex from Cork were here in Kildare Street along with employees of the Lagan Brick company from Kingscourt in my constituency. I put this issue forward as a Topical Issue debate and was glad that the Minister, Deputy Bruton, came to the House and responded in person. I appeal to the Minister of State, Deputy Perry, to ensure that a further message goes to the Labour Relations Commission that we want that dispute resolved as soon as possible. The Minister of State can, through the appropriate channels, outline our concern and that of the local community about that ongoing dispute. A proper industrial relations architecture is necessary in any modern economy. We must ensure that our workers are adequately protected.

In the case of Lagan Brick, the company, which was established in the 1930s, had approximately 30 employees when one evening in the middle of December last, two of the shop

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stewards were called to a meeting to be told that the employment would cease forthwith. That was not in keeping with the protection of employees Act and, naturally, the issue has been the source of protest since the middle of December last. The issue is before the Labour Relations Commission and a conciliation process has been underway for two weeks. From my dialogue with employees and with SIPTU, I understand that some progress is being made. I appeal to the Minister of State, Deputy Perry, and his Department to ensure that a message goes clearly back to the Labour Relations Commission that we want the issue dealt with and the employees to get all their due rights. Other public representatives — Deputy Ó Caoláin and Senators Byrne and Wilson — have also been speaking publicly on this issue as it affects Cavan, Monaghan and Meath because persons from each of those counties have been employed in Lagan Brick over the years. Our ultimate aim is to seek the production facility back in operation.

There has been a tradition of brick manufacturing in Kingscourt for over 100 years. Some decades ago, there were two brickyards in Kingscourt. We want to see the one surviving brickyard back in production.

I was disappointed that a major company would communicate with its employees the cessation of their employment in such a way, with a few hours notice. It was not adequate. I would appeal to the company and the Labour Relations Commission to ensure that all the workers get their due rights. Staff have been there for many years. One employee I know has worked in the company for over 40 years and many other workers are long-standing employees as well.

I visited the company when the employment subsidy scheme was introduced a number of years ago by the former Tánaiste and Minister for Enterprise, Trade and Employment, Ms Mary Coughlan. With the downturn in economic activity, particularly in the construction sector, demand for the Lagan Brick product had understandably reduced. At that time, the company brought in greater efficiencies. There was a reduction in pay. My understanding is that 25 workers today are doing what 34 workers did previously. That showed the goodwill, faith and determination of the workforce to ensure that they made their plant more effective, more efficient and more productive. I want to see it back in operation as soon as possible.

One person's reform can be another person's pay cut. As the parties in Government have shown us over the past nine months, the use of language and the awarding of statements is pivotal to this debate. Everyone speaks of reforming the JLC system but the problems start when it comes to framing the reform.

Deputy Calleary gave a good outline of the difficulties in achieving the proper balance to protect workers' rights and to ensure that we are also encouraging the creation and maintenance of employment. Fortunately for those affected, the previous Government put the right framework in place by appointing Duffy Walsh at the beginning of last year to examine ways to reform the operation. It reported in May last. The fact that it has taken a further eight months for the Government to arrive at some consensus and get us to today's debate has only succeeded in causing further worry and anxiety for so many employees.

When Duffy Walsh reported some, in particular Labour Deputies, were frustrated in their comments that the Minister, Deputy Bruton's, notion of reform differed considerably from their own and they were good at getting that message out. The spinning and posturing, coming not only from around the Minister but from others, both some in Fine Gael and other commentators in the public media, alarmed everyone concerned with protecting the lowest paid. The attitude of scrapping the JLCs does not assist anybody. It does not assist the overall economy, employees or the overwhelming majority of employers, who are conscientious and hard-work-

ing people and who want to put in place the best conditions and wages and remuneration for their employees.

The programme for Government negotiated and agreed between Fine Gael and Labour refers to reforming the JLC structures but leaves itself open on wider issues, stating, “Reform options will examine the rate of pay for atypical hours”. Perhaps this half-hearted commitment goes part of the way to explaining the unnecessary and unforgivable delay in getting this Bill before the Oireachtas. This is a matter that should have been resolved before we returned after the summer recess. It has drifted unnecessarily. The Fianna Fáil Party was anxious to see it dealt with and it is regrettable that the obvious infighting at Government and Cabinet level, and maybe between the parliamentary parties, delayed the process. Thankfully, what was being touted some months ago has been mitigated.

Acting Chairman (Deputy Paudie Coffey): The Deputy has one minute left.

Deputy Brendan Smith: Of course, the Labour Party is the author of its own embarrassment in this. Its posturing in many instances did not prove worthwhile.

While we welcome the fact that the Minister has been compelled to shift his ground and come closer to the recommendations of the Duffy Walsh report, last night the Fianna Fáil Party spokesperson on enterprise and employment, Deputy O’Dea, outlined some of our remaining concerns with this legislation. He outlined clearly issues that need to be addressed on Committee Stage and we hope that the Minister, Deputy Bruton, and the Minister of State, Deputy Perry, would see fit to address them in a progressive and positive manner.

Deputy Peter Fitzpatrick: I will be sharing time with Deputy Buttimer, if that is agreeable.

Acting Chairman (Deputy Paudie Coffey): Is that agreed? Agreed.

Deputy Peter Fitzpatrick: The Industrial Relations (No. 3) Bill 2011 has been introduced to fully reform and modernise the JLC system. By achieving this, it will fully reflect the challenges of a modern economy and also ensure the system is constitutionally robust. These are notable and commendable aspirations.

The Bill, when enacted, will implement the programme of reform to the statutory wage setting mechanisms agreed by Government in July 2011. It will radically overhaul the system so as to make it fairer and more responsive to changing economic circumstances and labour market conditions. It is this ability to respond in an effective manner to such conditions that gives the Bill great credibility.

It should not be forgotten that the introduction of the legislation to reform the JLC-REA system is a commitment in the programme for Government. In addition, there was a commitment under the most recent EU-IMF memorandum of understanding to legislation before the Dáil to modernise registered employment agreements and employment regulation orders with a view to reducing the possible negative impact on job creation and competitiveness of existing arrangements. The fact that these commitments are being met with this Bill is further evidence of this Government’s fervent desire to live up to all its commitments.

In July 2011 the Government agreed a package of radical reform of the joint labour committee and REA wage settling mechanisms. The reform proposals included the recommendations in the Duffy-Walsh report. In addition the Minister has proposed several non-legislative flanking measures, which include the following reforms: taking steps to reduce the number of JLCs currently in place from 13 to six; standardising benefits in the nature of pay, including overtime and the conditions under which it becomes payable across sectors covered by JLCs; and prepar-

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ing a new statutory code of practice on Sunday working to provide guidance to employers, employees and their representatives in sectors covered by the EROs.

The reforms in the statutory wage setting machinery operating at sector level, in conjunction with putting the JLC and REA systems on a more secure legal and constitutional footing, represent a significant commitment by this Government to protect the lowest paid and most vulnerable workers. These workers by necessity spend a higher proportion of their income on consumption and, consequently, cutting their wages will significantly reduce spending in the economy at a time when the savings rate is already high and domestic demand has collapsed. Any amendment to wage-setting mechanisms should ensure that the incomes of vulnerable low earners are fully protected and that demand in the economy is not further impaired. This is what this Bill achieves.

In taking account of the Duffy Walsh report, the Bill is a solid start in making the system fairer and more responsive to changing economic circumstances and labour market conditions. The overriding objective is to create a framework within which greater efficiencies and necessary adjustments in payroll costs can be achieved in the affected sectors. That has to be welcomed by all stake holders. This Bill has correctly acknowledged the recommendations of the Duffy Walsh report and has gone some way towards implementing them. The report called for a radical overhaul of the system and that is what this legislation does. I have no hesitation in commending the Bill to the house.

Deputy Jerry Buttimer: Deputy Smith's contribution made me smile because on 7 August 2009, the then Minister of State at the Department of Enterprise, Trade and Employment, Deputy Calleary, announced publication of an Industrial Relations (Amendment) Bill and on 9 February 2011, the then Minister for Tourism, Culture and Sport, Mary Hanafin, introduced an independent review. It is incorrect and unfair to claim this Government has been tardy.

It is important that we reflect on where we stand as a society and economy. We have to think differently and flexibly while at the same time striking a balance between protecting workers and supporting employers in creating jobs in, for example, the hotel and tourism sector. These objectives can be mutually compatible. I pay tribute to the Minister, Deputy Bruton, the Minister of State, Deputy Perry, and their officials in bringing to our present position.

What does it mean to be an employee in the Irish workforce of today? The jobs that will be affected by this Bill are in low paid and competitive sectors which require a degree of flexibility. I know several employers in the hotel and tourism sector who are finding it difficult to survive in the current market.

Deputy Harris spoke about the Croke Park agreement. It is time we had an honest debate on that agreement in terms of what it has delivered and where we go next. We should recognise the contribution made by the workers, however, because it is farcical that people on higher pay in the public service are not being questioned at a time when those who work on the front line are being pummelled. There are no more sacred cows when it comes to the public service. I speak as a proud public servant who worked in a classroom and was a school teacher by profession for more than 20 years. We must be flexible and modern but we cannot trample on the worker.

Job creation requires entrepreneurs to invest but it also needs a committed and people-centred workforce. Irish society can offer a very good workforce. It is important that we properly value jobs and appropriately reward work. This is why the Government restored the minimum wage, changed employers' PRSI rates and created incentives for employment. Work is the key to restoring our country's future growth and prosperity. We must never allow a situation to develop whereby it is preferable to be on welfare than to be in a job.

I commend the Minister of State, Deputy Perry, on his work with small and medium enterprises to create sustainable employment. He must be allowed to continue these efforts to eliminate barriers to employment and job retention. This is why the programme for Government highlights the need for reform. In his opening contribution on the Bill, the Minister, Deputy Bruton, stated: “It is necessary to make our economy more flexible, more competitive and more productive.” This is not a question of ideology; it is about retaining jobs, rewarding employers in the tourism and hospitality sector and guaranteeing workers will earn a fair and decent wage.

Deputy Smith referred to the case of Vita Cortex. I welcome that we are in a process of engagement with the Labour Relations Commission, which met yesterday and will meet again on Friday. This is an issue of workers’ rights. These people are not militant. They are not on the public highways trying to hijack or wrong anybody. They are merely seeking their entitlements. Imagine working 40 years in a company and being told at the 11th hour that the employer cannot pay redundancy. A number of young people are in the Gallery on a school tour. I hope they will not grow up in an Ireland where this is allowed to happen.

An employer has a responsibility and we need to consider reform of redundancy legislation. There must be transparency regarding what employers are entitled to offer and what they are statutorily required to provide. We must not allow company structures to be interweaved to facilitate profits, which is fine on one level, if they do not allow requirements to be met. That cannot be allowed to continue.

The Minister speaks about flexibility in the system, and I have no problem with that, provided a balance is struck between employer and employee. We cannot allow anybody to tell us that an inability to pay is a good enough reason to close down a company, particularly in the hospitality and tourism sector, which the Government has used as a benchmark for job creation, with our tourism figures showing that it has been successful. The Vita Cortex and La Senza workers have demonstrated that there is an imbalance, an anomaly, that must be examined. I am heartened by the fact that there are a group of people in Cork — like many of us here, ordinary, decent people with no airs and graces — who are seeking what is their right and entitlement, and they should be supported and encouraged. Equally, however, we must encourage employers not to go down this road.

Jobs, jobs, jobs is what we are hearing every single day. This is what is important. The job of all of us in this House, particularly the Opposition Members, is to create confidence, with the Government, in the economy. If we can get people to spend and to have a positive outlook, we can lift the morale of the country. We can lift the retail sector by creating consumer confidence. Deputy Colreavy said that Governments do not create jobs, and he is right. They do not. Jobs are created by a combination of factors.

Our banking system is not working in the way it should be for small and medium-sized enterprises. Credit is the lifeblood of business. It is what our companies and SMEs require. This morning I attended a very good briefing by the Central Statistics Office for Members and staff of the Oireachtas. I compliment the Houses of the Oireachtas on the presentation. One of the things I was struck by was the number of small and medium-sized enterprises in this country. It is extraordinary that such a massive number of people are employed in such businesses. There are more than 200,000 SMEs, as the Minister of State, Deputy Perry, knows well. The majority of them are employing small numbers of people. What struck me was that we went from having the second highest employment level in the European Union to having the sixth lowest in the space of two years. As a small, open, global economy, we do need foreign direct investment, but we also need inward investment from home. We need people who have the confidence to go in and invest.

[Deputy Jerry Buttimer.]

Our county and city councils have a major role to play in the creation of employment. I made this comment last Friday in the context of the Local Authority Public Administration Bill, which we were debating at that time, and I will say it again today. The planners have a great role to assist in the economic development of our country by allowing people — in the main, entrepreneurs — to create business. They must show initiative, they must interact and they must allow development to take place where jobs could be created.

Equally, the issue of rates and energy costs must be tackled. I am very disappointed that we cannot go after upward-only rent reviews. I will go back to my own city of Cork, where many business are paying rents that are crazy in this modern age. I met a business person the other day who was paying almost €3,000 a week in rent for a holding that is nearly the size of my front room at home. We can no longer sustain that. I heard the Minister for Justice, Deputy Shatter, talk about the legal opinion he was given. However, there must be a realisation that rates need to be brought down. Cop-on must be shown. This is about creating five or ten jobs in small coffee shops or retail outlets.

Equally, our banks must work with people, and in the main they are not doing so. I want this to be highlighted. We must allow credit to flow. Businesses need a certain level of overdraft in order to survive, flourish, create business and assist the local economy. Maybe it is the case that we have too many retail outlets, and our hospitality sector is over-expanded, but I want to avoid a situation in which one could land a jumbo jet on Patrick Street in Cork. I want to see people coming in to shop and engage in recreation in the city of Cork, where I am from. That requires a willingness by employers to be flexible and it also requires flexibility in pay rates and the setting of labour payments. In addition, I hope the enforcement of penalties against employers that transgress the legislative provisions will be considered.

This is an important Bill. I do not agree with the remarks made by Deputy Smith about the Government. A High Court ruling was given and departmental officials sat down and examined it. I appreciate that this is a complex Bill and that it does not keep everybody happy. Indeed, if one looks through the debate pack we were given by the Library and Research Service, one will see that IBEC and the hotel and restaurant federations are up in arms about it. It is important, however, that we think anew. The Bill — particularly section 11, which deals with principles and policies — is very fair-minded. There is a mechanism for further interaction in which employee and employer are in communication and negotiation.

We must get it right when it comes to competitiveness, and we must create employment. We must never allow a welfare system to become the norm at the expense of job creation, and we must consider how we can create jobs and boost domestic confidence in the economy. The Government has made a good start in this regard. We have not got everything right, but we have been fair and balanced and we have put employment and jobs at the core of what we do as a Government. Employers, employees and the Government must work together.

Deputy Sandra McLellan: I welcome the opportunity to speak on this important Bill. First, I extend greetings and solidarity to the workers in Vita Cortex and La Senza and all of the other employees who have had to fight tooth and nail, after years of dedicated labour, just for their redundancy entitlements. I also sympathise with the families and friends of the trawlermen on the *Tit' Bonhomme*, which sank off the coast of Cork last Sunday morning. They are in our thoughts today.

For most people, and for all of those covered by this Bill, the purpose of work is to provide for one's self and one's loved ones. It is about earning at least enough to have a reasonable existence, with the ability to pay for clothes, food, heat, accommodation, transport and other essentials, hopefully with something left over at the weekend for the odd luxury. An important

part of any real debate on the effect of legislation that affects the pay of low-paid workers is an appreciation, understanding and acknowledgement of the fundamental importance of this employment framework to the quality of life of those under its protection.

One wonders how the Minister, his special advisers or his departmental officials, who have for many years earned many multiples of what is earned by people covered by JLCs, can relate to the lives of those for whom they are legislating. However, that raises another question. For whom are we legislating here? Is it the workers who have been caught in a vacuum because of the recent judgment, or has this been, as many might agree, an opportunity to safeguard further and enshrine the role of the employer?

On publishing the Bill, the Minister talked about trying to “strike a balance between protecting vulnerable workers and providing reforms that would make systems more competitive and more flexible to allow for the creation of jobs in these sectors”. This is despite the fact that his

1 o'clock Government’s report on the subject, the Duffy Walsh report, stated that “lowering the basic JLC rates to the level of the minimum wage rate is unlikely to have a substantial effect on employment”. My colleague, Deputy Peadar Tóibín, outlined Sinn Féin’s position on the Bill yesterday. Unless there are necessary changes, in particular on the issue of the Sunday premium but also in terms of the balance between the rights of the employee versus the rights of the employer, we will be unable to accept the Bill in its current form.

It is impossible to ignore the fact that all of this movement on the rights of low paid workers — I acknowledge that the High Court judgment forced the issue and commend the Minister’s prompt action to address it — is happening at a time when high paid workers, including Ministers and ministerial staff and others in the public and private sector, remain relatively unaffected. The word “relatively” and the relative impact of cuts are very important; they are fundamental to the ideological debate that underpins the Government’s thinking and its approach to the economy. So it is that the Sunday premium can be scrapped while, at the same time, it is fine to proceed with the payment of many billions of euro to unguaranteed unsecured bondholders, private speculators and gamblers. They, like the Government’s idea to sell off billions of euro worth of valuable State assets, are sacrosanct.

This does not add up for the workers who will be affected by this Bill. How, on one hand, can one target their Sunday payment and, on the other, leave those who took this country to the brink of ruin untouched? It is simply not fair or right. Weekend work is the only work many workers have and all of them factor the Sunday premium into the household budget to ensure they are in a position to provide for themselves and their families. The relative difference between taking that Sunday premium out of their pockets and taking it out of the pockets of the well-off is simply enormous.

Almost a year ago people voted for leadership and change, and for a move away from cliques and vested interests. It appears the old ways of politics were contagious, and this Government is finding it hard to find a cure. Go raibh maith agat.

Deputy Ciara Conway: I am sharing time with Deputy Gerald Nash.

Reforming the JLCs was a commitment in the programme for Government and I am glad we are responding to that commitment today. We live in an uncertain economic climate and we must respond to it and ensure we have an economy that is not only responsive to job creation but also protects the rights of workers. Among other provisions, the Bill allows the JLC to set the basic rate and the two higher rates of pay. In setting those rates the JLCs will have to take into account factors such as the unemployment rate and competitiveness, two key

[Deputy Ciara Conway.]

factors that impinge on our ability to create and sustain employment, as well as the wage trends in comparable sectors both here and in other relevant jurisdictions.

The Bill provides for companies to derogate from the EROs and REAs in cases of financial difficulty once specific criteria are met. It is true that the Sunday premium rate will no longer be set by JLCs. Although Sunday is a day of rest, in an increasingly secular society this is something that had to happen so we could maintain our competitiveness. Reforming the JLC and registered employment agreements was necessary and I welcome the opportunity to speak on this in the context of the Bill. The legislation contains protections for current JLC workers. This was recommended in the Duffy Walsh report and is most welcome. The Bill also provides for Sunday to be treated as a special day even though we are moving away from the traditional perception of it as a day of rest. It should be recognised and rewarded.

Another welcome aspect of the legislation is that there is flexibility to deal with situations where employers are unable to pay. This was lacking previously. Under the Bill, companies in financial trouble have scope to derogate from the terms of the EROs and REAs. However, the protections afforded to workers are very robust, which is welcome. It is encouraging that the Labour Court will be closely involved in this process. This will encourage investment and support as well as giving assurance to workers. It is vital that we create a culture where job creation is supported while the rights of workers are put to the forefront.

Any opportunity to strengthen the rights of workers in legislation is welcome. Recently, in my constituency of Waterford over 600 employees were given just 30 days notice by a company that was able to take away all its jobs and investment from the city in a short time frame. I welcome the legislation relating to JLCs but we need to examine industrial relations and the rights of workers, particularly in sectors such as the hospitality industry.

Tourism will be vital for Waterford and the south-east region in terms of getting the economy back on its feet. However, the service provided is only as good as the workers employed in it. This is particularly the case in the hospitality sector, which is very much built on what would be called relationship marketing. If people have a good experience, they will return and spend money in the local economy. It is fundamental that workers in this sector of the economy get a good day's pay for a good day's work. That will ensure that tourists will return and spend money in the local economy, be it in the restaurants or shops. I agree with Deputy Buttimer's comment that nobody wishes to see "To Let" notices on premises throughout city centres, as is currently the case. I welcome the legislation and I hope it will provide the stability and certainty that is required to encourage further stimulation in this sector, which I believe will be a thriving one for Waterford and the south east given the tourist attractions and facilities they can offer.

Deputy Gerald Nash: I welcome the opportunity to discuss this legislation. It is very timely. Last July, when the JLC system for protecting low paid workers was struck down in the courts, many on the Opposition benches shouted loudly that the Government, and particularly the Labour Party, would use the court decision as a convenient fig leaf to avoid fulfilling our obligations to lower paid workers. The appearance and content of the Bill clearly give a lie to those claims.

The High Court case brought successfully by John Grace Fried Chicken will not have the devastating effect on workers' rights that was initially feared. Why is that so?

The reason is that the Government has responded quickly and effectively to the vacuum created as a consequence of the court judgment. Fast food may be bad for our health and clog up our arteries but it should not be allowed to clog up the essential rights of lower paid workers or diminish their conditions and right to fair pay. To some extent, it could be argued that the

case may have been helpful because unions, employers, employees and Members of the Oireachtas all knew the system of employment regulation orders and registered employment agreements needed reform. There were, however, widely differing and distinctive views on how to best achieve this.

Some of the agendas peddled in recent months were openly hostile to working people and represented a naked desire to drive down wages to the lowest possible level and trample on hard won rights at work as well as decent, albeit modest, pay. The court decision resulting in the scrapping of the system proved an unexpected boon in some ways in that instead of trying to adjust existing schemes and generate make-do, piecemeal agreements, we were able to start from a blank canvas to create a system that would protect workers and avoid tying employers into a bureaucratic nightmare such as those we have all encountered.

IBEC and others have spoken out against the Bill, with the former describing it as “misguided and unnecessary”. When I hear the shrill cries and screams from some of those who peddle the view that we live in an economy rather than a society I sleep much easier at night in the knowledge that we must still be doing a good job to protect vulnerable workers who are governed by the legislation.

Under the Bill, the number of joint labour committees will be reduced to six, making them easier to understand and implement. Workers will have a clearer understanding of the system, while the maintenance and tracking of agreements will be less onerous for employees. Under the provisions, all current JLC workers will be protected in the new structure as recommended by the Duffy Walsh report published last year. This is a positive development.

The Bill makes legislative provision for companies to derogate from the terms of EROs and REAs in cases of financial difficulty through the insertion of an inability to pay clause. Critically, however, the protections afforded to workers in respect of this clause are highly robust and I am pleased the Labour Court will be closely involved in this process. This provision offers sufficient protection. The legislation to permit the joint labour committees to set three rates, a basic rate and two supplementary minimum rates, to reflect varying levels of service and experience will address many of the concerns raised in this debate. It will also substantially reduce the number of different rates applying across the EROs, while acknowledging that the freedom of JLCs to establish two higher rates for experienced employees is also very important. Measures such as the requirement that unions and employers develop a protocol or statutory code of practice on overtime and the obligation for comprehensive and ongoing reviews of the scope of each individual remaining JLC makes a great deal of sense in the fast changing environment and responds to some of the points made in the Feeney judgment.

The continued recognition that Sunday is not just another working day is very welcome. The rights of workers in respect of Sunday working will be firmly protected by a new code of practice on Sunday working to be devised by the Labour Relations Commission. This will be similar to the existing 1998 code of practice on Sunday working in the retail trade. We need to learn some lessons from how the latter code was implemented or, in some cases, not implemented.

Labour Court involvement in adjudication procedures for new ERO proposals is also a very positive step. In light of everything that has taken place previously, especially in the months since the Feeney judgment, it is clear we have not thrown out the baby with the bath water. While the judgment essentially struck out the old system of protections that was in place for a long number of years, we have ensured that the best principles, the philosophy of equity and fairness and the need to protect the often modest wages and essential rights of workers in certain very fluid sectors of the economy underpins this legislation.

[Deputy Gerald Nash.]

The vultures may well be circling to pick holes in the Bill. I venture that they probably have a metaphorical engine running outside with a view to whisking the legislation over to the courts to have it challenged at the earliest opportunity. I am confident, however, in light of the work done on the legislation in recent months, that the proposals are as robust and vigorous as they can be in terms of withstanding potential challenges.

I pay tribute to the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, departmental officials and many others who were engaged in this process, in which I have also been centrally involved as I sought to achieve a positive outcome. We have invested considerable work in the Bill, as the Minister of State will be aware, and I look forward to its enactment at the earliest possible date. The positive engagement with the Minister in recent months has been an example of coalition government working at its best to resolve obvious philosophical and practical differences which emerged at an early stage of the process.

It is not in anyone's interests to see the wages of workers driven down with official legislative encouragement. It would do nothing for the struggling high streets of all the towns and villages Deputies represent. It would damage social solidarity and vital, basic, everyday economic activity. I am pleased to support the legislation and look forward to its enactment.

Deputy Thomas Pringle: I will share time with Deputy Boyd Barrett. I will take as much time as I can and the Deputy will take the rest if that is fair.

I welcome the opportunity to contribute to this debate on legislation on joint labour committees and registered employment agreements. The Bill arises from a successful court challenge taken last year by a number of employers who sought to have the JLCs and REAs declared unconstitutional. Around the same time as the court case was heard, the Government published the Duffy Walsh review of joint labour committees and regulated employment agreements. This is an important report because it makes a lie of many of the arguments made by employers to justify attacking JLCs and REAs.

Duffy and Walsh estimated that between 150,000 and 205,000 workers were covered by the joint labour committee system in 2009, while between 61,900 and 78,700 workers were covered by regulated employment agreements in the same year. On these estimates, workers covered by JLCs account for 15% of private sector employees, with the retail grocery and catering JLCs accounting for more than half of these employees. They estimated that registered employment agreements account for slightly less than 8% of private sector employees, the bulk of whom are in the construction and electrical industries.

The review found that workers covered by the sectoral wage agreements do not earn a premium compared with workers who are not covered such agreements. This is an interesting finding in the context of the challenge taken by employers to the JLC and REA system. The review also found that lowering the basic JLC rates to the level of the minimum wage rate was unlikely to have a substantial effect on employment. Moreover, controlling for such factors as hours, experience, tenure, education, broad occupation and industry, the review found that the weekly wages of workers in JLC sectors are typically 7% lower than those of other workers who are not covered by a joint labour agreement or registered employment agreement. On average, those covered by REAs earned 3% less than workers who are not covered by the agreements. The authors conclude that, for covered workers, the regression results do not provide evidence that there are positive wage premiums. This finding makes a mockery of employers' claims that JLCs and EROs are a barrier to increasing employment. Where average rates are above the rates set by the orders, it is probably the case that employers are paying higher rates to ensure workers do not unionise and seek to bargain collectively. Employers are

more afraid of organised workers than poorly paid workers and removing the floor is considered to be a way to push down wages and threaten workers further.

The legislation does not address Sunday premium working, relying instead on the Organisation of Working Time Act 1997 to deal with the issue. The Act sets out statutory rights for employees in respect of Sunday working. This means that under the legislation, where an employee is required to work on a Sunday and this requirement is not taken into account in the determination of pay, a number of compensation options are open to the employee in question. These include paying the employee a reasonable allowance having regard to all the circumstances, increasing his or her rate of pay by a reasonable amount having regard to all the circumstances, granting the employee reasonable paid time off work having regard to all the circumstances or providing for a combination of two or more of these measures. These provisions do not give workers sufficient consideration as they place the burden of enforcement on the worker. In many cases, workers who work on a Sunday have no choice and the payment of a premium has compensated them for the inconvenience and loss of family time. Many families on low incomes are affected and must work on Sundays. Sunday is still a very important family day and should be recognised as such with the payment of a premium. With children at school, the times families get to spend together are limited and having to work on Sundays places a heavy burden on many families.

The provisions in the Organisation of Working Time Act, which are intended to ensure compensation for Sunday working, leave a lot of scope for employers to abuse their position and do not give workers enough protection. Even today, many workers do not believe they can stand up to employers and must put up with what is on offer to them. The protection of the JLCs is vitally important to ensure that premium is maintained and that having to work on a Sunday is recognised.

The Bill also provides that employers can claim inability to pay and receive a derogation from the provisions of the Act. This must be carefully policed to ensure employers do not abuse it. If a company has a genuine difficulty, there should be scope for it, in discussion with its workers, to reach an agreement. However, it must fully disclose information to its workers and get their voluntary agreement.

Most workers are loyal to their employment and have a vested interest in ensuring the company stays viable. I have no problem with workers in any company agreeing with management a system of working which could for a period of time allow them to accept lower wages to keep the company going but it must be done in a spirit of complete partnership and equality and with the employer disclosing all the information to the workers. No worker wishes to see a company go out of business and joining the dole queue if he or she can contribute to the success of the business. Loyalty is a very important factor for workers and there is still huge loyalty among workers to their companies.

Section 13 gives power to workers or trade unions to apply to the Circuit Court to enforce an agreement. It states that no evidence will be taken from the employer and that the judge will make a decision. This places too high a burden on workers. Naturally, working people will be reluctant to go to court. There is a fear among people that courts are not places to which they wish to go. The whole judicial system is seen as elitist and not as somewhere workers, who very often may be alone, feel they can get a fair hearing and fair treatment because of the intimidating aspect of going to court and of representing themselves.

In many cases, trade unions will not support workers who need to go to court to assert their rights. That means workers will be left undefended and the potential costs and the operation of the court system will prevent them from exercising their right. Is this a deliberate intention of the Bill? I have seen cases over the past couple of years where workers have been successful

[Deputy Thomas Pringle.]

at the Employment Appeals Tribunal but where employers have exercised their right to go to the Circuit Court in which workers, as a result of financial hardship, cannot defend themselves and automatically lose cases on that basis. That is unfair and the legislation should ensure that NERA or a rights commissioner has an obligation to vindicate the rights of workers through the courts, if necessary. That should be an integral part of this legislation.

In setting wage rates, the new arrangements provide that the rates should take account of comparable rates in relevant jurisdictions. This has been welcomed by the unions in that it removes the constant comparison with Northern Ireland and the UK which was used to harass workers and say they were overpaid. However, there are many other jurisdictions that could be used in a similar fashion. Does “relevant jurisdictions” include Lithuania, Estonia or Poland, places where wages are substantially lower than here? Will employers treat us to the argument that these are the people with whom we are competing but which takes no account of the situation in Ireland in which workers must live? Workers will have no choice but to participate. We should not compare wage rates here with those in other jurisdictions where they may be substantially lower. Constantly comparing them to those in Northern Ireland and the UK is wrong, as is comparing them to other jurisdictions in Europe which might have even lower wage rates. It should not happen in any circumstances.

To a certain extent the Bill protects the JLCs and REAs and maintains them into the future but there are a number of flaws in it. The inability to pay clause needs to be strengthened, the Sunday working premium must be dealt with more comprehensively than relying on the Organisation of Working Time Act and the provisions which allow workers to go to the Circuit Court to have their agreements upheld must be seriously looked at and must take into account the barriers, perceived or otherwise, in going to the courts to have those right vindicated. The rights commissioner and NERA should play a more important role and they should be the first port of call. Workers should be able to rely on them to ensure their rights are vindicated and not just make a decision in their favour. They must ensure that decision is enforced.

Deputy Richard Boyd Barrett: The starting point in discussing this Industrial Relations (Amendment) (No. 3) Bill 2011 is to remind ourselves of the workers with which this legislation deals. They are the lowest paid 200,000 to 300,000 workers, including women workers, young people, part-time workers and immigrant workers. They are also the most vulnerable. One need only look at the areas the JLCs and the EROs cover to see that is the case. We are talking about hairdressing, catering, retail, the hospitality industry, shop workers and so on. These workers are already struggling to have a decent livelihood and are struggling significantly as a result of all the other problems our economy faces which have tended to hit low and middle income families and the vulnerable sectors in our society hardest.

The events of the past few weeks have shone a light on the plight of these workers and the direction in which any legislation dealing with workers in these areas should be heading. This legislation comes up very short in that regard. I refer to the situation in Vita Cortex, La Senza, Lagan Brick, or one I heard about over the past few days which occurred last summer in the Jane Norman chain and which was a carbon copy of the La Senza situation. The appalling treatment of the La Senza workers occurred on a larger and a worse scale in the Jane Norman chain in June where workers were left high and dry in the same circumstances. They received text messages that their jobs were gone but one month’s wages were still outstanding.

I spoke to a very unfortunate young woman worker who had the misfortune of working for Jane Norman and who had not been paid a month’s wages and who subsequently got a job with La Senza to find herself involved in the recent occupation fighting to have her wages paid over Christmas. She is furious at the failure of public representatives, including a considerable

number on the Government side who promised her the sun, moon and stars in June and that they would help her with her plight but who did absolutely nothing about it. There is nothing in this legislation which will help prevent the disgraceful treatment of the La Senza, Jane Norman, Lagan Brick and Vita Cortex workers or anybody in similar situations.

Unless we bring forward legislation to protect the rights and entitlements of workers in those situations, we are missing the point of what needs to happen in terms of legislation on workers rights and entitlements. That failure and the absence in this legislation speaks to the more fundamental problem, or the thrust or direction from which this legislation is coming. As others have pointed out, the striking down of the REAs and the EROs in the courts came from a move by employers' organisations. They wanted to get rid of even the merger protections and rights these lowest paid and most vulnerable workers enjoyed. That is the direction from which it is coming.

Debate adjourned.

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

Ceisteanna — Questions

Priority Questions

Gas Exploration

1. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if he intends to develop a national policy on the extraction of onshore natural gas by hydraulic fracturing; if the issuing of further licences for the exploration and exploitation of this resources will be deferred pending the development of such a policy; and if he will make a statement on the matter. [2620/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): There is potential for Ireland to enjoy both economic and energy security benefits from its indigenous oil and gas resources. These benefits will only be realised through effective exploration. Ireland has a policy of actively encouraging investment by relevant companies in exploration for oil and gas, both offshore and onshore.

Where exploration or production takes place, it is subject to a robust regulatory framework, with a clear objective of ensuring that all exploration and production activities are carried out in a safe manner and do not harm the environment.

I am very conscious of the views that people have strongly expressed that use of the technology known as hydraulic fracturing in exploration and production activities could have a negative impact on the environment. The principal concerns that have been expressed relate to the production phase of a project and environmental considerations arising from the large number of production wells that would be hydraulically fractured.

In February last year, my Department granted onshore licensing options to three companies over parts of the Lough Allen and Clare Basin. The licensing options are preliminary authorisations and are different to exploration licences. The options are for a two-year period from 1 March 2011. During this period, the companies will evaluate the natural gas potential of the acreage, largely based on studies of existing data. Exploration drilling is not permitted under these authorisations.

[Deputy Fergus O'Dowd.]

While it is too early to say if any of the three existing onshore licensing options will progress to the exploration phase, let alone to a production phase, I would like to set out in summary terms the regulatory framework that would apply in Ireland in the case of a shale gas production project. Under the framework a developer would require consents from An Bord Pleanála, the Environmental Protection Agency, the Commission for Energy Regulation and the Minister for Communications, Energy and Natural Resources. All of these authorities have a statutory obligation to consider the potential environmental impact of any proposed petroleum production project. All these processes are subject to EU environmental directives, including the Environmental Impact Assessment Directive.

The policy approach is therefore one of encouraging investment in exploration, while ensuring all exploration and production activities are carried out in a safe manner and without harming the environment.

Deputy Éamon Ó Cuív: I thank the Minister of State for his response but I do not think he really replied to the question. Do we have a wider policy framework in relation to fracking? The Minister of State says that only preliminary licences were given out but the presumption is that if that was successful, one would progress to the next licensing stage. Before we go any further with this, we should have a national policy on fracking. As well as the purely narrow environmental concerns, there are also human, social and community concerns. Members of the House might remember that previous governments decided not to allow mining for gold on Croagh Patrick, even if there were endless supplies there. That was because of the social and wider human concerns about it.

Is it intended that this country should develop a policy on fracking to take all these concerns — not just the purely narrow environmental ones — into account? Will the Minister of State clarify the status of Clare County Council's decision not to allow fracking there? Has the Minister of State examined the reasons why France has banned fracking? That seems to be a very serious decision for a government to take.

An Ceann Comhairle: There are two minutes remaining on this question.

Deputy Fergus O'Dowd: I will answer the last question first. In Britain, a House of Commons committee has recommended that hydraulic fracturing can take place and will not damage the environment.

Any decision made by Clare County Council is a matter for them. If they wish to change their development plan, that is their prerogative. However, if they are going to change it, the plan must go on public display and there will be due process in which my Department will engage. Clearly, there is a democratic process in that regard.

We are talking about three phases: licensing, exploration and production. The full-scale production phase covers the significant issues raised by the Deputy, including how the volume of activity on the ground affects society and impacts on the community. The key matter of importance is protecting the environment.

The EU guidance on regulations is very clear. The following directives apply to fracking: Environmental Impact Assessment Directive; Mining Waste Directive; Water Framework Directive; Reach Directive, which covers the safe use of chemicals; Biocidal Products Directive; Seveso Directive; Habitats Directive; and the Environmental Liability Directive. Therefore, significant environmental safeguards are already built in to any such applications. I am confident that due and proper process through An Bord Pleanála, will be clear and will be taken on board. It is a democratic process and anybody can express their views. Ultimately, however,

if it can exploit gas or oil onshore, it will create a lot more jobs than it would offshore, provided that the environment is protected. Clearly, in the context of all the directives I cited, the EPA will have to apply a full and rigorous examination of all the issues.

Deputy Éamon Ó Cuív: May I ask a second supplementary question?

An Ceann Comhairle: I am sorry, Deputy, but the standing order allows two minutes for the Minister's reply and four minutes for supplementaries.

Deputy Éamon Ó Cuív: It seemed to be more than two minutes.

An Ceann Comhairle: No, it was two minutes. I will give the Deputy ten seconds, if he wishes.

Deputy Éamon Ó Cuív: There are many things I could say, but I will put it simply. To go back to the Croagh Patrick analogy, it might have passed all those technical tests and still not be considered because at the time the State took that policy on gold mining there.

Will the Minister of State consider publishing a Green Paper or a White Paper on the issue of onshore exploration in this country before any further licences are issued? That would treat all the issues in the round in the context of policy, rather than of permits.

Deputy Fergus O'Dowd: The EPA has commissioned preliminary background research into all aspects of shale gas production in the form of a desktop study being carried out by the University of Aberdeen. In addition, the EPA will be commissioning more extensive research on hydraulic fracturing in 2012. A working group involving representatives from my Department and the EPA is currently developing specifications for this study.

An Ceann Comhairle: Before moving to the next question, I wish to set out for the benefit of Deputies that two minutes are available to the Minister for the initial reply and four minutes overall for supplementary questions and replies.

Bord Gáis Grid

2. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he is satisfied with measures being undertaken for the maintenance and safety of the Bord Gáis grid. [2888/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Bord Gáis Éireann is the owner of the national gas transmission and distribution systems, and is mandated with the development and maintenance of the natural gas network under the Gas Act 1976.

The Commission for Energy Regulation is the statutorily independent body charged with all aspects of the licensing of transmission and distribution operators. A key legal responsibility of the regulator is to promote the safety of natural gas for customers and the public generally.

The regulator's remit now also includes specific responsibility for natural gas safety. The Energy (Miscellaneous Provisions) Act 2006 empowered the regulator to regulate from a safety perspective undertakings involved in gas transmission, distribution, storage, supply and shipping. The regulator has established a natural gas safety regulatory framework, including a system for the inspection and testing of natural gas transmission and distribution pipelines. The regulator places obligations on undertakings to ensure that any safety risks associated with their operations are reduced to as low as reasonably practicable. Bord Gáis Éireann's transmission and distribution operations are subjected to ongoing audit and inspection by the regulator. Additionally, Bord Gáis Éireann reports quarterly to the regulator on a comprehensive

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range of safety performance indicators to verify that all operations are in compliance with the overall natural gas regulatory framework.

Safety is Bord Gáis Éireann's first priority and the company is committed to ongoing development and maintenance of the gas networks and systems to ensure safety and to deliver continuous safety improvement and performance. Bord Gáis Éireann also has a continuous programme of safety promotion including the gas efficiency service, the dial before you dig service, promotion of registered gas installers and public awareness of the dangers of carbon monoxide. Since its establishment Bord Gáis Éireann has developed and modernised a national gas distribution pipeline network of nearly 11,000 km and a gas transmission pipeline network of over 2,000 km as well as the two interconnectors with Scotland. There are over 640,000 gas users in Ireland. Bord Gáis Éireann operates the networks in compliance with recognised Irish and international quality and safety standards.

I have every confidence in Bord Gáis Éireann's priority commitment to safety and its safety and emergency response service. There is never room for complacency however and Bord Gáis Éireann is engaged in a constant process of safety review and enhancement working with regulator.

Deputy Martin Ferris: Is the Minister aware that a British company, Balfour Beatty, has been awarded a €400 million contract for the maintenance of Bord Gáis? Is he aware that this company was fined £1.2 million in 1997 following the collapse of the tunnel at Heathrow Airport, which it built? Is the Minister aware that, in 1989, the company was fined £500,000 after a train derailed on a section of the line laid by that company? In 2006 it was fined £7.5 million after a train crash cost four lives and 100 injuries on a section of rail line the company maintained. In 2007, it was fined £180,000 after a fatal electrocution of one of its line maintenance workers. In 2008 it was fined £2.25 million after the Serious Fraud Office found the company guilty of false accounting. In 2009 it was fined £5.2 million by the Office of Fair Trading for corrupt practices in securing construction contracts. Given the record of Balfour Beatty, does the Minister think it is a suitable company to have responsibility for the safety of the gas network?

Deputy Pat Rabbitte: The Deputy has read a list of allegations. The tendering process was in accordance with the requirements and the tender for services was issued through the *EU Journal*. I am aware of some of the background to what the Deputy said but he has made a list of allegations that I cannot say are true or otherwise. The tendering process was designed to bring in a company that had expertise and a track record. The advice I have is that the company is capable of discharging its responsibilities. I will examine what Deputy Ferris has put on the record of the House, some of which is entirely new to me.

Deputy Martin Ferris: I understand that this matter predates the Minister. Is the Minister aware that 13 February is the deadline and that the company, Balfour Beatty, must have 50% of current contractors under subcontract to it? One of those subcontractors is Emerald, which the Minister knows about from Kildare in the recent past. Is the Minister aware that a member of the board of directors of Bord Gáis was chairman of the subcommittee that awarded the contract? Ironically, his office is the Dublin address of Balfour Beatty but he claims not to have taken part in the process. I do find it very strange that his offices accommodate a company that is now—

An Ceann Comhairle: Deputy Ferris should be very careful.

Deputy Martin Ferris: Is the Minister aware of that?

Deputy Pat Rabbitte: All I am aware of is that due care was taken in selecting this company. My understanding is that some of the allegations raised by Deputy Ferris were raised at the time. I am advised that they were satisfactorily disposed of at a time. Having regard to what the Deputy put on the record, I will investigate the matters raised because they are serious allegations.

Energy Resources

3. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources if he intends forwarding an application to the European Union for State aid clearance in respect of a refit support mechanism for the electricity generated by offshore wind, wave or tidal power; if so, when he expects to make such an application; and if he will make a statement on the matter. [2898/12]

Deputy Pat Rabbitte: Ireland's deployment of renewable energy sources in electricity has been increasing steadily in recent years as we work, North and South, to deliver a 40% level of renewable electricity consumption by 2020. There has been good progress from 5% renewable electricity in 2005 to around 15% renewable electricity at present. The challenge is to steadily increase renewable electricity generation in the all-island market from onshore wind and biomass year on year to 2020.

I am confident that Ireland has the capability to achieve its targets for domestic renewable electricity from the onshore wind projects already in the existing gate processes despite the difficulties being encountered and the undoubted planning and financial challenges that remain for a number of projects. In this context I am pleased to confirm that the REFIT 2 onshore wind programme has this week received State aid clearance from the Commission. This welcome certainty on the feed in tariff support for onshore wind will now enable investors to finalise their plans to build out projects over the next number of years.

While offshore wind is already being deployed in some member states as part of delivering on their national renewable energy targets, it is still a very expensive technology to deploy. Offshore wind currently costs in the region of €3 million per MW to deploy compared to the cost of onshore wind which is about half of that.

Wave energy technology is still very much at the research and development stage and the commercial and technical feasibility is not yet proven. While there are very promising wave technology devices in development, they are at pre-commercial stages.

Additional information not given on the floor of the House.

Ireland has a very small electricity market, with around 2 million electricity consumers. The public service obligation levy which is paid by all electricity customers in this small market currently encompasses support for peat, some conventional generation and onshore wind generation. Given the very significantly higher price of developing offshore wind compared to the lower cost onshore, it makes economic sense that we focus on developing our lower cost onshore wind resources to deliver Ireland's binding EU targets for renewable electricity. In parallel we will actively pursue the potential opportunities for renewable energy export which offshore wind represents. I will be working with my UK colleagues through the British-Irish Council and with my EU colleagues through the North Seas offshore grid initiative to deliver on this potential. In the present economic circumstances and given the challenges for Ireland's competitiveness, of which energy costs is a key component, the Government has agreed with my decision not to proceed with the application to the European Commission for State aid clearance for a feed in tariff to support offshore wind in the Irish electricity market. Given the inordinately high costs which would be incurred by business and domestic electricity consumers

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to support such a tariff, we need to focus instead on the opportunity to develop a renewable electricity export market for the offshore wind sector. The best future for Ireland's offshore wind resource lies in becoming an export industry.

Deputy Catherine Murphy: It is welcome that REFIT 2 is taking place. The Minister has differentiated between onshore and offshore energy. The Minister linked Northern Ireland and the South in terms of wind energy and renewable energy but there is a different approach being taken in the North. An article in *The Sunday Business Post* two weeks ago considered how this development is happening in one place but not another. The article was interesting and pointed out that an 800 MW round for offshore wind was announced last month in Down and Antrim. The complaint in the article was that this presented a stark contrast between North and South. How is it viable in the North but not viable in the South? Given the conditions and the fact that Ireland is an island nation, we have a unique advantage that we are not exploiting. While we have enormous ambition about delivery, it is limited if we do not exploit offshore energy. Has the Minister sought clearance from the European Union in respect of offshore energy? If not, why not? The investment that can be made strikes me as something that is well worth exploring. There may be jobs in a range of industries and expertise in the offshore area. Has the Minister sought clearance? If not, why not? Does he intend to seek clearance and when will he do so?

Deputy Pat Rabbitte: I thank the Deputy for her question. I am pleased that we have, at last, got feed-in tariff approval from Brussels in respect of onshore wind.

The answer to the Deputy's question is that I have not made such an application in respect of offshore wind and it is not my intention to do so at this time. It is not simply that I have made a distinction between onshore and offshore wind generation. There is a manifest distinction. Offshore is at least twice as expensive. I am satisfied, on the best advice available to me, that we can make our targets from the development of onshore capacity, biomass and related technologies.

I do not say the Deputy's information about Northern Ireland is not correct, but it is certainly news to me. We are doing relatively well *vis-à-vis* any member state of the European Union, let alone Northern Ireland. If one were to develop an 800 MW farm, as the Deputy suggests, it would impose more than €220 million on the cost of the PSO. The Deputy's question concerns the fact that, because we are an island, we are blessed with bountiful resources in the wind area.

The issue is whether we can develop an export capacity in respect of that and whether the development of such an export industry requires a subsidy. I have looked at that issue and, in my view, we have that prospect. There is no example of this in Europe. There is no cross-border intergovernmental agreement for the export of offshore wind. However, I have spoken with my British counterpart on this matter on a number of occasions and I believe it is possible to develop an intergovernmental arrangement for the export of excess energy from here. However, I do not think it would be a good use of scarce resources to provide a subsidy to do that. We can do it without a subsidy.

Sustainable Energy Projects

4. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if he carried out a fuel poverty and job impact analysis on cuts to the better energy homes scheme; and if he will make a statement on the matter. [2730/12]

Deputy Pat Rabbitte: The Sustainable Energy Authority of Ireland, SEAI, administers the Better Energy programme on behalf of my Department. As I announced in the context of the budget, the Government has committed significant funding of €76 million to the programme this year. It will, therefore, continue to underpin economic activity in 2012, supporting at least 4,500 jobs and realising significant energy savings for households. In the current extremely difficult budgetary and economic environment, the programme is being maintained and will continue to deliver positive economic impacts and consumer benefit.

Grant levels for half the measures have been adjusted for 2012 in light of market developments and to ensure when necessary a better link between grant support and dwelling type. Support for external wall insulation, for example, was originally set at a level designed to stimulate consumer demand and the market development of this sector. It is increasingly clear from the pattern of grant applications for the Better Energy Homes scheme that this measure is in high demand. The adjustment to the external wall insulation grant reflects increased price competitiveness in the market and the relative cost of undertaking this work on the various house types.

There have only been minor adjustments to many of the popular measures, so for the majority of contractors and applicants there will be little or no overall impact. Applications under the programme received prior to 8 December 2011 will be eligible for the grant level at the previous grant rates.

The SEAI models levels of commitment and expenditure patterns on an ongoing basis which has enabled them to successfully manage their budget envelope each year. In addition, the Government's capital investment framework published on 10 November, sets the broad direction, level and sectoral split of capital investment of the years 2012 to 2016. Such capital investment is subject to relevant value for money arrangements, including detailed appraisal prior to the commitment of Exchequer resources.

The programme for Government provides a commitment to roll out a pay-as-you-save, PAYS, retrofit scheme after 2013, which is planned to replace the existing Exchequer funding for Better Energy Homes. The transition to market-based mechanisms by 2014 is complex and detailed work is under way by my Department in conjunction with all relevant Departments, agencies and the energy and financial sectors.

In relation to actions to mitigate energy poverty, I would point out that the Warmer Homes scheme remains open and free-of-charge to eligible applicants. We are introducing changes in the structure of the programme to reflect the Government's affordable energy strategy. Priority will be given to households considered to be in extreme energy poverty, that is, those who spend over 20% of their disposable income on energy. This initiative will ensure that those most in need will be the first to receive the benefit of energy efficiency measures.

Deputy Éamon Ó Cuív: I am disappointed to hear of the narrowing of the Warmer Homes scheme. Anyone with an inefficient house and a low income should be assisted.

In 2010, the budget allocation for the three energy schemes was €94 million and €93 million was actually spent. In 2011, after the jobs initiative budget, the allocation was €99 million. The Minister has cut that to €64.6 million. In 2011, he said he would create or sustain 5,800 jobs, that is, 2,000 jobs in addition to the 3,800. He now says that will be reduced to 4,000 jobs. This amounts to a loss of 1,800 jobs.

Why is the Government reducing the commitment to investing in something that would give a significant long-term return to the economy, as well as making houses comfortable for humans to live in, by reducing a requirement to import very expensive hydrocarbon fuels? The Government seems not to have carried forward the money taken from pensioners last year in the

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pension levy which was meant to go into these schemes. Why did the Government decide to reduce the commitment to these schemes, particularly having robbed the pensioners of Ireland to invest extra money into these schemes?

Deputy Pat Rabbitte: I do not know how robbing the pensioners of Ireland relates to this.

Deputy Éamon Ó Cuív: Income from the pension levy was supposed to go into these schemes. It is not going into them.

Deputy Pat Rabbitte: Deputy Ó Cuív tried to rob them of their medical cards. That is the only robbing I remember.

Deputy Éamon Ó Cuív: That was a socialist approach. People on high incomes should not have medical cards.

Deputy Pat Rabbitte: They fought back with great gusto.

As the Deputy said, €94 million was allocated in 2010 for this very commendable scheme. Unfortunately, the budget was cut to €65 million. That is my figure rather than the €60 million he has.

Deputy Éamon Ó Cuív: €69.4 million. The Minister should check the Estimate.

Deputy Pat Rabbitte: Deputy Ó Cuív's Government cut it by almost one third.

Deputy Éamon Ó Cuív: Then the Government took €30 million off pensioners.

Deputy Pat Rabbitte: When this Government came to office I got €30 million extra under the jobs initiative scheme, and that brought the expenditure to €95 million last year. The previous Government had cut it to €60 million.

Deputy Éamon Ó Cuív: €69.4 million.

Deputy Pat Rabbitte: This year, we are putting in €76 million. I am doing this for a number of reasons. The first is because the previous Government left no money after it when it went out of office. That is the big reason. There is no money. Second, prices are now more competitive than three years ago. One can get this work done in the market place at a discount and we have discounted some elements of this package. Third, I want to meet the demand that exists as far as I can.

When grants were first introduced, the intention was to stimulate the market and to stimulate interest in energy efficiency and retrofitting.

It did that very effectively. Now that it is done, the Government intends to move towards a pay-as-you-save system, as I have explained before. It is possible for us to put in place a financial model that will enable householders to cause this work to be done in their homes out of the savings that will accrue from better thermal efficiency. That is a much better approach than relying on a grant-based Exchequer-funded system.

Deputy Éamon Ó Cuív: What is the projected outturn for last year?

Deputy Pat Rabbitte: The outcome last year was €91 million.

Fishing Vessel Licenses

5. **Deputy Thomas Pringle** asked the Minister for Communications, Energy and Natural

Resources in relation to oyster dredging licences issued recently for Lough Swilly in County Donegal, his views that it is acceptable that Inland Fisheries Ireland do not ensure that the licensee has a commercial sea fishing licence in place for their vessel when issuing the licence even though it is a requirement of the licence that the licensee have an appropriately licensed vessel; and if he will make a statement on the matter. [2977/12]

Deputy Fergus O'Dowd: Inland Fisheries Ireland, IFI, is the agency responsible for the issuing of oyster dredge licences under the 1959 Fisheries (Consolidation) Act. As the Deputy will appreciate, there are other consent processes required in order to engage in commercial oyster fishing. IFI does not have any powers in this regard but does ensure that licences are issued to established oyster fishermen.

Prior to granting of an oyster dredge licence, applicants must satisfy the fishery district inspector that they have a suitable boat, capable of operating a dredge, and a dredge. In addition, all vessels engaged in commercial fishing need to be licensed and registered as sea fishing boats with the Department of Agriculture, Food and the Marine.

Section 278 of the 1959 Act is very prescriptive and does not provide any discretion for IFI in the issuing of licenses. I am advised that IFI believes that if it were to refuse to issue a licence on the basis of the applicant not having completed other consent processes, it would be acting *ultra vires*.

It has always been the responsibility of each applicant to ensure compliance with the full consent processes in order to validate operations in regard to the oyster dredge licence.

Deputy Thomas Pringle: That response defies belief. If one wants a taxi licence, one must have a driving licence to drive a car. The Taxi Regulator does not issue one with a licence and ascertain afterwards whether one has a driving licence.

The licensing criteria state, "No licence will be issued until such time as the applicant who has initially been deemed appropriate for receipt of a licence presents himself with his appropriately licensed boat and dredge to a nominated Inspector of IFI". Despite this, IFI has confirmed to me that it will take no interest in whether a licensee has a commercial sea fishing licence. It states it is a matter for the Sea Fisheries Protection Authority to decide that. The latter has confirmed that, in order to operate with an oyster fishing licence, one must have a commercial sea fishing licence and meet all the associated requirements.

My information indicates there may be some licensees operating in Lough Swilly who do not have the required commercial sea fishing licences. A system that does not verify that licensees meet the basic requirements for operating on the sea is bad. It does not make any sense and is suggestive of maladministration within IFI. In effect, what is occurring on the ground is that people with adequate vessels who cannot obtain licences are being set against people with inadequate vessels who can obtain licences. This does not make any sense. To hand over responsibility for policing the system to the Sea Fisheries Protection Authority does not make any sense either. I urge the Minister of State to ensure that IFI operates a fair and transparent system and that people with adequate commercial sea fishing licences can obtain oyster fishing licences in a proper manner.

Deputy Fergus O'Dowd: IFI does operate a fair and transparent licensing application system. The key point is that only those whose main income is from oyster fishing will get the licence. They must show a record to this effect. Account is taken of oyster fishing activity in each of the preceding five years, and this has a bearing on the grade of licence. One must have a boat and the correct dredge. IFI ensures this and does so very well. The Deputy pointed out that the anomaly in the law is that the Department licenses other types of mollusc fishing, including

3 o'clock

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fishing for clams. We are trying to consolidate all the fisheries legislation. While I cannot make any promises, I will consider the point raised by the Deputy, namely, that the Department should be doing the job in question rather than IFI, which carries out its special responsibility fully and well with no maladministration whatsoever. It is clear, transparent and open.

The number of licences to be issued this year will be 24. The number last year was 22 and it was 16 the year before. The number of licences issued has been increasing but this is based on the capacity to allow people to fish in the area in question, on the grounds that they have due regard for EU habitats directives.

Deputy Thomas Pringle: I accept what the Minister of State is saying but if the law is wrong, it needs to be changed very quickly. The least fishermen should expect is that they should all be operating on a level playing field.

While I fully accept the requirement to restrict the number of licences, people should be able to and expect to apply on a fair and equal basis. If the law is wrong, it needs to be changed.

Deputy Fergus O'Dowd: The existing process allows for appeals. If one is refused a licence, one can appeal to the fishery officer, then at district level and finally a higher level. There are, therefore, three levels at which one can appeal. If one has been sick and submits a genuine written account stating one could not possibly have fished in the preceding years, this is taken into account. The system is fair. We will take on board all the views expressed by the Deputy when we are reviewing the legislation this year.

Other Questions

An Ceann Comhairle: I remind Deputies that the Minister is allowed two minutes for his initial reply and four minutes are allowed overall for supplementary questions and replies, with a one-minute limit on each supplementary question and reply.

Telecommunications Services

6. **Deputy Sean Fleming** asked the Minister for Communications, Energy and Natural Resources the progress made by him in his talks with the telecommunications industry in the forum he established; and if he will make a statement on the matter. [2630/12]

Deputy Pat Rabbitte: Under the NewERA proposals in the programme for Government, there is a commitment to co-invest with the private sector and commercial semi-State sector to provide next generation broadband access to every home and business in the State. The next generation broadband taskforce, which I convened last summer, has an important role to play in this regard. The taskforce, which I chair, comprises the Minister of State, Deputy O'Dowd, the CEOs of all of the major telecommunications companies operating in the Irish market and CEOs of some other companies that provide broadband services. The purpose of the taskforce is to discuss and report on policy issues and proposals in regard to the provision of high-speed broadband across Ireland.

The taskforce, and four working groups reporting to it, are considering issues such as targets, spectrum policy, private sector investment plans and the removal of barriers — for example, local authority wayleave processes — to facilitate investment. I expect that the taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the programme for Government.

The taskforce will conclude its deliberations shortly. I intend to consider the findings, conclusions and recommendations of the report of the taskforce and to make a submission to the

Government in this regard. It is my objective to move quickly thereafter to put in place the optimal policy environment for the delivery of high-speed broadband.

Deputy Éamon Ó Cuív: A favourite term of expression among public servants is “shortly” or “in the near future”. Could the Minister give a more precise definition of what “shortly” means? Does it mean one, two or three months, or three years?

The Minister is now ten months in office. Does he not believe it is time he moved on with regard to broadband? What is his policy, rather than that of the industry, on bringing fibre-based broadband to every home and business? What is his policy on the availability of mobile broadband for those who want to use broadband on the move? Has he set out for the taskforce basic requirements that he needs the industry to meet?

Deputy Pat Rabbitte: What does “shortly” mean? I do not know what it means in the public service, but in this case——

Deputy Éamon Ó Cuív: What does it mean to the Minister?

Deputy Pat Rabbitte: ——in answer to this question, it means “before St. Patrick’s Day”. It is not two years, three years or anything like that. We will bless the report with the shamrock before St. Patrick’s Day.

The work of the task force, as is made very clear, is technology neutral. The merit of it is that it is a unique partnership between Government and the chief executives of the leading operators here. What we are trying to do is to design a road map for the future to find out where the weaknesses are and to prepare for next generation access. I explained there are four different working groups looking at different aspects. The Deputy has a later question concerning spectrum auctioning. Spectrum policy is one of the issues under consideration and another is the remarkable variations that apply in different local authorities in terms of facilitating investment in their own county. These four separate work groups are involved in detailed, painstaking work that comes back to the task force itself.

While I would not like to tell the Deputy that the next meeting of the task force will be the last meeting, I think it will be the last meeting but one and that we will have the report completed by St. Patrick’s Day. I hope it will identify the strengths, weaknesses and deficits, and where investment has to be made for the next generation broadband.

Deputy Éamon Ó Cuív: Does the Minister agree the industry has its interests, which are mainly shareholder interests, and also that some in the industry reputedly, from what we read in the media, have huge financial constraints in regard to what they can do or want to do? I would be interested in finding out what the Minister said the Government wants to do in this regard and the minimum that is acceptable to the Minister, whether directly done by the industry or done by the State.

Second, does the Minister believe in this idea that all technologies are neutral or does he agree that some technologies actually give better results than others? Does he agree that for a fixed premises it is very hard to beat fibre-optic cable? Specifically, has the Minister plans to ensure that, as was done in the 1940s when we decided to roll out electrification to every house in the country, fibre-optic cable is rolled out pervasively throughout the country to ensure high-speed access to both businesses and individuals?

Deputy Pat Rabbitte: The Deputy is right in the sense that any of these private sector companies have a duty to their shareholders — there is no doubt about that. However, they also have a vested interest in serving the largest segment of market they can get in this marketplace

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and, in the process, encouraging a competitive dynamic that does exist, in all fairness, despite the small marketplace. I do not see any point in the State doing what these companies can do well. The problem is that there are areas in which they are less than keen and interested, and there is less of a return for their shareholders. That will leave the Government with a challenge.

It is not a question of whether I believe technology is neutral or that all technologies are neutral. All I am saying is that a guiding principle of the task force is that it will approach the problem from a technology neutral point of view. It would be very difficult to bring together the heads of the telcos operating in Ireland, who have a different interest, and tell them I am only going to roll out fibre-optic cable to homes. If I were to do that, apart from the wisdom——

Deputy Éamon Ó Cuív: It would be stupid to do that.

Deputy Pat Rabbitte: ——it would be stupid to say that and to proceed on that basis. We will avail of all the technologies that are there to make sure we roll out high-speed broadband to the optimum number of homes in Ireland.

Better Energy Programme

7. **Deputy John Browne** asked the Minister for Communications, Energy and Natural Resources the allocation for the better energy homes scheme in advance of 2011; the additional resources committed in the jobs initiative; the overrun at the end of the years; the provision for 2012; and if he will make a statement on the matter. [2615/12]

13. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources the amount of revenue arising from the imposition of the carbon levy that is planned to be ring-fenced for direct use by the Sustainable Energy Authority Ireland towards home energy retrofitting grants in 2012; the overall planned spend by him on fuel poverty alleviation measures in 2012; and if he will make a statement on the matter. [2576/12]

Deputy Pat Rabbitte: I propose to take Questions Nos. 7 and 13 together.

The Sustainable Energy Authority of Ireland, SEAI, administers the Better Energy programme on behalf of my Department. The SEAI was initially allocated €65 million for the programme in 2011. On taking office and in the context of the jobs initiative, I announced an increase of €30 million in funding for the programme, which brought the final capital allocation for the Better Energy programme in 2011 to €95 million. The provisional outturn for 2011 is approximately €91 million.

Measures being supported under the Better Energy programme are those designed to deliver the greatest energy savings, thus maximising the value achieved from the Exchequer allocation. The additional €30 million provided to the programme for 2011 under the jobs initiative delivered a further €30 million in private sector investment.

As announced in the context of the budget, the Government has again committed significant funding of €76 million to the Better Energy programme for 2012. The programme will continue to underpin economic activity throughout this year, supporting at least 4,500 jobs and realising significant energy savings. The budget allocation for 2012 was agreed in the context of the capital review conducted by the Minister for Public Expenditure and Reform. The Better Energy programme meets the key criteria governing the Government's investment priorities. These criteria are as follows: consistency with the programme for Government objectives, including returning to sustainable public finances; supporting sustainable employment and

employment in the immediate delivery phase; and meeting critical economic and social infrastructure deficits.

The Better Energy programme is directly funded by the Exchequer through my Department's Vote. The Exchequer receives its moneys from a variety of sources, including the carbon tax. Revenue from taxation receipts, including the carbon tax, is a matter for the Minister for Finance.

The 2012 allocation for the energy poverty strand of the Better Energy programme is just over €17 million, which will enable 17,000 low-income homes to be retrofitted this year under the warmer homes scheme. In November, I launched the Government's affordable energy strategy, which sets out the range of tangible time-based measures to tackle energy poverty in a cohesive and cross-governmental way. The strategy identifies a number of priority measures, including a commitment to review the national fuel scheme in terms of examining the feasibility of aligning income supports with the energy efficiency and income of the home. We will also progress the phased introduction of minimal thermal efficiency standards for rental accommodation.

Ensuring greater access to energy efficiency measures for those most in need and reforming the eligibility criteria for energy efficiency schemes will ensure that funding under warmer homes is as targeted as possible during 2012.

Deputy Catherine Murphy: I do not need to tease out some of the information further as I just wanted to know the outturns. Where it is up to the Minister for Finance to decide on the amount, is the carbon tax not ring-fenced for particular projects? What really irritates people is that they are paying for something definite, which the carbon tax is, so the carbon tax should be about offsetting in a very demonstrable way the use of fossil fuels.

Second, is it likely the Minister will target people who receive the fuel allowance? There has been a cut of six weeks in the fuel allowance this year. It seems there is a certain element of reducing the impact on those houses, if the house meets the criteria for upgrading, but this is targeted in a certain way due to the impact on the fuel allowance. Is there any relationship with that? Is there a relationship with the Department of Social Protection? Does the information regarding payments such as the fuel allowance come from that Department? If not, can that happen?

Deputy Pat Rabbitte: I agree that what the Deputy mentioned in regard to ring-fencing the carbon tax appears logical. The legal advice, however, is that we cannot have hypothecated taxes in the way we do business in this jurisdiction. I remember raising the same point in terms of the Criminal Assets Bureau, CAB, and the drugs barons, to the effect that where moneys are recouped from drug barons by the CAB they ought to go back to the communities where people's lives have been destroyed by the pushing and selling of drugs, and so on. At the time I set up the drugs taskforces, the Attorney General would not permit that, stating it was not possible under our system to earmark a tax in that way. It does, however, go into the general maw of the Exchequer and I have no doubt the Minister for Finance would say it balances out in the end.

The fuel allowance is a matter for the Minister for Social Protection. In answer to the Deputy's question, there has been very little contact between one Department and another down the years. This has led to the rather crazy situation wherein we are spending the kind of money I mentioned on improving thermal efficiency in homes while, at the same time, throughout the past ten years we have spent in the order of €2 billion in fuel allowance which, in many cases, goes up the chimney. It is not the best way to spend money and I do not know how long it will take to reorient that kind of mindset.

[Deputy Pat Rabbitte.]

After the cut, the fuel allowance applies for 30 weeks. No doubt the Deputy has noticed that since this Government came to office the winter weather is immensely milder — it is like a spring day outside today. That has been one of the big advantages of the change of Government.

Deputy Catherine Murphy: I have some supplementary points. First, the motor tax fund was ring-fenced in respect of the local government fund. I do not know how that could have been done if it is not possible to do the same in this case. Second, the Minister reports there is very little relationship between the two Departments regarding this scheme. Would he consider having a relationship with the Department of Social Protection concerning this scheme in order to go about it in a systematic way, given there are people who are already categorised as requiring fuel allowance?

Deputy Pat Rabbitte: That is a sensible suggestion. I would be glad to do that. I do not have the document with me but we have published the affordable energy strategy. If the Deputy has had the opportunity to read even the executive summary, in that we set out that kind of reorientation of policy in this area.

It is not my business to speculate about the future of fuel allowance or how it may proceed. I will say only that at least in some cases, perhaps in very many, it is not the best use of money. In the work of the Sustainable Energy Authority of Ireland, SEAI, and work in which my Department is involved in improving the thermal efficiencies of homes, I have met some of the people concerned. Any who have had jobs done such as general or attic insulation, replacement of boiler and-or more, report a world of difference. Whatever happens, I hope we will maintain the warmer home scheme which is a far more productive use of money. However, I do not want that to be interpreted as any signal that the fuel allowance is being terminated in any way. That is not the case.

Deputy Éamon Ó Cuív: I welcome what the Minister stated about introducing building energy rating, BER, as a condition of rent allowance. I started that process in Government when I was in the Department of Social Protection. To be honest, I do not know why my predecessors had not done this because it is a no-brainer. When one looks at the statistics one finds that people in rented accommodation make up the largest numbers of those who experience fuel poverty.

The Minister did not answer part of Deputy's Browne's question. According to the estimates we have he is providing €64.6 million — let us say €69 million because we will not argue about €4 million or €5 million. I understand the pension levy is to be taken again this year, amounting to €30 million. Am I right? The pension levy the Government introduced last autumn is to run for three years.

Deputy Pat Rabbitte: What has that to do with the issue?

Deputy Éamon Ó Cuív: That supplies €30 million, which means the normal Exchequer contribution to this scheme comes only to between €30 million to €40 million this year. If the Exchequer provided €60 million last year, to which the Minister has added another €30 million from the pension levy, that makes €90 million. This year the Minister will get the €30 million again because there is a levy on pensioners again. The total sum, according to the figures we have, is €64 million. That means that other than the money being taken from the pensioners to fund this only €30 million is to come from the Exchequer, a halving of the money that came this year.

Deputy Pat Rabbitte: Either I am a bit dim-witted or we are at cross purposes. I am not sure I understand what the Deputy means in respect of the pension levy. What does that have to do with retrofit? My predecessor provided for €65 million in the budget of 2011. My colleague, the Minister for Finance, Deputy Noonan, acceded to my request that an additional €30 million be made available, bringing the total to €95 million. In the event, €91 million was spent.

This year the Government has provided for €76 million to be spent on better energy, which is something of a reduction in keeping with all the other reductions across the board we have had to make in order to make fiscal targets. However, it is still a significant investment in this area, given the times we face. I explained to the Deputy that what I am trying to do is maintain the momentum because interest has been stimulated among people who realise they can make significant savings in their energy bills if they do this work. I am trying to maintain that momentum until I get to the stage where the pay as one saves scheme will be in operation. When it does, in a partnership between the energy supply companies and the banks, there will be a model where the householder can make an application and pay for the work from the savings that accrue over three or four years, whatever time it takes. That is the model we are working on at present. It is rather complex but it is very important that it is not too complex for the citizen to access.

I do not pretend to be stupid but I genuinely do not understand the Deputy's point about our taking such a sum from the pension levy and thereby giving only so much to retrofitting. One could say, equally, that such a sum was taken in the levy but only so much was given to health or environment. I do not know why the Deputy is putting it on my head.

Deputy Éamon Ó Cuív: The reason is the initiative——

An Ceann Comhairle: We are considerably over time.

Deputy Éamon Ó Cuív: I must explain this to the Minister.

An Ceann Comhairle: You can explain it to him afterwards over a cup of coffee.

Deputy Éamon Ó Cuív: The jobs initiative was about giving the €30 million to beef up the amount of money on these schemes. Fair enough, last year the Government did that. However, given all the three card tricks that go on in the Department of Finance, although the €30 million is to come from the system again this year I notice the figure for spending has gone back to the initial figure of last year, more or less. What the Government is doing, therefore, is taking the €30 million and putting it into the Exchequer. That is the usual three card trick the Department of Finance plays. It says it will get extra revenue and provide it for something in particular. It does that the first year but the second year it cuts the amount from the Exchequer and the money raised becomes a tax like every other tax.

Television Licence Fee

8. **Deputy Charlie McConologue** asked the Minister for Communications, Energy and Natural Resources if he will outline discussions he has held with the Department of the Environment, Community and Local Government on amalgamating the household charge with the TV licence fee; and if he will make a statement on the matter. [2642/12]

15. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources if he has considered the abolition of the TV licence in view of new technologies that are circumventing it; and if he will make a statement on the matter. [2646/12]

Deputy Pat Rabbitte: I propose to take Questions Nos. 8 and 15 together.

[Deputy Pat Rabbitte.]

The current television licence system is such that, except for certain classes of social welfare recipients, if one owns a television set one is liable to pay a television licence. An Post is responsible for the collection of television licence fees and for identifying those persons who have unlicensed televisions sets.

The programme for Government commits to examining the role and collection of the television licence fee in light of existing and projected convergence of technologies and to transforming the television licence into a household based public broadcasting charge to be applied to all households and applicable businesses, regardless of the device used to access content.

In line with this commitment, my Department is examining both the effectiveness and efficiency of the existing model of television licence fee collection in the context of the changing technological environment. It is also examining the applicability of various international models for the funding of public service broadcasting. In carrying out the review to date, my Department has been mindful of the need to provide certainty as regards the funding base for public service broadcasting.

Although it is subject to a certain degree of evasion, the existing television licence fee system has provided a stable funding base for our public service broadcasters. Any changes that may be implemented on foot of the review must continue to provide a secure funding base for public service broadcasting while also recognising the reality of new mechanisms to access television content.

The replacement of the television licence fee by a household charge would not have any negative impact on those who comply with the legal requirements to have a licence and pay the fee. Since a key objective is to reduce evasion, it will, however, impact on those who evade payment. The work undertaken by my officials to date indicates that a household charge is a viable proposition for consideration which can provide a transparent funding arrangement for public service broadcasting. It can also address the issue of new mechanisms to access television content.

The work to date also highlights issues which require further consideration. The issues include how to levy and collect the charge. I hope to have a sense of the timeframe and scale of implementation involved in taking this proposal further in the coming weeks. Enabling legislation would be required for this measure. As part of their work on this issue, I can confirm my officials have held preliminary discussions with the Department of the Environment, Community and Local Government on the development of a suitable database of eligible households. I expect these discussions to continue once a final decision on the timeframe and scale of implementation of any household-based public broadcasting charge is made.

Deputy Éamon Ó Cuív: I thank the Minister for his comprehensive answer. As he said, if one were to introduce a broadcasting charge for every household and every applicable business, income would not go down but only up. Other platforms for watching television, such as the iPhone or whatever other way, are still a bit far-fetched for 99.9% of people. However, they are growing in popularity. Will the Minister accept the *status quo* is not a long-term option because of technological change?

To facilitate as wide a range a discussion as possible, will the Minister provide an issues paper on the future of the television licence for consideration by the Oireachtas Joint Committee on Communications, Natural Resources and Agriculture, so it can debate them and have a structured input in the Minister's consideration of the matter?

Deputy Pat Rabbitte: The Deputy is correct the *status quo* is probably not feasible for two reasons, first, the phenomenon of technological convergence and, second, the extent of evasion.

Notwithstanding the best efforts of An Post — I have not been given any credible argument as to why some other agency would do better than An Post — there is still a 15% evasion rate which costs RTE about €25 million a year.

Deputy Éamon Ó Cuív: It also costs the Exchequer, TG4 and the broadcasting fund.

Deputy Pat Rabbitte: Yes, there is the exception of the statutory provision for TG4 and the fund. Up to €25 million in evasion is a significant factor.

While Deputy Ó Cuív claimed 99.9% of the population would not watch television on platforms other than the conventional television set, I believe there is a digital divide in that younger viewers access television content on other platforms. The Ceann Comhairle and I still watch it on the old television set. I suspect Deputy Ó Cuív likewise.

Deputy Fergus O'Dowd: He is still using a black and white set.

Deputy Pat Rabbitte: No, I think Deputy Ó Cuív has upscaled.

Deputy Éamon Ó Cuív: The Minister of State is very wrong. I am very good at using my iPhone.

Deputy Pat Rabbitte: The household charge envisaged in this question, a broadcasting charge, is not an additional charge. Such a charge would replace a television charge.

I have no hesitation in co-operating with Deputy Ó Cuív and the Opposition in presenting before an Oireachtas committee on this matter.

Deputy Éamon Ó Cuív: Would it be possible for the Department, which has access to all the legal advice and so on, to provide a preliminary paper on the issues it is examining? It would allow us to come back with our thoughts on the matter to be added into the mix and fed into the process.

Deputy Pat Rabbitte: That is possible.

Gas Exploration

9. **Deputy Patrick Nulty** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that his Department plans further research on hydraulic fracturing and is currently in the process of drawing up specifications for a more comprehensive research project alongside other stakeholders; the names of these stakeholders; if they will include local community groups in the areas affected such as Clare Fracking Concerned and the Irish Farmers Association; and if he will make a statement on the matter. [2579/12]

14. **Deputy Patrick Nulty** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that his Department has instructed the Environmental Protection Agency to carry out research into the natural gas extraction process hydraulic fracking, which included consultation with the University of Aberdeen, Scotland, on this method; his views that the university's research will be impartial in view of the fact that this university is the hub of the oil and gas industry for the North Sea and also receives generous funding from this same industry; and if he will make a statement on the matter. [2578/12]

Deputy Fergus O'Dowd: I propose to take Questions Nos. 9 and 14 together.

In October 2011, the Minister, Deputy Rabbitte, requested the Environmental Protection Agency, EPA, to conduct research and advise on the environmental implications of hydraulic

[Deputy Fergus O'Dowd.]

fracturing as a means of extracting natural gas from underground reserves. The EPA is funding preliminary background research into the environmental aspects of shale gas extraction and into the regulatory approaches of other countries with a view to helping to establish best environmental practice.

This research is in the form of a desk-based study being carried out by the University of Aberdeen. The EPA consulted with the Department before finalising the terms of reference for this study and a report in respect of the study is expected by the end of February.

The university was one of several parties approached by the EPA based on its expertise in the relevant field and was subsequently awarded the contract. Universities across the world forge links with industry relevant to their area of expertise. However, impartiality is accepted and recognised as a key element to all academic research.

The EPA proposes to commission further, more extensive research on hydraulic fracturing in 2012 with a working group involving representatives from my Department and the EPA established to develop the scope for this study. The research is expected to examine the environmental considerations relating to the use of hydraulic fracturing generally and will not be specific to any particular location or part of the country.

The final specification for this research will only be prepared after the EPA, which is an independent statutory body, has considered the output from the study under way at the University of Aberdeen.

My Department has not received applications for nor licensed the use of hydraulic fracturing in the Irish onshore at this time. Any such application that involved hydraulic fracturing would be subject to an environmental impact assessment. The assessment would include a public consultation phase of four weeks or more which would be advertised on my Department's website and in the local press. This would afford local community groups and the general public an opportunity to comment on the project and its potential environmental effects. My Department would also seek and be guided by the expert advice of other relevant statutory authorities. The outcome of the environmental impact assessment would help determine whether an exploration licence would be granted.

Deputy Patrick Nulty: I thank the Minister of State. It is vital that the research undertaken is objective and is seen to be so. The University of Aberdeen is funded substantially by the oil and gas industry and the Government should examine whether having the research done by a university whose key funders have a vested interest is appropriate, given that fracking is banned, for example, in New South Wales, Australia and Quebec and Canada. The environmental authorities in New York found that 260 different chemicals were used in the process. Does the Minister of State agree that the precautionary principle should apply, that the previous Fianna Fáil-led Government was premature in granting the initial exploratory licences and that there should be a moratorium on fracking in the State until more knowledge and information becomes available to ensure the safety of the entire process?

Deputy Fergus O'Dowd: A licensing option has been agreed and no fracking licence has been granted. If an application is made for the second phase, the exploration licence, the local authority will be involved as a planning application will be necessary. The Department will also seek advice from the EPA. I respect the agency's independence and professionalism and it has been consulted. The University of Aberdeen is the repository of knowledge which the agency has approached and we are happy to take the university's advice. Subsequent to this, there will be more intensive research into the impact of hydraulic fracturing. There is no question, therefore, of getting a biased or one-sided report from an academic institution. Aberdeen university

and other high quality universities are objective, otherwise, by definition, they would not be universities. They have to be objective in their assessments.

If gas is extracted following hydraulic fracturing, all the European environmental directives will apply, including those relating to environmental impact assessments, mining waste licences, water frameworks, REACH and habitats. There is a strong body of directives which must apply if we proceed to that stage but the Department has received no such application.

Deputy Denis Naughten: Will the Minister of State clarify whether the licensing procedure will be suspended until the research in this regard is available? Does he not think it is bizarre that young couples cannot build in County Leitrim because of the EPA standards relating to septic tanks, yet he is considering causing mini-earthquakes that could have an impact on ground-water?

Is he aware that a number of reputable scientists in the US have argued publicly that insufficient scientific data are available there, the home of hydraulic fracturing, to make a balanced decision? The journal, *Scientific American*, recently published a report that the disposal of the waste water deep underground in Ohio caused an earthquake, which registered 4 on the Richter scale. Even in the context of using zero chemical hydraulic fracturing in Ireland, mini-earthquakes will be caused in areas where the detail of ground-water is unknown and the impact of pumping the waste water back underground is not known. Should this process not be suspended through a clear indication from Government until all the data are available?

Deputy Éamon Ó Cuív: Does the Minister of State know the seanfhocal a dheireann, is é an bóthar mór an t-aicearra? The high road is the short cut and the short road is not necessarily the short cut. We are all aware of the difficulties that arose because of Corrib Gas. The Department is repeating the mistake by taking the narrow permission by permission approach without developing an overarching policy on fracking that would not only take into account the narrow environmental concerns but also societal and community concerns. Does the Minister of State believe using physical pads that could be removed in counties Leitrim or Clare is an acceptable development, given the nature of the beautiful countryside? Earlier, I used the Croagh Patrick analogy in the context of oil.

I agree with Deputy Nulty. I was not aware of the fracking issue or that licences had issued because not every Minister knows what every other Minister does every day. I regret that the initial licences were granted by the previous Government before we developed a policy on fracking. As soon as fracking was brought to my attention, I stated a policy was needed before further licences would be issued. I regret the issuing of the initial licences because once one goes down that route, money will be invested and then if a Minister's policy is not to proceed with fracking, the investors are left high and dry and the community concerned will have been treated in a cavalier fashion. Will the Minister develop a broad-based, joined up policy on the extraction of gas by hydraulic fracturing that would take into account not only environmental issues but also social issues affecting tourism, communities and so on? Is he willing to give an undertaking to publish such a policy before further licences are issued in this process?

Deputy Fergus O'Dowd: I inherited the decision made in the month prior to the election by the previous Government to issue licences. Part of the recitation of the licence is that the Department will have to consider but not necessarily grant an exploration licence, which is the second phase, as part of the application. Environmental issues must be dealt with and EPA guidelines, European directives and planning issues must be brought to bear in tandem with the international knowledge the agency will gather. However, no hydraulic fracturing is taking place in the State and no application for same is before the Department. When one is made, all the relevant processes will apply, including planning and consultation. The objectivity of the

[Deputy Fergus O'Dowd.]

EPA is respected internationally and I cannot imagine a Government disagreeing with its advice on any environmental matter. If gas can be extracted without impacting on the environment and all the other issues are addressed, we have to consider that because of our energy deficit.

Written Answers follow Adjournment.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Ann Phelan — representational rights of Oireachtas Members to the Irish Nationalisation and Immigration Service; (2) Deputy Jim Daly — the need to address the accumulation of penalties for people who cannot afford to pay the non-principal private residence charge by the imposed deadlines; (3) Deputy Mattie McGrath — the need to address the problems in the medical card office; (4) Deputy Patrick Nulty — the cuts to community-based family therapy services in mental health; (5) Deputy Thomas P. Broughan — the need to solve the problems faced by residents of the Priory Hall complex, Dublin; (6) Deputy Charlie McConalogue — the front-line services that are due to be cut following the publication of the service plan of the Health Service Executive; (7) Deputy Patrick O'Donovan — the need to consider seeking out a well known personality to head up a campaign to tackle obesity in Ireland; (8) Deputy Timmy Dooley -the need to declare Ireland a fracking free zone; (9) Deputy Simon Harris — the need to re-examine the system of issuing prescriptions; (10) Deputy Paschal Donohoe — the need to review payment methods for the household services charge; (11) Deputy Catherine Murphy — events relating to a recent gas explosion in Leixlip, County Kildare; (12) Deputy Nicky McFadden — the 4th Western Brigade, Athlone, County Westmeath and the new structure of the Defence Forces; (13) Deputy Gerald Nash — ambulance response times for accident cases in the Drogheda area, County Louth; (14) Deputy Maureen O'Sullivan — the current and future status of community employment drugs rehabilitation places; (15) 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; (16) Deputy Derek Keating — the problems of receiving State payments at Lucan post office, Dublin; (17) Deputy Pat Breen — adoption agreements with Vietnam, Ethiopia and Mexico; (18) Deputy Seamus Healy — the need to reverse the decision to defer screening for colon cancer; (19) Deputy Joan Collins — the changes to waste collection that are taking place in the Dublin City Council area; (20) Deputy Gerry Adams — the plans by Diageo to lay off up to 250 workers in Dundalk and Kilkenny; (21) Deputy James Bannon — the provision of funding to Granard community child care facility, County Longford; (22) Deputy Joe McHugh — telecommunications infrastructure in Border regions; (23) Deputy Pearse Doherty — the difference in interest payments for variable rate mortgages, particularly those provided by Permanenttsb; (24) Deputy Mick Wallace — the need to resolve the problems faced by residents of the Priory Hall complex, Dublin; (25) Deputy Eoghan Murphy — the implications of the contract agreed by Dublin City Council with Greyhound Recycling and Recovery; (26) Deputy Luke 'Ming' Flanagan — the further development of the western rail corridor to Sligo; (27) Deputy Michael McGrath — the future solvency and viability of the credit union sector; (28) Deputy Peter Mathews — the need to postpone the redemption of the €1.25 billion Anglo-Irish bond due on 25 January 2012; (29) Deputy Richard Boyd Barrett — the cuts to rent allowances and the thresholds involved; (30) Deputy Brendan Smith — the measures to be taken to ensure that all academic staff remain within the pay cap of €200,000 for senior public servants; (31) Deputy Barry Cowen — the changes in rent supplement announced

recently; (32) Deputy Clare Daly — the need to resolve the problems faced by residents of the Priory Hall complex, Dublin; and (33) Deputy Jonathan O'Brien — the barring of persons from the social housing list who have voluntarily surrendered their homes due to inability to pay their mortgage.

The matters raised by Deputies Michael McGrath, Pat Breen, Maureen O'Sullivan and Anne Phelan have been selected for discussion.

Topical Issue Debate

Financial Services Regulation

Deputy Michael McGrath: I thank the Ceann Comhairle for selecting this matter. I am sure we can all agree on the crucial role credit unions play throughout the island and we are all anxious to protect that unique role in whatever way we can. Following the recent appointment of a special manager by the Central Bank to Newbridge Credit Union, a number of issues arise that need to be addressed.

It is to be welcomed that the members of that credit union and of others around the country reacted in a calm and measured way. We should take this opportunity to again reassure credit union members and depositors that their deposits are secure in every credit union under the deposit guarantee scheme up to the value of €100,000. It is important that we reiterate that at every opportunity.

However, it must be acknowledged that there are issues in credit unions that need to be dealt with and that is why the Commission on Credit Unions was established. Certain mistakes were made in terms of the management of credit unions, the investment policy and the extension of loans, some of which ended up in the property and development sector even though many of them were not intended for that sector at the time they were extended.

Credit unions around the country also acknowledge the need for appropriate regulation, although I believe that many of the lending restrictions that the Regulator has imposed on credit unions are excessively onerous and run contrary to the spirit of community-driven credit unions whereby local discretion is retained. The credit union manager and staff would know their customers personally and are best placed to make lending decisions rather than to work to dictat handed down by the Regulator.

We all will be aware of the contents of the interim report on credit unions, which was published in October last. It painted a fairly bleak picture of the number of credit unions that are seriously under capitalised — 27 of the total of 408 in the country. It showed that €1 billion of loans were in arrears of nine weeks or more at the end of June 2011. Almost one-in-five loans were in arrears to that extent, and that is a serious matter.

I participated in the Committee Stage debate on what became the Central Bank and Credit Institutions (Resolution) Act 2011 last year and I want to raise a number of questions in regard to that and the resolution fund. The Minister for Finance, Deputy Noonan, outlined to the Seanad in October that his estimate of the amount of money that would have to be put into credit unions was between €0.5 billion and €1 billion. I want to ask the Minister of State, Deputy Brian Hayes, whether the Government has revised that estimate based on all the information now available. Some €250 million has been made available in 2012 with provision for a further €250 million in 2013. Will that be sufficient to meet the capital needs of those credit unions that are in difficulty?

[Deputy Michael McGrath.]

I also want to raise the issue of the level of fees being charged by the special manager at Newbridge. Given that this could be the first of a number of such special managers, there is considerable concern at the hourly rate of €432 which is being charged. Perhaps the Minister of State can clarify today who will bear that cost. Will the credit union itself pay for it or will it be paid for by the Central Bank? What are the Minister's plans in regard to invoking the special resolution fund, which is provided for under the Central Bank and Credit Institutions (Resolution) Act 2011 and when does he intend to sign regulations into law under section 15 which require financial institutions to make contributions to that fund?

I hope we will get clarity on some of these issues today because many credit unions around the country and their members want to be reassured on those points.

Minister of State at the Department of Finance (Deputy Brian Hayes): I thank Deputy Michael McGrath for raising this matter and also for addressing it in a measured and common sense way, which I believe will reassure the public and those who have savings in credit unions about the sturdiness of those credit unions as a crucial aspect of lending within society. While difficulty has emerged in respect of some credit unions and some poor lending policy by them, it is in probable marked contrast to the worse lending policy of many of the commercial banks in this country.

The Government recognises the important role of credit unions as a volunteer co-operative movement. As the Minister has highlighted continuously, there is a need for restructuring in the credit union sector. We have made it clear that the Government would provide resources to deal with the problems in credit unions if necessary and that the Government will ensure all necessary measures are taken to ensure a stable credit union sector.

I reassure all savers in credit unions that their savings are secure. The Government's deposit guarantee scheme insures savings in all financial institutions, including credit unions, up to €100,000 per saver per financial institution.

The Government believes that credit unions can continue to play an important role in the Irish financial sector and has established a Commission on Credit Unions to bring forward recommendations by the end of March on the future structure of the credit union sector. The Central Bank strategy on credit unions is designed to be ready to take pre-emptive remedial action to maintain member confidence and protect the financial stability of the sector should issues arise. Where a credit union has specific issues the Central Bank will work closely with it taking the necessary and appropriate regulatory actions. In all cases the Central Bank will engage fully with those credit unions to seek an agreed solution where possible. The priority is to protect members of credit unions and their savings, the financial stability of credit unions and the sector overall.

The Commission on Credit Unions' interim report identified 56 credit unions as under capitalised, 27 of which are considered seriously under capitalised. Of course, Central Bank intervention will not be necessary in all of these cases. In many instances a credit union will trade out of its difficulties and in some instances it will move to restructure or join forces with other credit unions.

The Credit Institutions Resolution Fund is now established under the Act. The purpose of the fund is to provide a source of funding for the resolution of financial instability in, or an imminent serious threat to the financial stability of, an authorised credit institution. This Act applies to credit unions as well as other credit institutions such as banks and building societies. The Government has already provided €250 million in funding to the Credit Institutions Resolution Fund to support resolution where necessary.

Resolution payments will only be made following an assessment on a case-by-case basis undertaken by the Central Bank under the Act. The Central Bank is responsible for managing and administering the resolution fund. All authorised credit institutions, including credit unions, will be required to contribute to this fund.

Provision for the resolution of credit unions, where necessary, is included in the EU-IMF programme of support. The Government has already provided €250 million in funding in 2011 to the Credit Institutions Resolution Fund to support resolution where necessary. We have also committed to making available further resources to deal with any resolution or restructuring of credit unions should it be required.

The Deputy also asks about consolidation and restructuring. This issue is currently under consideration by the Commission on Credit Unions and the Government. The Commission is expected to submit its recommendations at the end of March on how restructuring should best be applied in the Irish credit union sector. Legislation to support restructuring of credit unions will be included in a credit union Bill to be published later this year. The Bill will also provide for a strengthened regulatory framework for credit unions.

I would refer Deputies to the comments by the Minister for Finance, Deputy Noonan on credit unions yesterday where he made it clear that if difficulties arise in a particular credit union the Central Bank stands ready to intervene and give all the assistance necessary to keep it going and to ensure that credit union savings and loans are secure.

An Leas-Cheann Comhairle: Deputy Michael McGrath has two minutes for a supplementary statement.

Deputy Michael McGrath: I thank the Minister of State for his reply. If I may, I will put some direct questions that I hope he will be able to answer.

Is there any update on the outline last October by the Minister for Finance, Deputy Noonan, of the likely cost to the State of recapitalising the credit unions in Ireland? The estimate at the time was between €0.5 billion and €1 billion. The Government has provided €500 million between this year and next. Given that the stress tests have been done and the capital adequacy of the credit unions has been assessed, surely the Minister can give a more precise estimate than one with a broad range of €0.5 billion.

Is there any indication of the scale of consolidation that we are likely to see? That is a cause of concern in communities across the country.

When will credit unions and other financial institutions be required to pay into this resolution fund and are there any concerns that the capacity to pay may not exist in many cases? Clarity on that issue would be welcome.

I raised the issue of the fees for the special manager, which are exorbitant. Presumably he will also be working with a team of people for whom separate charges will apply. This is a matter of concern given the likelihood that a number of special managers will be appointed to credit unions. Where will the burden of that cost ultimately fall?

Deputy Brian Hayes: I will take the Deputy's questions in reverse order. On the question of fees, the application to the High Court was made by the Central Bank, which appointed the special manager to look after the credit union and set his fees. I acknowledge the Deputy's concerns, however, and the Minister and I take the view that, even though this is the first special manager to be appointed, the fees appear excessive. Ultimately, it is for the Central Bank to work out a fair arrangement and pay a rate for the scale of work involved. This case involves a substantial credit union. These fees will have to be reviewed but that will have to be done in the first instance by the Central Bank and the special manager.

[Deputy Brian Hayes.]

On the resolution fund, when the legislation passed through both Houses it became clear that not only credit unions but also other financial institutions would have to contribute. I understand that will happen in 2012. The initial €250 million was provided by the Government but the objective is to increase the fund in 2012. I will revert to the Deputy regarding when that will happen.

It would not be useful for me to comment on the scale of consolidation before we see the final report. It is inevitable that some form of consolidation will occur. At the least, back office staff from a number of credit unions could be merged centrally or regionally to allow for greater consolidation in certain areas.

On the estimate of €500 million to €1 billion which the Minister outlined in the Seanad, these are still the ballpark figures. We will be in a stronger position when the full report of the Credit Union Commission has been published late in March. This will be a busy year for the credit union sector from a legislative perspective because we have given a guarantee that legislation will be in place by the end of the year and we are working with the commission to ensure that happens. The comments and observations from Deputies will be very useful in that context.

Foreign Adoptions

Deputy Pat Breen: I welcome the opportunity to raise the important issue of intercountry adoptions. I commend the Minister for Children and Youth Affairs on the excellent job she has done since taking over her portfolio. She has rightly placed the welfare of our children at the heart of Government. With intercountry adoptions, she inherited the previous Government's decision in January 2010 to suspend indefinitely our bilateral adoption agreement with Vietnam, which left hundreds of families in limbo. Little if any effort was expended on rectifying this situation before she assumed office. I know from working with a number of families in County Clare and elsewhere that they are appreciative of her efforts and the speed with which she has acted.

As Chairman of the Joint Committee on Foreign Affairs and Trade I take a great interest in intercountry adoptions. I am in regular contact with a number of families and I believe that the renewed diplomatic efforts undertaken by this Government have influenced the decision by the Vietnamese Government to ratify the Hague Convention, which will come into effect on 1 February.

In September I visited Vietnam in my role as Chairman of the committee and I met Vietnam's Justice Minister at the request of the Minister, Deputy Fitzgerald. The Minister of State at the Department of the Environment, Community and Local Government, Deputy O'Sullivan, has since met the Vietnamese Minister and the Minister, Deputy Fitzgerald, has just returned from a visit to Vietnam. I found the Justice Minister and the Vietnamese Government very supportive and anxious to renew our bilateral arrangements. I was not surprised when they lodged their documentation for ratification with the Hague Convention on 1 November.

I am aware that a number of technical issues remain to be addressed but significant progress has been made. I ask the Minister to update me on her visit to Vietnam and what she now expects in terms of a final agreement. A number of families are anxious to know when they might expect to be able to recommence their adoption proceedings.

Following my visit to Vietnam a number of families contacted me regarding the possibility of negotiating a bilateral intercountry adoption agreement with Ethiopia. When I raised the matter with the Prime Minister of Ethiopia, Meles Zenawi, in Addis Ababa he assured me that he would bring my concerns to the attention of his relevant Cabinet colleges. I understand the

Minister has given authorisation to the chairman of the Adoption Authority, Geoffrey Shannon, to open discussions with officials in Ethiopia with a view to entering into a bilateral arrangement. I welcome this initiative and I would be grateful if she could update me on those discussions.

We read in Sunday's newspapers the disturbing news about illegal adoptions in Mexico. I realise the Minister may be constrained from speaking in detail on this matter due to possible proceedings. I understand three Mexican women have been arrested and seven babies have been taken into state care. It has been suggested that a number of Irish couples may be involved. Reports suggest that children were bought from cash strapped mothers and then handed over to foreign couples who were looking to adopt. It is an appalling situation. The Adoption Authority has warned parents against entering into private arrangements with agencies or individuals in Mexico and it has been working to formalise procedures between our countries. It is very important that we put in place formal bilateral arrangements which guarantee protection for the adopted child, who must come first. I ask the Minister to comment on this issue, if she is able to do so, and to indicate the progress made on formal arrangements between Mexico and Ireland.

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I thank Deputy Breen for raising this matter, which is of great interest to many Members of this House. I commend him on the important work he has done as Chairman of the Joint Committee on Foreign Affairs and Trade on behalf of my Department during his recent visit to Vietnam.

The Hague Convention on Intercountry Adoption will enter into force in Vietnam on 1 February 2012. This is a significant milestone in seeking to promote a secure basis for intercountry adoption between our two countries, which was effectively in suspension for the past two years.

I have just returned from a useful visit to Vietnam that focused on intercountry adoption. My recent visit to Hanoi provided an opportunity for direct, personal engagement with relevant Vietnamese officials. I have engaged at a political and diplomatic level and my trip coincided with a visit by a delegation from the Adoption Authority of Ireland led by Mr. Geoffrey Shannon. While I was in Hanoi I was briefed on the programme of work that the Vietnamese Government has undertaken to complete the ratification process and improve its systems of adoption. It introduced new adoption legislation and there is a greater motivation to ensure all adoptions are processed centrally. It also wants to improve its systems of child protection and adoption, particularly domestic adoptions.

I met the Vietnamese Justice Minister, Mr. Ha Hung Cuong, who specifically asked me to inform Irish families that Vietnam is ready to implement the Hague Convention and that it is the Vietnamese Government's desire to co-operate with Ireland in respect of intercountry adoption of children for whom suitable families cannot be found in Vietnam. I particularly raised the issue of the 19 families who were caught just at the time when adoptions stopped two years ago and the 200 families who have been assessed. There is major sensitivity towards these families and they will be prioritised.

There are a number of key steps which must be undertaken next. We need to have an administrative agreement with Vietnam; that is the way to ensure best practice. This was the subject of separate discussions by the Adoption Authority of Ireland, AAI, with the relevant body in Vietnam. The authority is continuing its work on the accreditation of agencies, which is essential. We need an agency or agencies that will assist adoptive couples in Vietnam, and I am assured that this will be done by 1 February, which will lead to a further opening of intercountry adoption between the two countries. I have also invited the Vietnamese Minister for justice to visit Ireland. I am hopeful that, pending the developments I have mentioned, we will

[Deputy Frances Fitzgerald.]

see inter-country adoptions beginning again between Ireland and Vietnam in the coming weeks or months. However, it is a changed situation, as the focus will be on domestic adoption first.

With regard to Ethiopia, some adoptions are currently being effected under transitional arrangements. They go ahead. However, I must inform the House that Ethiopia is not a signatory to the Hague Convention and, therefore, following the lapse of the transitional arrangements that currently exist, if we intend to continue adoptions from Ethiopia, a bilateral agreement will be necessary. Under section 73 of the Adoption Act, if I give the authority to the AAI to begin discussions with a non-contracting state to the Hague Convention, that can happen. We would need, if we were to do that, to analyse the current situation in Ethiopia and consider the compatibility of the laws between the two countries and the plans Ethiopia has to sign the Hague Convention. I gave approval very recently to commence the process of examining the feasibility of a bilateral agreement with Ethiopia, and the AAI has confirmed that it has commenced this process. I am conscious of the many families that have adopted from Ethiopia already and that they would like to see adoptions beginning again, but I must emphasise that as Ethiopia is not a signatory to the Hague Convention, this would require the negotiation of a bilateral agreement covering the key issues of consent and the circumstances that might apply if there were to be further adoptions.

The Deputy also asked about the events in Mexico recently which have received extensive coverage. The chairman of the AAI has commented publicly on the recent events. I must point out that comprehensive and clear guidelines about adoptions in Mexico have been on the AAI website for the past 15 months. I asked the AAI to visit Mexico and it did so earlier last year. I commend the authority on the work it has been doing with a whole range of countries. It had, I believe, seven advisories on its website to inform couples of how they should proceed if Mexico was their country of choice for adoption. I reiterate that the Mexican authority has stated there is no provision for private adoptions in the context of inter-country adoption between Ireland and Mexico. On that basis, prospective adoptive parents are and have been advised by the AAI not to enter into any private arrangements with individuals or private agencies in order to effect an adoption in Mexico, which is a signatory to the Hague Convention. That is very clear. Anyone considering Mexico as a country of origin should consult the AAI website for the latest advisory. Those who have already adopted from that jurisdiction or who are in the process of doing so should also refer to the authority's advice, which was issued on 16 January, and there will be further advisories.

The unfortunate developments we have seen in recent weeks underline the vital role of the authority in overseeing the implementation of the Hague Convention and the standards that apply between countries — the standards that must apply if we are to have the protection of children at the centre of our priorities. We want to promote the very best interests of children in our adoption policy nationally and internationally, and that is what is behind the information that is given to people by the AAI. If we do that, it will lead to high-quality decision making with regard to inter-country adoption, and the right decisions being made for children and indeed for parents.

Deputy Pat Breen: I thank the Minister for her comprehensive reply. I thought it was important to raise this issue on the record, because there are many concerned couples out there. As the Minister said, there are 19 couples that were almost on the point of adoption before the agreement was broken. I am delighted to hear the Minister say that any difficulties with the agencies will be sorted out before 1 February. That is important. As I said, I have been contacted by couples not only in my own constituency, but also outside my constituency. Much work has been done in this regard by the Minister in a very short period. Bilateral

relations with Vietnam, not just in the area of adoptions, have also improved substantially as a result of the Minister's visit and those of the former Minister of State at the Department of Foreign Affairs and Trade, Deputy Jan O'Sullivan, and myself as Chairman of the Joint Committee on Foreign Affairs and Trade. I look forward to more progress in this regard.

I know the Minister probably cannot give a timescale for the resumption of adoptions, but that is what every couple wants to know, particularly with regard to Vietnam. When does she think adoptions could proceed again? It is a difficult question as there are still some hurdles to jump, but I know she and her officials in the Department will be working closely with the Vietnamese officials to ensure that any concerns are resolved quickly and that the couples who want to adopt a Vietnamese child can do so as quickly as possible. I believe there are about 800 adopted Vietnamese children already in the country, and when they grow up they will want to know about their culture and heritage. I have visited some of the parents and seen how the children are cherished and loved. However, I also understand the point of view of the Vietnamese Government, which wants to deal with the area of domestic adoptions. I thank the Minister again for her reply.

Deputy Frances Fitzgerald: Since taking office, I have been trying to bring clarity to the area of inter-country adoption. That applies to Vietnam, Russia and Ethiopia — whichever countries we are talking about. For adoptions to take place between two countries, ideally both countries will have signed the Hague Convention; if not, there should be a bilateral agreement. Many Irish parents have already adopted from a range of countries, some of which do not have a bilateral agreement with us. Often, they are anxious to adopt again from the same country. However, the absence of bilateral agreements does make for some difficulties. What I wanted to ensure was that there was no drift and that parents would remain informed. This is why I have, in recent weeks, asked the AAI to send representatives to Florida, Russia, Ethiopia and Vietnam to try to achieve clarity with regard to those countries. We can comment on other countries another time.

With regard to the timescale, two issues must be dealt with before the adoption process can reopen: Vietnam must sign the Hague Convention, which it will do on 1 February, and Ireland needs to have accredited agencies to work there with the couples. My understanding is that both of those issues will be dealt with by 1 February. The contents of the administrative agreement have been agreed. There are some technical difficulties outstanding, but we believe they can be resolved in a number of weeks. The chairman of the AAI is confident they can be resolved fairly quickly.

Inter-country adoption between Ireland and Vietnam will begin to open up again, but I emphasise that because of our new Adoption Act, the standards that apply in the Hague Convention and the new procedures in Vietnam for domestic adoption, it is a different situation. When a child is available for adoption, the Vietnamese authorities must first check whether there are people in Vietnam who wish to adopt him or her, and that will be a priority. Children with special needs will not be in that position, however. The authorities inform me that families will be asked whether they would like to adopt a child with special needs directly, without the need for a domestic adoption procedure. The work there will relate mainly to intercountry adoption.

It is a changed situation. We will put more information up on the websites of both the Adoption Authority and the Department so parents will be as fully informed as possible. That is the best information I can give the Deputy at this point.

Community Employment Schemes

Deputy Maureen O'Sullivan: I thank the Ceann Comhairle for allowing this matter to be discussed in the Topical Issue Debate, particularly as community employment, CE, schemes in general were raised in the Topical Issue Debate yesterday and the Minister for Social Protection, Deputy Joan Burton, was present to discuss them. However, I am raising specific CE schemes which have been ring-fenced because they are part of the national drugs strategy.

There are 1,000 places nationally on these special drug CE schemes, with 130 of them in Dublin's north inner city which is part of the constituency I represent. These CE schemes are part of the delivery of the national rehabilitation strategy in facilitating stabilisation and recovery from problem drug use of the participants in the schemes. Each scheme has a care plan for each participant. The care plan deals with their recovery from drug abuse or misuse and the rehabilitation pathway that is suitable and appropriate for the person. There is development education, with great emphasis on literacy and numeracy, which is vital for many of the people on the schemes. There is training with a view to employment or further education. Part of the programme also deals with safety and healthy living.

Some people self-refer, but there are also referrals from the HSE, the probation service, drug projects and from a variety of places. These programmes are vital. Some of them, such as SAOL in the north inner city, deal with extremely vulnerable women. At present, there is a question mark over CE schemes which is causing difficulties for participants, but it is particularly stressful for the drug rehabilitation schemes.

The Annie Kelly bursary in the north inner city drugs task force area is for people who are in recovery from drug addiction to continue into further education. Many of those who have applied for that bursary are now in third level education or have progressed from third level. They came from those CE schemes. The point is that the ring-fenced CE schemes work. With regard to the review that is taking place, I believe people such as the participants who availed of that bursary should have an input into the review. They will be able to give a first hand account of what the CE scheme has done for them. It is a completely different matter for people sitting in an office and tossing around figures.

The forms that have been sent out to CE schemes for the review have been also sent to the ring-fenced schemes. Cognisance is not being taken of the special nature of those schemes or of the special conditions attached to them, such as the lower ratio of participants. Will the Minister safeguard those CE schemes?

Minister of State at the Department of Health (Deputy Róisín Shortall): I thank Deputy O'Sullivan for raising this matter. I am aware of her active interest in this issue and I commend her on the work she is doing. We need more public representatives to get involved in addressing the many issues associated with drug misuse.

I wish to stress that I am particularly focused on ensuring there is an increased emphasis on moving people from drug treatment to a drug-free lifestyle, where this is achievable. I am on record for expressing, on a number of occasions, my belief and concern that too many people get stuck in methadone treatment without the existence of a clear pathway towards recovery. I am anxious to restore the principle of recovery in our treatment services for drug misusers. We should aim towards recovery and a drug-free lifestyle to the greatest extent possible. There has been insufficient focus on this ambitious goal in the past and we must redouble our efforts to present drug users with opportunities to achieve a life without drugs.

The National Drugs Strategy 2009-2016 and the earlier report of the working group on drugs rehabilitation emphasise the need for our response to be client-centred. We must endeavour to provide a "continuum of care" for problem drug users to enable them to address their health

needs, as well as their general social, housing, educational and employment needs. As Deputy O'Sullivan knows, often the shortcomings have been in the education that has been available to the individual concerned. There are a number of indicators for what predisposes people to drug misuse, and educational disadvantage is a key one.

Drug-specific community employment schemes have made a significant contribution to the broad rehabilitation effort and I acknowledge the role played by FÁS in this regard over the years. This special programme is part of the integrated effort to facilitate and support participants in their ongoing recovery from problem drug use. The programme aims to enable those affected by substance misuse to address those problems through helping to provide more structure to their lives and giving them opportunities to improve their skills.

I assure the Deputy that drug-specific CE schemes continue to play a critical part in the drug rehabilitation effort. I intend to put a renewed emphasis on the area of rehabilitation. The nine-point special conditions for the delivery of the drugs rehabilitation CE places were revised a year ago to ensure consistent and appropriate referral, delivery and implementation in regard to the projects involved. One aim of this process is to ensure that there is a consistent and integrated approach nationally to the referral of people to these CE opportunities.

In the context of the recent budget, I wrote to the Minister for Social Protection, Deputy Joan Burton, emphasising the importance of drug-specific CE schemes in the effort to facilitate rehabilitation from drug use and pointing out that the designation of the 1,000 places involved is made in recognition of the fact that recovering drug users are not, initially in any case, facilitated by a direct labour market mechanism to the same extent as are those in mainstream CE. I subsequently met with the Minister, Deputy Burton, and she is fully aware of the importance of the role that CE schemes play in the provision of crucial social services in communities, and of the particular needs in regard to drug rehabilitation.

The Minister has asked that an initial review of all CE schemes be undertaken by the end of March. In the meantime, no CE schemes will close and any difficulties arising regarding the funding of individual schemes will be addressed. I will continue to work closely with the Minister, Deputy Burton, as will our respective officials, to ensure that the special place of the ring-fenced drug-specific CE places is protected and adequately funded into the future. I am confident such schemes will continue to be a very beneficial part of the drugs rehabilitation effort.

Deputy Maureen O'Sullivan: I am aware of the Minister of State's commitment in this area. I take heart from two of the Minister's statements, namely, the acknowledgement that these schemes have made a significant contribution to the broad rehabilitation effort, and that the Minister of State and the Minister, Deputy Joan Burton, will ensure the special place of these drug-specific CE places is protected and adequately funded. I agree with the Minister about those who have been stuck in methadone treatment and that there must be a way out. However, sometimes harm reduction is the only route for certain people.

Finally, certain CE schemes provide crèche facilities for the people who participate in the ring-fenced schemes. Therefore, while the schemes providing crèche facilities are not ring-fenced, people would not be able to take part in the special schemes unless there was provision for their children. I hope those schemes will be considered as well.

Deputy Róisín Shortall: I take the Deputy's point about harm reduction but, overall, we must be more ambitious in terms of achieving a drug-free lifestyle as far as possible. I appreciate the Deputy's remarks. I am keen that the working group would meet again soon and that we would process this issue through that working group. Before this issue arose there was a question as to why we were not filling the full 1,000 quota. I am anxious to ensure that all those places are taken. I also accept the Deputy's point about child care. I understand that the Minister, Deputy

[Deputy Róisín Shortall.]

Burton, is conscious of the important social service that is provided in many communities through the provision of child care services through community employment, and she is particularly keen to protect them.

Immigration Services

Deputy Ann Phelan: I thank the Ceann Comhairle for allowing me to raise the difficulties I am experiencing, on behalf of my constituents, with the Irish Naturalisation and Immigration Service, INIS. The service is described on its website as a one-stop-shop but appears to be a shop that never opens. For several months now, those contacting the INIS by telephone have been met with the message “We are sorry but due to the pressure of work, we cannot talk to you” or words to that effect. As with other colleagues, I am frustrated by the lack of engagement from the office.

It is unfair for the State to establish channels of communication which deliberately lead a person nowhere. This is a throwback to the days when bureaucracy considered people pursuing their natural right to information fair game and deliberately set out to frustrate them. Thankfully, in the interests of democracy, we have come a long way in recent years to correct unfair bureaucratic practices. Freedom of information is important because it aims to make government open, transparent and accountable. The Freedom of Information Act is based on the premise that people have the right of access to public documents save for certain exemptions on the grounds of national security.

I am not making a far-reaching request which will create substantial costs, nor is the information I seek an international secret or rocket science. All I seek is fair play for those who are unfortunate enough to find themselves in lonely circumstances in a foreign country and turn to public representatives for help. It is incredible that Members of the national Parliament are unable to make contact with the Irish Naturalisation and Immigration Service, an agency which has power over the destiny of constituents who seek basic information about the status of their applications for citizenship, asylum or refugee status. There is no place in modern Ireland for retaining a legacy of bureaucratic elitism in any part of the public service. I appeal to the Minister for Justice and Equality to immediately stop the unfair and obstructive practice in which the INIS office is engaged.

As an agency that interfaces directly with members of the public, the Irish Naturalisation and Immigration Service should convey an image of a friendly, helpful and caring nation. When one telephones bodies such as the ESB, Bord Gáis or local authorities one is sent around all sorts of places and must call all sorts of numbers. It is especially important that we are able to speak to a human voice when dealing with applications for citizenship, asylum and refugee status.

Minister for Justice and Equality (Deputy Alan Shatter): The right of all Members of this House to make representations on behalf of constituents is a core democratic principle and an important part of ensuring that individual rights and interests are properly accounted for in the administration of government. I assure the House that my Department makes every effort to facilitate Deputies to submit representations and queries on individual cases and to provide timely responses to all matters raised. The Irish Naturalisation and Immigration Service, INIS, is particularly aware of the need to respond to representations from Oireachtas Members and customers alike.

The Irish Naturalisation and Immigration Service is responsible for the administration of the State's immigration system and deals with substantial volumes of cases each year. By way of illustration, in 2011 INIS dealt with approximately 164,000 new applications across the immi-

gration spectrum such as applications for visas, residence, protection and citizenship. Understandably, given this volume of activity, a very large number of queries from Oireachtas Members on the status of individual applications is received by INIS. To meet this requirement a dedicated Oireachtas Members e-mail service has been established by INIS and it is my understanding that all Members are aware that it exists. Detailed up-to-date information on such cases can be accessed by Members using this service or by contacting me or my office directly. In addition, the parliamentary questions process is available for general and policy related matters and is also used by Deputies for queries on individual cases.

The e-mail facility operated by INIS is for the exclusive use of Oireachtas Members and was established to facilitate Members seeking information on individual cases, while also enabling large volumes of queries to be dealt with speedily, efficiently and at less cost than the parliamentary questions process. In 2011, almost 4,200 e-mail queries were processed through the Oireachtas e-mail service. The service has been well received and INIS is examining improvements to it. Any suggestions by Deputy Phelan in that regard would be welcome. She may wish to note that in the most recent Dáil session, I replied to 641 parliamentary questions on immigration related matters, which accounted for 45% of all questions answered by me in the period in question. The vast majority of questions concerned individual cases, including queries on the status of citizenship applications.

The Deputy has outlined difficulties experienced in contacting the citizenship section of INIS by telephone. Prior to it being raised here today, I was unaware of the issue to which she refers. I would have been happy if she had brought it to my attention. My door is always open and I encourage all Deputies who encounter issues in accessing any part of my Department to raise their concerns with me or my private office and I will ensure they are dealt with promptly. I am also open to arranging briefings by my officials. In that regard Deputies have been briefed in the past on the Oireachtas mail system. I recollect that in May last, Deputy Phelan was so briefed.

I am advised that the citizenship section operates a telephone helpline two days a week and, on average, deals with 6,000 calls each year. The full details of the various helplines operated by INIS are available on its website. Given the substantial volume of citizenship applications currently on hand, all available resources are being targeted at processing applications. Consequently, the scope to increase the capacity of the helpline service is limited. Nonetheless, I have asked my officials to examine the matter to establish if the telephone service can be enhanced without displacing resources from case processing. However, the telephone helpline is primarily for customers with the dedicated e-mail service being reserved for Oireachtas Members.

Regarding the processing of citizenship applications generally, the measures I introduced last year to deal with citizenship applications have resulted in a significant increase in the number of cases decided. More than 16,000 valid applications were decided last year, compared to 7,785 cases decided in 2010. By late spring-early summer of this year it is anticipated that all standard applications, that is, non-complex cases accounting for 70% of all applications, will be completed within six months. By way of comparison, when I was appointed Minister such cases were taking more than two years to complete.

On 24 June last year I presided over the first formal citizenship ceremony held in this State. Since that date a further 27 such ceremonies have taken place and citizenship ceremonies will continue to be scheduled, including a further group of ceremonies which will take place in the first week of February. Preparation for citizenship ceremonies requires substantial resources from the INIS citizenship section and I thank those working in the section for taking on an

[Deputy Alan Shatter.]

extra burden in the preparation for such ceremonies and the outstanding work they have done when present at such ceremonies.

Given the information I have outlined, I hope the Deputy will appreciate that every effort is made to respond to queries from Oireachtas Members. As I stated, I am always open to any suggestions Members may have, on the understanding that priority will continue to be given to processing cases as expeditiously as possible. My officials will explore the possibility of the telephone line being open for an additional period.

Deputy Ann Phelan: I thank the Minister for his extremely comprehensive response and welcome his statement that he will consider opening the telephone line for a longer period. My office has to my knowledge explored the e-mail facility available to Oireachtas Members. I will check with my office staff as to precisely what satisfaction they have had from the service. In most cases involving the INIS, however, Members need to speak to a person. It is highly frustrating for staff members who contact the service by telephone to be continuously informed that no one is available to speak to them. I will continue to monitor the position.

Deputy Alan Shatter: It is my understanding from colleagues that the e-mail service is working extremely well. Colleagues from all sides of the House who use the service — it is not exclusive to Government Deputies in any shape or form — get speedy responses to queries they raise. On occasions when an urgent issue has arisen in respect of immigration, residence, asylum or citizenship matters Deputies on all sides have the facility of making contact with my private secretary who always follows up matters and has responded to queries raised by Deputy Phelan. I am a little bit at a loss as to what particular difficulties arose for the Deputy's office. I emphasise to Deputies that they should avail of the specially dedicated e-mail service to facilitate Members who are following up issues of concern that arise in this area. To respond to queries, certain basic background information is required — for example, the names and addresses of the individuals concerned and the circumstances which give rise to concern. These matters are dealt with efficiently by use of the e-mail service and I hope Deputy Phelan would avail of the service should any difficulty arise.

Not a day passes without a Member of the House approaching me when I am in the Chamber with a problem which arises within the justice brief — frequently, issues relating to asylum, residency or citizenship. I seek to ensure that whenever something is raised with me, the response is provided. I think we have a good record in that regard.

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

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

Deputy Richard Boyd Barrett: The events of the past few weeks and the appalling treatment of the Vita Cortex, La Senza and Lagan Brick workers and last year the Jane Norman workers, who were treated in a similarly appalling manner, for whom nothing whatsoever was done and who are still owed approximately one month's wages, highlights the inadequacies of the Industrial Relations (Amendment) (No. 3) Bill 2011. It seems to respond to troika demands for so-called labour market restructuring which, to my mind, encourages a race to the bottom in terms of wages and conditions for ordinary workers. It responds to the ideological prejudice of a Government which continuously trots out words like "competitiveness" and "flexibility" as if they were an end in themselves rather than seeing as a priority the rights and entitlements of ordinary workers such as those I mentioned who are being trampled on, in particular in the current climate of recession and austerity in which certain employers seem to take the oppor-

tunity to walk all over the rights of workers and get away with things they would not otherwise get away with.

Where are the protections in this Bill to ensure the disgraceful scenes we saw in La Senza or which we are seeing in Vita Cortex and Lagan Brick are not repeated? That reflects the deeper misguided thrust of this legislation. Of course, I welcome the fact that at some level this legislation is about retaining the JLCs and the REAs after they were struck down by the courts. However, it seems clear the Government is under pressure from its own ideological position, from employers' organisations and from the troika to use this opportunity to weaken the protections that existed in the JLC and the ERO systems. Specifically, it is taking the question of Sunday premiums, overtime rates and so on out of the remit of the JLCs. This will be replaced with a code of practice which will almost certainly lead to a watering down of the rights and entitlements workers should have to Sunday premiums and proper overtime rates. In so far as it seeks to bring in derogations for employers from EROs and JLCs, the emphasis is on the employer side rather than on the rights of workers to the protections the EROs and JLCs have provided in terms of pay and conditions.

It is worrying that in setting wages the emphasis is again on competitiveness and taking into account comparable jurisdictions whatever they might be. It is very important to note in this regard that much of the rhetoric on the Government side surrounding its approach to this legislation is about the need for competitiveness thus implying that wage rates are particularly high in this country and that the group of workers these agreements cover have rights and protections which are somehow uncompetitive *vis-à-vis* our European counterparts. Nothing could be further from the truth. When one takes into account the purchasing power of wages covered by the agreements, one finds that in the hospitality sector, for example, workers in this country have the third lowest level of pay in the EU 15. These are already low paid workers in comparison with their European counterparts and this legislation seeks to give opportunities to employers to diminish the rights of workers in terms of pay and conditions in these areas. That is problematic.

The Government justifies all of this with talk of jobs. Who could disagree with the urgent need to create jobs? There is no evidence whatsoever that reducing the wages of workers who are already low paid does anything other than damage demand in the economy and consequently further depresses the economy and leads to greater levels of unemployment. It is noteworthy that many of our European counterparts, against the backdrop of the current crisis, have protected or even raised minimum wages because they understand that putting decent pay into the pockets of low paid workers sustains demand in the economy. However, this Bill will do further damage.

The fundamental problem is that instead of addressing the core reason we have mass unemployment, which is the decision to bail out banks and to rob ourselves of the investment funds necessary to invest back into the economy to create stimulus and to put people back to work doing important things such as developing industry and so on, we are handing those funds back to bondholders and workers and employers are left scraping for the crumbs which are left in a depressed economy.

The emphasis in this legislation is on the employer side but workers and many employers will suffer if this is the emphasis the Government seeks to take rather than addressing the real root problems of unemployment while at the same time protecting the rights of low paid workers.

Deputy Anthony Lawlor: I welcome the Bill and the alternative Bills put forward by Deputy Tóibín of Sinn Féin and Deputy Willie O'Dea of Fianna Fáil. It is strange that an alternative Bill was not put forward by People Before Profit. It is easy to criticise what has been put

[Deputy Anthony Lawlor.]

forward. I look forward to the amendments which will be tabled by Deputy Boyd Barrett's colleagues. To educate him a little further, from what I understand there are 27 members in the EU and not 15, which the Deputy mentioned.

I welcome the Bill which is the first substantial one since the 1946 Act. One must remember that in 1946, pubs did not open on a Sunday. One of the sectors covered in this Bill is the catering and hospitality trade. At that time, most employment was in the agriculture sector. Currently, approximately 200,000 people are employed in the agriculture sector but at the time of the 1946 Act, farming was a very labour intensive industry. The circumstances now are totally different from those when the 1946 Act was brought forward.

I welcome the contributions made by all Members. I look forward to the amendments that will be tabled on Committee Stage. The Minister has also indicated that he will be bringing forward a number of amendments on Committee Stage. I welcome the speed with which the Minister reacted to the High Court decision back in July by bringing this Bill forward rapidly so that we can now deal with it.

In his speech, the Minister referred to flexibility on a number of occasions. I know that Deputy Boyd Barrett has a problem with the word "flexibility" but we are in different circumstances now. Flexibility in the workforce is a key to the future. New industries are rapidly coming forward and consequently we need a much more flexible workforce. As a result, we need legislation that can also be flexible, taking into consideration the various circumstances in which workers find themselves.

Competitiveness is another key aspect in this context. I am pleased that we have become much more competitive in the last couple of years, particularly in certain sectors. In future, low-paid workers will end up in sectors such as tourism, which in the past was part of the JLCs in the hospitality sector. I know about this sector from my own family background, which was in catering. My brother is involved in the pub trade. It must be recognised that we are now operating seven days a week, rather than five days a week as heretofore. As a consequence, workers are willing to engage in working flexible hours. They also understand the necessity not to be bound by previous JLCs.

The proposed Bill looks after both employers and employees. Employers will get one shot at being allowed to reduce or remove JLCs through this legislation and they cannot come back for five years. I have a slight problem with that, so I will talk to the Minister about tabling an amendment to remove the five-year period. It should be up to the Labour Court to decide whether an employer can avail of circumstances to change this matter. The Mandate union should make a submission to the Joint Committee on Jobs, Social Protection and Education as quickly as possible. I urge it to do so.

Much of the workforce is currently involved in casual labour. One third of those in receipt of unemployment benefit have some work, but we should encourage more unemployed people to re-enter the workforce through casual work. We must adapt social payments so that those who want to work two or three hours a week, or can only get casual jobs, will not be punished as a result.

Deputy Seán Kyne: I am pleased to say a few words about this Bill. One element of politics I particularly dislike is the clear attempt to define politicians as being on the left or the right. It assumes that to be concerned about the lowest paid and most vulnerable in society one is left wing, and that if one is right wing it is all about big business and profits. I do not subscribe to that type of politics. While business start-ups are a vital requirement for economic recovery, particularly in the tourism, service and manufacturing sectors, workers in these areas need basic protection and rights.

In the Jobs Initiative the Government took a decision to reverse the minimum wage cut enacted by the previous Government. In addition it is introducing initiatives to help job creation and improve labour cost competitiveness by easing the cost to employers of taking on new employees. This was done by halving the lower rate of PRSI until the end of 2013 on jobs that pay up to €356 per week. We have helped employers to take on such workers in these instances.

The programme for Government gave a commitment to introduce legislation to reform the joint labour committee and registered employment agreement systems. This was also committed to in the EU-IMF deal. The plan is to reduce the possible negative impacts on job creation and competitiveness of existing arrangements. Historically, the purpose of the joint labour committees was to regulate employment conditions and set minimum pay rates for employees in certain sectors. The JLCs were established by a statutory order of the Labour Court under the Industrial Relations Act 1946, with an independent body made up equally of employer and worker representatives appointed by the Labour Court, with the chair appointed by the Minister for Jobs, Enterprise and Innovation.

This Bill includes a number of provisions. The JLCs will have the power to set a basic adult rate and two additional higher rates. Companies may seek exemption from paying the ERO and REA rates due to financial difficulties. JLCs will no longer set Sunday premium rates. When setting rates, JLCs will have to take into account factors such as competitiveness, as well as employment and unemployment rates. Other reforms which do not need legislative change include reducing the number of JLCs from 16 to 13 and standardising benefits such as overtime through a nationally agreed protocol or code of practice.

The issues raised in section 5 determine what policies and principles must be taken into account by the Labour Court when considering whether to register an agreement. The principles of promoting harmonious relations and the desirability of avoiding industrial unrest are vital to the smooth running of our economy, and avoiding a perception by those considering inward investment that Ireland is a difficult place to do business. The last things we need are television pictures of industrial disharmony.

No one needs to be reminded about the crisis that exists in this country as regards joblessness. While the Government has a strong record on job creation, unfortunately job losses have also been too high. The protection of jobs is crucial to economic recovery. The sectors covered by JLCs have been particularly prone to job losses in recent years.

As the Minister, Deputy Bruton has highlighted, flexibility, competitiveness and productivity are key to getting our country working. In this respect, the Labour Court will be required to take into account the desirability of agreeing fair and sustainable rates of remuneration, taking cognisance of employment and unemployment levels in the sector, while maintaining competitiveness at the same time. This means that any settlement should not impact negatively on the basic premise of keeping this country open for business and being competitive.

Central to this is the provision that employers facing financial difficulty may apply to the Labour Court seeking temporary exemptions from their requirements to pay rates of remuneration in the agreement. That should give some comfort to employers, especially as the exemption can continue for 24 months. The fact that the exemption cannot be sought by the same employer for the same workers, as sought in the previous five years, is a comfort to employees in that they will not be exploited. Such an exemption may have a knock-on effect on other companies within the same sector where competitive advantage may be accrued. The Labour Court will have to take this into account in its decision.

While accepting that the national wage agreement has reduced the significance of the JLCs there is, however, a need to have a method of setting pay and conditions for up to 250,000 of

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the most vulnerable people affected by JLCs. The proposed reform of the JLC and REA systems will reinstate protection for workers employed in the sectors concerned subsequent to the judgment of the High Court in July 2011. At the same time, compliance requirements will be simplified in a number of ways, including through reduced numbers of JLCs, reduced book-keeping requirements for employers, and the non-setting of Sunday premium rates.

This legislation is comprehensive and affects a large number of vulnerable workers. It is right and proper that all workers are protected and, equally, that as a country we retain our competitiveness and jobs. I am confident that the Bill will achieve this.

Deputy Paschal Donohoe: It is important to remind our colleagues on the Independent benches of three points. The first point is that not all employers are evil, as they continually infer and suggest. All those working in the private sector are employed by people whose objective is make a profit, but in so doing they create the revenue and ability for others to earn a wage, thus enabling them to look after their families and homes. If it were not for the profit motive and the willingness of people to set up businesses, attract inward investment and better themselves, the plight of the country, while bad at the moment, would be so much worse.

The second point, which it is important to emphasise, is that this Government does not see competitiveness or any other such measures as goals in themselves. The reason they are pursued is for the specific objective of getting people back to work.

The proof is that in recent years, as Irish workers have regained their competitiveness, which had been lost over a period, Ireland's trade surplus has grown. This has brought more investment and tax revenue into our country, creating more jobs. Without the willingness of people to work, we would be lost and unable to do that.

The third point worth emphasising is the continued rhetoric from Members that if we were not bailing out the banks, we would not have this problem. While the idea is attractive, it is incorrect. The size of the budget deficit for this year between what we take in taxation and what we spend, excluding any of the costs of supporting our banking system, remains at €13 billion. Until the gap is bridged, it will be impossible for the State to regain our full economic sovereignty and decide, independently, what we want to do with the fruits of taxpayers' money and efforts. That goal is vital for the Government to achieve.

It is important to acknowledge the context of this legislation. Previous speakers have made reference to the High Court decision that led to the striking down of the framework in place before this Bill was introduced. In reading this Bill, it is important to quote from the judgment

5 o'clock to emphasise the need for this legislation. This legislation is not retaining what existed in the past but refounding and recreating it. Paragraph 1 of the judgment states that what was there beforehand was "unreasonable and constitutes an unlawful and disproportionate interference with the property rights of the first and second named plaintiffs as guaranteed by the Constitution". Paragraph 34 of the ruling says that "those rates and conditions must be determined and based upon principles and policies laid down by the Oireachtas and not as determined by a delegated body acting in the absence of stated principles and policies". It states that the framework that had been in place beforehand had been acting in the absence of clear policies and principles from the State. The judgment states: "this Court is satisfied that the plaintiffs have established that such pay rates and conditions of employment have in effect been determined in an arbitrary and unfair manner."

For structures that were so vital or played such a role in protecting the conditions and workrates of employees who could be in a vulnerable position and to have the court make such a harsh ruling on the viability of those structures is a matter the Government must act upon. The choice the Government had was not to retain what had been in place before or to recreate

it in a more sustainable and robust fashion. The reason the choice was made is, contrary to what some may claim, because we are very clear on the need to do all we can to create more jobs in our economy but this cannot be at the expense of recognising and understanding that the rights of people in jobs need to be protected. That is why the system is being refounded.

Within the Bill, three sections in particular relate to the objectives of the Government in looking to refound the system. Section 10 makes clear that guidance will be required from the Labour Court to review and recreate JLCs in future. This is an important point in the context of what the judgment states about the lack of guidance in the past. Section 11 refers to the need for JLCs and EROs to be more cognisant and aware of the direction set by the Minister and the Department and the need for an awareness of the principles and priorities of the particular industry or sector at any given point. The Bill lays out the rights of the employees, which is critical, but also acknowledges that cognisance must be taken of the viability of the company and industry within which the JLC and ERO is operating.

Section 13, which other speakers have commented on, is also important. It concerns the derogation procedures for dealing with the decisions of JLCs being suspended. This section examines the procedure where the majority of workers are willing to support this course of action and where the majority of workers are not willing to support it. It lays out the framework and procedure within which this will happen and how it can be resolved in an orderly fashion. All of this is driven by the fact that the Government recognises that, while it is vital to create new jobs, we need to ensure that the rights of employees, particularly those within industries specified in the JLCs names and parameters, are recognised and looked after.

I conclude by emphasising two of the points made in respect of the Government's record on the rights of employees and people working in industries in which they could be vulnerable. This is the Government that increased the level of the minimum wage, which the previous Government cut. Deputy Boyd Barrett praised other Governments across Europe for doing this but this step was taken by our Government and it is one people said we could not or would not take. It was taken as part of the jobs initiative.

The second point concerns the steps identified by the Minister in reducing the number of JLCs, which is overdue. I am glad to see it happen. A previous speaker identified the earlier item of legislation that set up this measure. This reflected the fact that the economy in the 1940s was in a different place to where it is now. I am certain we will ensure we have the right number of JLCs in the future and that they cover the right geographic areas in order to ensure that employees and employers are not put at a disadvantage on the basis of where they live. We must also ensure they cover areas relevant to the development of economy. These are all matters that can ensure the structure created by this Bill plays an important role in ensuring the rights of employees are looked after while also recognising that employers have rights. Having both sectors work closely together offers the only hope for our economy and society to continue to recover.

Deputy John Browne: I propose to share time with Deputy McConalogue. I welcome the Bill, which gives us the opportunity to make a contribution on this matter. What we expected to be included in the Bill is very different from what is before us. We all accept there is a need for a Bill to deal with the High Court ruling last year when the JLC system was found to be unconstitutional. The Bill contains serious deficiencies, which will undermine JLCs and EROs, leaving workers vulnerable and with little protection.

Fianna Fáil, under Seán Lemass, introduced the JLC system in 1946. JLCs are independent bodies that determine minimum rates of pay and conditions of work for workers in certain sectors. Each JLC includes a representative of workers or employees in the sector concerned. It was far-reaching legislation at the time. The pay and conditions agreed by representatives

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on the JLCs were given force of law in EROs and employers are liable to be prosecuted in civil courts for breaches of an ERO. This provision was found to be unconstitutional. The Duffy Walsh report is a fine document and contains 19 recommendations. The report estimates that between 150,000 and 205,000 workers are covered by JLCs in 2009, amounting to 15% of private sector employees. These are mainly in the catering and hotel industry, which is variable employment with a seven-day working week. Hotels and pubs are open seven days a week and their catering operations must sometimes operate on a 24 hour, seven-day basis. There was a strong need for implementation of rights and regulations for people working in this sector.

Many Members of the Oireachtas and business people have expressed the view that wages in this sector are too high, rates are inflexible and that it is difficult to get people to work on Saturdays, Sundays or after hours unless they are paid way above the norm. Listening to these opinions, one would think that reducing the wages of the lower paid would create substantial amounts of new employment. This is not the case. Pay levels of lower paid workers did not have much to do with the problems business people up and down the country are now facing. The lack of consumer spending is one of the major issues. People are not spending as they did during the Celtic tiger era. Government increases in VAT, septic tank charges, household charges, rising oil prices, both due to VAT and increases imposed by oil companies, have all affected consumer spending.

Deputy Sherlock, who is Minister of State at the Department of Jobs, Enterprise and Innovation, might take an interest in the recent substantial increases in the oil sector. There has been a dramatic increase in oil prices in the past year and I do not believe it is justified. I worked in the oil business for 14 or 15 years and I have a fair idea how it operates. When crude oil prices go up prices are increased immediately by the companies but when they go down on the world market it takes a long time for the decrease to filter through to the petrol and diesel pumps. Oil prices are causing a major problem for people at present. I am sure we will see less consumer spending this year as a result of these factors.

Labour costs in Ireland are not as high as many people claim. EU data from, I think, 2008 pointed out that Irish labour costs were 6% below the EU average. They have certainly reduced since then because of the changes that have come about. The Sunday premium appears to have gone, although the Minister for Jobs, Enterprise and Innovation might dispute this. We have heard contributors to this debate claim that payments to Sunday workers are destroying the economy. That is not the case. The hotel sector, of its own accord, changed the employment regulation order, ERO, governing the sector to reduce the standard work premium from time and a half to time and a third. This came about, not because of legislation but following dialogue among the interested parties. It was a good change. Hotels were under pressure, workers recognised the situation and there was a major change in Sunday payment rates. The majority of Sunday work is paid at time and a third. That was a welcome change.

Many people are now rostered for seven days and work for a flat rate on Sundays, Saturdays and every other day. This change also came about following dialogue and discussion. The criticism that Sunday or Saturday night pay levels were devastating employment in certain sectors is not valid, and has not been for some years. These major changes should be recognised.

When this debate took place in Britain in the early 1990s the same suggestions were made, largely by employers' groups. The Sunday premium was abolished in Britain in 1993. When I consulted data on this recently, I discovered that experts in the field of employment are agreed that the change created very few, if any, jobs.

I am surprised the Labour Party has accepted the dismantling of the Sunday premium, given that the people who benefit from it are at the bottom of the pay levels and it was not a big

payment in any event. The Labour Party did not hold the line on this issue. I also note from press releases that the trade union movement has given a guarded welcome to the Minister's proposed changes. This is a big change from the trade unions' initial criticism of the Minister when he first mooted the proposal. Many Members on the Government side of the House were critical when the Minister for Jobs, Enterprise and Innovation floated a possible change when he came into Government. The Taoiseach said he was citing a personal agenda and the change would not happen. It has happened, the rights of the lower paid are undermined and they will find things very difficult.

If an employer decides not to honour an agreement, how will the agreement be implemented? I would like the Minister of State to spell out this in his reply. The National Employment Rights Authority, NERA, will have its hands tied behind its back. Some people were not very happy with NERA in the past. Members on all sides of the House have been critical of the NERA and of the high-handed way it operated. It appears it will now have very little involvement in employment rights, because of the changes being brought about by the Minister.

I am disappointed the Minister did not accept more of the 19 recommendations of the report by Kevin Duffy and Frank Walsh. The Duffy Walsh report was excellent and would have shown the way forward for payments to the less well off for the foreseeable future. Unfortunately, the Minister has decided to ignore almost 80% of the report. I am concerned at the level of power he has taken to himself. This aspect of the Bill must be teased out on Committee Stage. The Minister will have too much power in this area and I would be concerned about decisions he might take in the future.

Deputy Charlie McConalogue: I welcome the opportunity to speak on the Bill, which is important in terms of how relationships between business and employees are structured and dealt with. The Bill deserves much time and attention.

The delay in introducing the Bill to the Dáil is regrettable, particularly as the High Court declared the Joint Labour Committees, JLC, to be unconstitutional on 7 July 2011. The High Court ruled that the Act under which minimum pay and conditions are set by employment regulation orders proposed by Joint Labour Committees for approval by the Labour Court was unconstitutional. This judgment followed a legal challenge by fast food outlets. Mr. Justice Kevin Feeney upheld the claims of the fast food outlets that the measures had been put in place in the absence of any policy guidelines from the Oireachtas and breached employers' property rights and their rights to fair procedure.

While that action related to catering workers, its outcome had an impact on almost 200,000 workers whose minimum pay and conditions were set under the JLC system. All employment regulation orders stopped having statutory effect from that date and, therefore, could not be enforced. Following that ruling, IBEC sent a bulletin to member companies stating employees would continue to have the same rates of pay and conditions of employment unless and until they agreed otherwise. This was effectively leading to a two-tier system in which people working side by side in the same job had different pay and conditions.

In response to the bulletin, which caused much concern and alarm among the employees whose pay and conditions were set under JLCs, Fianna Fáil introduced an industrial relations Bill in July 2011. The Government stated at that time it would introduce an alternative immediately after the summer and would, as a consequence, vote against the Fianna Fáil Bill. However, we have not seen the alternative until now, January. In the meantime, the workers have been in limbo waiting to see what will fall into place.

[Deputy Charlie McConalogue.]

The Bill Fianna Fáil introduced was emergency legislation to deal with the impact of the High Court case. It provided for the amendment of the Industrial Relations Acts of 1946 and 1990 so the statutory mechanism in place for the fixing of remuneration by an employment regulation order would be consistent with the requirements of the Constitution. The Bill would have decriminalised failure on the part of an employer to comply with an employment regulation order, as recommended by the Duffy Walsh report, and would have replaced it with a civil enforcement mechanism. If the Bill had been enacted, it would have enabled the Minister for Jobs, Enterprise and Innovation to make new employment regulation orders in respect of all such workers and a new statutory mechanism that would have taken into account and rectified the failings in the Acts of 1946 and 1990, as identified by the High Court in its ruling. The Government could and should have accepted the Fianna Fáil Bill. It could have amended it subsequently, if necessary, instead of leaving the problem drag on, as it did, and workers wondering what would happen as a result.

The Bill before the House raises some important questions. As Deputy Browne stated, one must question why so few of the recommendations in the Duffy Walsh report have been incorporated into it. Why has the Minister of State's party, the Labour Party, abandoned some of its earlier objections? This legislation is deficient in many respects. As I stated, it is substantially different from that envisaged in the Duffy Walsh review of JLCs. There will be substantially fewer protections for workers under it. Nevertheless, rowing back on many of the concerns expressed by Labour Party Deputies after the High Court ruling, the Minister of State has welcomed the Bill and embraced the approach of the Minister, Deputy Richard Bruton.

The Bill raises issues concerning the impact on the Labour Court. Workers already face massive waiting times. The average waiting time in the Employment Appeals Tribunal is 74 weeks in Dublin, which has risen from 58 in 2010. The waiting time is 76 weeks outside Dublin, which period has risen from 55 weeks in 2010. The number of claims to employment appeals tribunals is 7,424. The Labour Court waiting time averages between eight and ten weeks in Dublin and is a minimum of six months outside Dublin. The redress scheme is very complicated and difficult for people to engage with. NERA only examines an issue if it considers it reasonable to do so.

Another question raised concerned how existing JLC contracts could be deemed constitutional. How can the Government say workers will have their existing guarantees honoured when the High Court has said the legislation was unconstitutional in the first instance? How can the Government guarantee enforcement? An employer who was forced to pay under the old JLC terms could, of course, have challenged the ruling. What, according to the Minister of State, will the outcome be in such a scenario?

The Bill changes the right to Sunday premium pay. The Labour Party seems to have changed its approach to this despite its earlier assertion that it wanted to protect Sunday premium pay. In the Bill, we see it can be dealt with in different ways.

The importance of the JLCs is key in protecting workers. We must balance the need to protect workers' conditions with the need to ensure business is promoted. There is no doubt that hotels, restaurants and many businesses in operation for seven days per week find it very difficult at present. It is welcome that JLCs must take into account prevailing conditions and the circumstances of particular businesses.

As a result of the recession, we have created a new poor. Many workers on lower wages are finding it more difficult than anyone else to make ends meet. We must ensure, through the JLCs and the setting of pay terms and conditions, that it pays for people to work and that their

conditions are manageable such that they continue in employment. The Government needs to be cognisant of this. The JLCs are an important aspect.

It is unfortunate that the Government has delayed for so long in bringing this Bill before the House and that it is not taking more cognisance of proposed amendments.

Deputy Alex White: I welcome warmly the publication and Second Reading of this extremely important Government Bill. I respectfully disagree with the criticism by the last speaker. Many of his points were quite good and reasonable but his notion that there was an inordinate delay, for which he claimed the Government is culpable, does not stand up. When the High Court decision was handed down last July, there was a very robust and immediate response on behalf of the Minister giving an undertaking that this Bill would be brought before the House. The Bill is not without complexity. It arises from a decision in the High Court striking down earlier legislation as unconstitutional. It is not a Bill that could have been cooked up in a couple of days or weeks.

As I pointed out to Deputy O'Dea when he introduced his Bill in July, it would have been foolhardy of the Government to proceed in the manner suggested by Fianna Fáil, in good faith, at that stage. It was not a case of the introduction of emergency legislation in the manner suggested in that the Bill introduced by Fianna Fáil, including Deputy O'Dea, was essentially a rerun of that brought forward by the previous Government in 2009, perhaps with some modifications. That Bill would not have solved the problem or addressed the very serious issue that arises. It would have been found wanting and would have risked further challenges. It certainly would not have been the robust and very carefully drafted legislation now before the House.

I would not be critical at all of the Government over what has been described as a delay. The Government, Attorney General and others must take the time to consider the details of the legislation, determine the principles and policies that should be contained in it and engage in discussion and analysis on this issue with all political parties and interested organisations, be they employers or trade unions. There is nothing wrong with that. It is the way the system tends to work when it is working well, and it is right that it should do so.

It was interesting to listen to Deputy McConalogue, who criticised the Bill for having, as he saw it, departed quite considerably from the Duffy Walsh report. His party colleague, Deputy O'Dea, on the other hand, said in the House yesterday that he felt it had moved considerably back in the direction of the Duffy Walsh report. Deputy O'Dea took the view that this was a Bill the Minister, Deputy Bruton, was perhaps uncomfortable with but that he had to go ahead with because of the Labour Party, or something along those lines. I do not believe that is true. There is a high measure of debate, discussion and agreement as well as some of the compromise which undoubtedly took place in recent months. The Bill is being brought forward with the full agreement of all in the Government and it reflects the careful study, analysis and preparation that has gone into it.

I strongly agree with the point made by Deputy O'Dea yesterday that although we often hear the clarion cry in regard to pay as if the only thing that needed to be done in this economy was to reduce pay, particularly the pay of low paid workers, that argument does not stand up. There are many difficulties and challenges in this economy but the issue of reducing pay is not at the top of the list of what needs to be done, if it is on the list at all. We know labour costs in the economy have fallen dramatically in the past two years. If we are looking at where we need to point the finger or make changes in the economy and the labour market, it is certainly not in the area of seeking to reduce the pay of already low paid workers. Deputy O'Dea made that point very well and I agree with him.

[Deputy Alex White.]

The Bill is great achievement on the part of the Government and I strongly welcome it. Let us pause for a moment to consider what is happening. Deputy Tóibín asked whether the Bill is progressive. It is restoring a mechanism for the setting of pay rates which was struck down by the High Court. The entire infrastructure was essentially struck down for stark constitutional reasons and it has now been reconstructed, brick by brick, by the Government and put back in place. If one wants to ask whether that is progressive, it depends on the perspective from which one is approaching it. I regard it as very progressive.

Deputy Tóibín and others argued it was ideological or infused with ideology. I do not mind this debate about ideology, and I believe there is such a thing as ideology. However, if one wants to query what ideology is at the heart of protective rights for workers, the Bill is introducing a new mechanism which was never there before so workers can enforce their rights directly through the Rights Commissioner and on up to an enforcement mechanism in the Circuit Court. This is a new entitlement given to workers, protecting the system that is in place, which is essentially overseen by the JLCs and the Labour Court, and in many ways strengthening the procedure for the making of employment regulation orders and registered employment agreements. If there is some ideology lying behind all of that, it is certainly not a right wing ideology. I do not suggest it is ideologically driven one way or the other but, in so far as anybody is trying in this House to suggest the Bill is motivated by right wing ideology, it is simply a nonsense.

The Sinn Féin Members and others, including Deputy Clare Daly, to whom I listened earlier, have in recent weeks been almost foraging around in the Bill to see if they can find something to object to or that confirms their suspicions that this is a Government hell-bent on destroying workers' rights. Of course this is not the case. There is almost a sense of disappointment that comes across their faces when they read this legislation and see it is not the sky falling in or the undermining of workers' rights. It is the opposite. It is concerned with the restoration of a wage setting mechanism, the introduction of new enforcement mechanisms and the making available and extending to workers of what is their right, namely, that in particular those who are vulnerable and low paid should have in place and available to them a system that stands the constitutional test at the most rigorous level. That is what we, as legislators, should be doing and what we are doing in the Bill. While I am sorry Deputy Tóibín cannot find something in it of substance to rail against, the reason he cannot do so is because it is not there.

The Bill is a considerable achievement. To paraphrase the saying, "They said it couldn't be done", they said it wouldn't be done. In fact, it has been done, and the Bill has been brought before the House in a very reasonable period of time. I acknowledge it incorporates some compromise. It is not so much that there are things in the Bill I would prefer not to see, rather there are a number of things I would prefer to see in the Bill that did not make it. It is no secret that the removal of the Sunday premium from the Bill, among one or two areas, is, quite reasonably, a disappointment for some. However, it has been replaced by the necessity to introduce a code of practice to which the Labour Court and others must have regard. Again, this is a strong piece of protective legislation and people should see it that way.

I am broad shouldered enough, as I am sure others are, to be able to take criticism from the Opposition in regard to Government policy and to defend Government policy as and when we see fit. God knows, there are things on which the Opposition could find it relatively easy to have a go at the Government. However, when the Opposition has a go at everything and sees a problem in every corner, its credibility in criticising the Government, when perhaps it is more justified, is out the window. The Opposition Members should welcome and support this legislation. If they want to improve upon it, by all means they should seek to amend it but they should welcome it because the Government has done what it said it would do.

The most important thing that had to be done in the Bill was to reintroduce the principles and policies, as has been done at section 5, which inserts a new section to section 27 of the 1946 Act. That 1946 Act was very interesting legislation, as I know from having read through the original debate. It was introduced just after the war by Mr. Seán Lemass, the Minister for Industry and Commerce, and was the legislation which set up the Labour Court. The Labour Court has proven itself to be a progressive body, one that has representatives from both sides of industry — employers and trade unions — with an independent chair. From time to time, like all adjudicative bodies, it comes in for criticism but it has stood the test of time, in particular in the area of collective rights. We sometimes make a distinction between collective rights and individual worker's rights. The Labour Court has performed extremely well in this regard down through the decades, having been set up by the 1946 Act.

It was also the 1946 Act that set up the wage setting mechanism that was struck down by the High Court last July. At the time of the original Act, the country had just come out of the war and, when one looks at the legislation in the context of the time, it was very progressive in regard to protecting workers in the 1940s despite being introduced many decades before the raft of new legislation to protect workers that came in from the 1970s onwards.

While it is almost not worthy of comment, it is extraordinary when I hear colleagues opposite wondering what the Labour Party is doing or where was the Labour Party. If one did a word search on their speeches, one would find much mention of the Labour Party, for some reason. As this is particularly so in regard to Sinn Féin, I do not know whether there is an instruction to get at the Labour Party at every opportunity. We do not particularly mind because we are doing the job we are required to do. As a party, we have an extremely proud record in this area, as far back as the 1970s. It is true that much of the legislation was motivated by our membership of the EEC but there is the early anti-discrimination and equality legislation, right up to the 1990s when the equality legislation was ultimately passed by the Government which took over in 1997. However, all the work in that seminal piece of legislation was done by Mervyn Taylor. I do not say the Labour Party is the only party that has a strong record in this area — so have Fine Gael and Fianna Fáil Ministers.

The suggestion, however, is that we are in some kind of a bunker inside the Government, not influencing it, not standing up for workers' rights and ensuring that legislation reflects those rights. We put it into black and white. It is laughable when people question where we were and what we were doing. We have done an enormous amount of work, as have our Fine Gael colleagues, in respect of this legislation and other Bills to protect workers, their rights, their earnings and their standards of living. I do not claim any such monopoly for my party but the criticism that we are not interested in, or are semi-detached from, the issue is really hard to take. It is not even remotely in accordance with the facts.

I mentioned the principles and policies in the legislation, which are extensive. They are balanced and important in terms of giving the JLCs and, ultimately, the Labour Court, a steer on the criteria they should adopt when establishing these orders. They are not unreasonable and if, on Committee Stage, Members wish to bring forward suggestions to tweak them that can be done. None occurs to me, in particular, because in my view these are a well-balanced set of principles and policies. The important point is they are far more extensive and comprehensive and therefore ultimately more reliable and defensible, constitutionally, than the material which was introduced in a Bill last year. In this instance I do not criticise Fianna Fáil for introducing a Bill. I will be honest enough to admit that if we were in Opposition that is what we would have done. However, the legislation in question would have been found wanting had it been adopted by this House. We were right to wait and get it right, which is what we have done.

[Deputy Alex White.]

In section 7 of the Bill there is much to praise in terms of what has been done, and in the detail as set out. For example, section 7 deals with where the court may, on its own initiative or on the written application to it of an interested party, undertake a review of a trade or a business. This is sometimes characterised as, “Oh, if there’s going to be a review they’re going to pull the whole thing down”. Steady on. A review is a review. How can anybody object in any credible way to a review process being put into the legislation? There is a provision whereby an order or agreement can be cancelled in certain circumstances but those circumstances are clearly delineated. It is not easy to have an order or an agreement cancelled under this legislation. There are many safeguards and the Bill bears close reading in terms of the balanced way in which it is put together.

There has been some concern among colleagues on the opposite side of the House about circumstances where it might emerge, after an agreement or an order has been made, that either the trade union has become less than substantially representative of its members or the union of employers is no longer substantially representative. In those circumstances, the cancellation of an agreement is not done on a whim. Again, a procedure is set out, the Labour Court takes charge of it, hearings are organised, both sides of the argument are heard and a careful opportunity is afforded to both sides to attend and make their argument before the Labour Court. The suggestion is that the order or agreement will be pulled or cancelled, and that will be the end of it. That is simply not in accordance with what is contained in the legislation.

I turn briefly to the enforcement mechanism. This is found in section 8 in respect of the registered employment agreements and is found later in the Bill in similar terms in respect of the EROs. This is a very progressive addition to our legal environment in respect of JLCs and EROs. I ask the Opposition to look at it and see what it states. It is a new area of protection for workers. If the Government was set on a course to be minimalist, to pull back on protection and, as Deputy O’Dea stated, set on a course to jettison the entire system, why would we introduce a new system of enforcement? That is completely inconsistent with the argument that we are trying to dump this protection or stop it happening.

It is the same with the exemption. I ask Members to look at the derogation provisions, as they are called. Again, major safeguards have been included, in terms of consultation with both sides and the opportunity for people to come before the court. Rigorous, testing and demanding circumstances must apply before the Labour Court can give a derogation. It is not easy to get a derogation under this legislation. I defy anybody to make a credible argument that it is easy to secure a derogation under the rules that are included here. Far from it. I ask colleagues to look carefully, as I am sure they will, at the provisions and safeguards put into the Bill and at the centrality of the Labour Court. This is far from being a provision that takes from workers’ rights. It protects and, in some cases, expands and strengthens the rights workers have under this regime.

I note that Deputy Calleary was looking for a chorus of Labour Party Deputies and was disappointed they were not present. I am sorry I am not a chorus line and that on this occasion I am not surrounded by others. At least we can put together a choir rather than a group of soloists, but that is for another day.

I try not to take too much exception to what is said in the back and forth that goes on in the House. However, I will refer briefly to the issue of trade unions and the Labour Party because this is a matter that comes up and is spoken about, often out of the corner of people’s mouths. It is the notion that the Labour Party, or its Deputies, are in some kind of stranglehold with trade unions. That is complete nonsense. We are proud of our connections with trade unions.

I am very proud of them. When I look at a piece of legislation I listen to people. I worked as a barrister in the courts and tribunals for both employers and employees, probably more often for employers. I hold very dearly the connection the Labour Party has with trade unions but do not regard my party as being controlled in some way by them, or as being some sort of a spokesperson for them. Far from it, in my experience. I decide whether I agree with them and so does my party. We are not the mouthpiece for the trade unions.

I would not criticise Deputy Calleary, for example, for taking the same view as Chambers Ireland, an organisation for which he worked, as he was entitled to, for eight years. He may have the same views as Chambers Ireland but do I come to the Chamber and suggest that he is asked by that organisation to speak for it? No — he is well able to make his own points just as we are able to make ours and set out our own analysis, without direction from anybody.

Deputy Maureen O’Sullivan: Deputy White mentioned the review process as being something very positive in the legislation. I would hope that would be the case. However, we know there is a review of community employment schemes taking place at present that is causing a great deal of stress and anxiety to people on another level. Many of them do not have an opportunity to buy into it directly so I hope their experience of the review process will be positive.

I acknowledge the Oireachtas Library and Research Service for the work it has done on this legislation. Looking through it, starting at the end, I was struck by some of the reactions to this Bill. IBEC claims the Bill is misguided and unnecessary. While it welcomes the abolition of Sunday premiums as an improvement over the last regime, it argues “the entire joint labour committee, JLC, system should have been consigned to history.” It also argues employees are already protected by over 40 items of employment legislation and that the Government’s proposals are arbitrary and unnecessary.

SIPTU is disappointed the premium for working on Sundays has not been included in the proposed changes to the JLC wage-setting mechanism. However, its vice president notes low-paid workers covered by the Bill’s provisions will be able to achieve a Sunday premium through a code of practice to be developed by the JLCs.

Mandate’s general secretary acknowledges the progress embodied in the draft but that much work is required to turn it into legislation the trade union movement can fully support, particularly with regard to Sunday premiums and the inability-to-pay clause introduced for employers. Mandate is, however, pleased a replacement system will be put in place for low-paid workers.

The Irish Hotels Federation is disappointed with the Government’s intention to reintroduce the JLC system. It argues it is an outdated and regressive employment framework which is neither appropriate nor fit for purpose in a modern competitive economy. Instead, it says the Government should have seen fit to abolish JLCs which place unfair and inequitable wages costs on tourism businesses already facing severe costs pressures. It also sees it as an impediment to job creation.

The Irish Small and Medium Enterprises Association, ISME, believes the legislation is unnecessary, will negatively impact on cost competitiveness in certain sectors and will ultimately push struggling companies over the edge. It has commented that “the reintroduction of these outdated arrangements will heap further pressure on businesses that are just about staying afloat. Companies ... will be prevented from competing in a cost effective manner, stopping companies from trading successfully.”

Chambers Ireland welcomes the reduction of JLCs from 13 to six and the eradication of Sunday premiums while protecting workers’ entitlements under section 14 of the Organisation

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of Working Time Act. It feels it is a step towards more reasonable wage costs for businesses, the majority of which are domestic economy focused.

UNITE has stated the Bill “is seeking to dismantle the very structures built up to protect those who are on the lowest rates of pay” and “is a manifesto for change that could have been drawn up as a wish list for business groups and those seeking to take more profit out of the pockets of working people”.

Where is the truth in all these diverging views? On 24 May 2011, the Government published the report of the independent review of employment regulation orders and registered employment agreement wage-setting mechanisms. It found the existing JLC and registered employment agreements, REA, systems require radical overhaul so as to make them fairer and more responsive to changing economic circumstances and labour market conditions. For whom are they meant to be fairer?

This Bill is part of a commitment made in the programme for national recovery to provide more comprehensive measures to strengthen the legal framework for employment regulation orders, EROs, and REAs. The Minister for Jobs, Enterprise and Innovation, Deputy Bruton, claims the Government's controversial reforms of wage-setting mechanisms are fair and will protect vulnerable workers while allowing for the creation of employment. He also claims the measures will radically overhaul the joint labour committee and registered employment agreement systems so as to make them fairer, more competitive and more flexible so as to increase job creation. These changes, he believes, will also reinstate a robust system of protection for workers in sectors covered by such arrangements and similar changes in Britain have led to employment growth.

Under the Government action plan, the number of JLCs will be reduced from 13 to six. They will in future have the power to set only a basic adult rate and the discretion to set two higher increments to reflect longer periods of service. Previously such committees set more than 300 different wage rates.

JLCs will no longer set Sunday premium rates but the position of Sunday working will, however, still be recognised, mainly through options set out in the Organisation of Working Time Act, including the provision of time off in lieu. A new statutory code of practice on Sunday working will be drawn up by the Labour Relations Commission which will provide guidance for workers and employers.

Under the reforms, companies will be able to derogate from EROs in cases of financial difficulty, which I believe may cause problems. In setting rates, JLCs will in future have to take into account factors such as unemployment rates, competitiveness and wage trends here and in our major trading partners. That sets off alarm bells as to how workers will be protected.

While I would like to believe workers will be protected by this legislation, the reality may be different. I was fortunate in my job as a teacher that it was a collaborative work environment; the Department of Education and Skills and the school's board of management were not the worst of employers. This was mainly because it was not a profit-driven enterprise.

That is not true, however, in many other worker-employer relationships in which workers are poorly treated and standards abandoned. Those in lower income groups, many of which already have many pressures through extra charges and costs, are particularly affected by poor working conditions. The less well-off pay disproportionately for the costs of the mistakes of others during the boom. While the poor get poorer, those others continue with their high lifestyles. We continue to pay the banks' bondholders, that anonymous group of speculators and gamblers by taking from vulnerable people. More burdens are placed on the less well-off. The new poor are middle-class 30 to 39 year olds who bought into high mortgages but now

face negative equity. Some of them are still working; others have lost their jobs. Where is the protection for them?

Yesterday, the issue of forced migrant workers was a Topical Issue matter while I attended a briefing in the Leinster House AV room before Christmas on migrant workers who had been trafficked to Ireland. Their stories were horrific. It was hard to believe what happened to them could happen in Ireland. They worked in appalling conditions with horrendous hours and non-existent pay. Some of these cases have been before the courts where the migrant workers have won compensation. However, in some cases, compensation has yet to be paid. There is need for legislation to protect workers in these positions. Community employment schemes have vulnerable people working on them whose rights also need to be protected.

Tomorrow the House will debate the Protection of Employees (Temporary Agency Work) Bill which will provide for equality in respect of basic working and employment conditions such as annual leave, work time, rest breaks, public holidays and pay. Our workers must be treated fairly with basic working, employment and pay conditions because we are seeing an increase in inequalities in our society. Deputy Alex White said he saw the Bill as a great achievement. He spoke about ideology. For me, ideology is based on principles of social justice and fairness which must be applied to those who are vulnerable and most in need of protection.

Deputy Bernard J. Durkan: I am glad to have an opportunity to speak on this particularly important Bill. I note the points raised by other Members, all of which have been valid. It behoves us, however, to recognise we live in very difficult times and it will not be easier for the foreseeable future.

We have to do our best to ensure the interests of both employee and employer are recognised and dealt with in a fair and equitable fashion to make sure obstacles that create problems for either side are addressed fairly and, in turn, obstacles to the creation and retention of jobs are ameliorated. That is hugely important at all times but, at this time, it is more important than ever. I do not want to rehash history but the 1980s recession was not as bad as the current one and it did not affect as many people because that generation had been through previous recessions. They had survived because they had mental capacity and stoicism to deal with it. That is not necessarily the case now and one has to recognise the awful scenarios affecting individual households throughout the country. As Deputy O'Sullivan said, the middle classes find themselves in an appalling position having bought houses on the basis of advice that if they did not buy, they might never own a house.

We have a choice now. We can try to accommodate in so far as we can the interests of employers and employees with the objective of retaining the maximum number of people in employment while ensuring we expand and take from the live register as many people as possible in the shortest period. The prophets of doom visit us on a regular basis and they say there will be no growth or revival. Some of us predicted the downturn would happen four years ago and it is nothing new to us. We watched it unfold and pointed out that this would happen because we recognised the difficulties facing us. The issue is whether we retain old standards, precepts and conditions or whether we adapt. Unfortunately, we have to adapt to current circumstances.

During the Celtic tiger era, reference was regularly made to the smart economy. The daft economy is also important because it is balanced like a balanced diet. That means we have various employment strata — low, middle and higher. Each has an equally important role to play and every worker has a critical role to play in the rejuvenation of our economy. I always had the view that, no matter what the job was, if the person felt that he or she fulfilled a purpose and it was better than being unemployed, we were on the right track. One only has to turn on the radio or television or read scribes in various journals to become as negative as one

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can be because there is an ongoing diatribe of negativity, which is depressing to many people. Many people are unemployed, in mortgage arrears or in other economic difficulties and they have faced this diatribe of negativity on a daily basis, morning, noon and night, to such an extent that they have become depressed. People are being affected by this constant negative debate and that should be recognised. There comes a time when we have to shoulder the burden and do what has to be done. I do not point fingers at other Members but this is crucially important for us as a people and as an economy.

I hope this legislation focuses attention on important issues that matter to people. I began by referring to difficulties and hardship. In the 1930s, Franklin D Roosevelt, the US President, adopted a policy of having fireside chats. My late mother lived there at the time like many other Irish people. The Irish continued to go there legally and illegally. The president recognised the trauma people were experiencing at the time, what they thought when they got out of the morning and the forlorn situation that unfolded before them and he recognised that hopelessness was the last thing they wanted. He began these fireside chats to reassure and calm people and to give them hope. He offered a helping hand, a shoulder to lean on or a sympathetic ear and it was hugely important.

Ironically, during that recession, the US tried everything using various initiatives, including the New Deal and the Hoover plan, which all failed. Eventually the tide turned. It will turn for Ireland and when it does so, it will be dramatic. The only difference between now and the 1980s is that property prices then were low and it was possible for everybody to access the housing market and that had a bearing on those at work. Everybody who was employed at the time had the opportunity to house himself out of his own resources through the local authority loan system and so on and that was positive. However, we have not reached the bottom of the property price plunge yet. A few years ago, we were reassured every morning that there would be a soft landing. That did not transpire and that is why it is important to reassure employees who may have genuine reasons to feel under threat or under pressure while, at the same time, recognising the difficulties of employers who cannot keep the doors open.

This is being addressed but I will not go through the history of court cases, etc., in this area. The legislation is necessary and we must adapt to the emerging circumstances. Hopefully, it will do the job intended and meet the requirements of employers and employees. We cannot go back to where we were. During the Celtic tiger era, everything was off the wall. There were no rules and we began to live as if there was no need to provide for tomorrow at all. This was particularly appalling for our older generation who knew the generation coming behind us was experiencing this for the first time. Their confidence has been eroded and their outlook on life has been changed. There is a tendency towards despair but there should be none. We have to do we have to do and address each issue as it emerges. It is up to ourselves. Either we have the resources and the will to do this or we do not.

If we fold our tents and walk away, we simply do not address the situation. I hope this legislation will at least ensure there is a possibility of retaining the jobs we have, albeit with less remuneration — no doubt that is a fact of life. Is it better to have no job than to try to hold on to one? All of us in this House have had a fairly substantial reduction in income in the past couple of years but there are those who would say that our income was higher, and, of course, it was. We all know persons who were on a considerably higher income than the income of any Member of this House three, four or five years ago and who are now in a desparate position. We deal with them on a daily basis, applying for social welfare assistance, jobseeker's allowance etc. We know the trauma that they must go through when they apply. They must wait interminably in anticipation and sometimes their hopes are dashed. I recently received a reply to a parliamentary question where an application for jobseeker's allowance

was refused on the basis that the person had a history of self-employment. Of course, he had a history of self-employment. He was self-employed for 25 years. He was never unemployed in his life. Unfortunately, circumstances dictated that he was on his uppers. That is what we must respond to. We must try to create some measure of hope for those in such a position.

I started off by mentioning the United States and the Depression in the 1930s. There will be those in this House who would say we should not speak of depression. We have a depression. We have a serious economic situation. There is no good in saying that we should abolish all of that, refuse to pay any of the money that we borrowed and identify a new means of living like there was no tomorrow. We were doing that during the course of the Celtic tiger. That is what happened to us. There was to be no tomorrow and we would never have to pay it back. That was an appallingly sad situation.

I pay tribute to the trade union movement. They recognise the situation and know that they must do what must be done to try as best they can to get to a position where we can climb out of the economic morass we are in. I will not name any particular person, but suffice it to say we all know who they are and we have watched their progress and leadership, and that is to be recognised and applauded.

By the same token, I pay tribute to employers who have taken the same route. We all know a considerable number of people who have been small employers for a long number of years but who go out of their way to try to cater for their employees. They are rising to the challenge as well, and have always done so. We must recognise their input, particularly at this time.

I will finish off on one issue which may not seem to have an affinity with industrial relations. One of the issues we have debated in this House over the past couple of years is the question of upward-only rent reviews. This refers mostly to the commercial sector. There was a choice. I do not know who came up with the idea in the first place. I believe it is unconstitutional. I believe upward-only rent reviews are a means of undermining the independence and sovereignty of the State and I cannot understand why they were ever allowed. Many who were employed in premises that were the subject of upward-only rent reviews are now unemployed because their employer could not afford to meet the cost of upward-only rent reviews.

Deputy Michael Healy-Rae: Well said.

Deputy Bernard J. Durkan: We all know persons who have been in this position. It is not possible — the Minister for Justice and Equality and the Government are correct — to retrospectively address these issues but in the first place, I cannot understand how anybody ever allowed a position to develop whereby legally binding agreements were entered into which were unsustainable. They could not be discharged and they could be upheld unless the integrity, sustainability and sovereignty of the State was undermined. Of course, it was fine if there was only one or two of them, but these were wholesale — all over the place.

We need to recognise that, whether we like it or not, such a practice that became popular during the Celtic tiger days is costing the country jobs, forcing people out of employment and forcing employers to honour upward-only rent reviews. It is incredible. The banking, legal and property sectors demanded it. I think it is unconstitutional. That should never have been allowed.

There are many issues that we could refer to in the course of this debate that go far outside the industrial relations element that is the core of the issue. From our experience over the past couple of years of all of the representations we have received on both sides on this issue, it behoves us to recognise that we have a role to play and that we must adjust and adapt to a new and emerging situation which is difficult for many. It is not that we are immune to the difficulties faced by the people of the country, both at employee and employer levels. It is a

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fact of life that we know the position and must do something about it. It may not seem at any particular time to be overly accommodating to one side or the other, but one way or the other, we must adapt. That is the theme of what I had to say.

Acting Chairman (Deputy Joe O'Reilly): Is Deputy Joan Collins proposing to share time?

Deputy Joan Collins: Yes, with Deputy Wallace.

Acting Chairman (Deputy Joe O'Reilly): Is that agreed? Agreed.

Deputy Joan Collins: While recognising some concessions to the concerns of the unions, this is still a regressive piece of legislation because it weakens the rights of low-paid workers.

Earlier I heard a Deputy state that the 1940s legislation was progressive. Unfortunately, this was an opportunity to strengthen the rights of low-paid workers, the most vulnerable workers in society about whom we have been speaking continuously over the past six months.

It makes serious concessions to employers in two areas about which I am concerned. The removal of premiums for Sunday working is being replaced by a code of practice to be developed, and that weakens the conditions. In the debate over the past months, many Deputies pointed out how important Sunday is to the family, to link in with families, enjoy sports and bring children to events such as football, basketball, hurling, camogie, running or whatever they are involved in. It is an important day for the family and should be recognised as that in people being able to have a day off, and if one does work, one should get some sort of premium for it. This was an opportunity. I will be tabling amendments to the Bill, as we were challenged earlier in this regard, to try to strengthen that.

There are small businesses that are under a great deal of pressure and find it difficult to pay workers at all. In that regard, Deputies should be supporting those like ourselves calling for a wealth tax that would take enough money into the economy to be able to create and maintain jobs to get people back into the restaurants and the local shops.

The other aspect I am seriously concerned about is the inability to pay clause. I remind Labour TDs, even though they do not like being reminded by many matters, that the then Department of Labour, in 1981, when there was a Commission of Inquiry on Industrial Relations, was very critical of the inability to pay proposition, stating "any proposal which would allow for a fallback position weakens the principle in such a serious way as to make a nonsense of the entire concept".

The Bill requires the Labour Court to take account of the implications for the long term of sustainability of the business when granting exemptions. Employers will be able to plead inability to pay and the need for business sustainability when seeking a derogation from the REA rates. This is a serious issue because if the employers are competing with parts of Europe which have low rates of pay there will be a further race to the bottom.

The logic of these proposals suggests that wages in countries at the periphery of the EU, such as Greece and Ireland, are too high and that our competitiveness suffers as a result. Part of the IMF-EU recipe is cutting wages. This argument is not supported by the facts. The World Economic Forum 2010 report placed Ireland in 29th place for competitiveness, a marginal improvement on our previous 30th place. According to the report the main factors inhibiting competitiveness are our small market size, poor infrastructure and macroeconomic instability. Labour costs were not identified as a problem.

Unemployment is not caused by high wages either in general or in the specific sectors covered by JLCs. The job crisis is the result of the collapse of the construction industry and other

sectors associated with the property bubble, the lack of credit in our zombie banking system and increased savings rates. After five austerity budgets in a row, domestic demand has collapsed by 25%. EUROSTAT figures for comparative wages show that hourly labour costs in the hospitality sector in 2008 were 11.4% below the EU 15 average and the wholesale and retail sectors were 11% lower. The most recent figures indicate wages in these sectors are falling further behind in Ireland.

When I last spoke in support of the United Left Alliance Private Members' motion, I referred to a survey of 850 catering businesses conducted by the National Employment Rights Authority prior to July's High Court case. Approximately 76% of these businesses were in breach of employment regulations and, among workers, 53% earned less than the minimum wage, 85% did not receive overtime pay or premiums for Sundays, 48% did not receive bank holiday payments and 84% did not have written contracts or terms of employment. This was at a time when the JLCs were in operation. The Migrant Rights Centre of Ireland reports that one third of the complaints it receives come from the hotel and restaurant sectors.

Exploitation and abuse are rampant in these sectors and the protections for these workers need to be strengthened rather than weakened. The last thing we need is legislation that further weakens workers' legal rights. Labour Party Deputies can dress this Bill up however they want but they are nonetheless voting in favour of aggressive legislation which weakens trade unions and workers' rights and strengthens employers, many of whom have been revealed to be brutal and ruthless exploiters. I urge the Government to pass the Employment Law Compliance Bill 2008, which was agreed as part of Towards 2016 on foot of the Gama and Irish Ferries scandals. That Bill should be used to protect low paid and vulnerable workers.

It has been pointed out on numerous occasions that we live in difficult times. However, if we are to implement legislation that impacts on low paid workers we should also discuss reductions in our own wages and conditions. We should lead by example to show these workers that we can put our money where our mouths are.

Deputy Mick Wallace: This Bill can be approached from a number of perspectives. The fact that I employ more than 50 people in the catering industry perhaps allows me to speak about it from a particular perspective. The legislation is geared towards giving employers a better deal and reducing protections for workers by creating greater flexibility. At yesterday's meeting, however, the troika said on a couple of occasions that the Irish labour market was more flexible than the norm in Europe. A number of speakers referred to competitiveness which, of course, is important.

As I do not want to be described as a hypocrite, I admit that it can be difficult for restaurants to pay a serious additional amount for Sunday work. Sunday is not the best day of the week for restaurants. If restaurants had to pay much over the odds on Sundays many of them would find it difficult to open that day. I also accept that people in the catering industry work unsociable hours not only on Sundays, which is not the only family time, but also at night time when the majority of workers are at home with their families. They work unsociable hours every day of the week. Many restaurants open for lunch but more money comes in at night-time than during the day.

I do not accept the notion that €8.65 per hour is a high wage. We often compare ourselves to Europe but if I was working in the catering industry on minimum wage I would prefer to work in Italy for €6 than earn €9 in Ireland given the huge difference in the cost of living. This is an expensive country in which to live and anybody would find it challenging to survive on €8.65 per hour.

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Earlier today I calculated the costs incurred by my wine bars and restaurants. As a rule one tries to keep labour costs at 30%. Some people reach 25% but others have to deal with 35%. However, other factors are having a more dramatic impact on restaurant costs. Energy was never cheap but prices have increased by 15% in the past 12 months. Raw materials like vegetables and, especially, meat are additional expenses. Beef prices have increased by 50%, which is good for the farmers but not as good for those who must purchase it. I do not begrudge farmers but these costs present additional difficulties to businesses. One small restaurant I own pays commercial water rates of €3,000 per year, a service charge of €2,500 and commercial rates of €5,400. Rates increased by 5% in 2008 and 2009, although they have remained static since then. They are draconian and out of proportion to the reality that businesses face. One can negotiate rent but one cannot negotiate rates. It is a pity the Government has not been able to act on them because they make a huge difference to a significant number of businesses. There was a VAT change last summer and I can tell the Minister of State it was a huge boost to us in the industry. It does make a big difference. Whether these measures will actually create jobs is a different matter. The VAT measures helped to bring some stability to an industry that was finding life very difficult, but I do not think it actually created jobs. I do not think we will get more jobs out of this until the people coming in the door have more money in their pockets. The people who are most inclined to spend are generally those on lower to middle incomes, and they are the people who are suffering most in the present climate. There is a dramatic change in how much money they spend when they do come in. In one particular restaurant, the average spend has fallen from €30 per head to €17. That is hard to credit in a three-year period, and it makes a massive difference. Overheads do not change dramatically but there is a big difference in turnover. It is a difficult industry. If the Government were to raise the minimum wage to €10 per hour tomorrow, I would not object to it, because asking someone to live on €8.65 per hour in this country is unfair.

To speak more directly about the Bill, on the issue of compliance, there is probably a need for tighter regulation of how things are done. I was shocked, looking at the NERA inspection report, to see the breakdown of NERA's provisional inspection figures for the period January to June 2011. For example, in the catering industry, of the units inspected, only 26% were compliant. This is a bit frightening. Any restaurant that is trying to do things the way they should be done will find it hard to compete with someone who does not follow the rules. There should be a much better structure to ensure compliance.

How will it all work out with the lessening of the JLCs? I do have a fear that the rights of workers will be undermined by this Bill. Maybe I am wrong; maybe the Government can safeguard the rights of workers. To be honest, I am not 100% certain how everything will work out, and I will not pretend I have read the whole Bill, but I ask the Government to ensure, given the climate we are living in and the effect austerity is having on those who are least well off in our society, that these people are not being taken advantage of. Some employers will treat them as they should be treated, but not all will. The Government has a responsibility to ensure they do.

Deputy Tom Barry: I wish to share my time with Deputy Derek Keating.

I welcome the opportunity to speak on this Bill, which is yet another part of the jigsaw that this proactive coalition Government is putting together to create competitive and sustainable employment in this country. I would like to recognise the huge contribution of the Minister of State, Deputy Perry; it is refreshing to see a businessman who is flexing his muscles on legislation.

This Bill promotes harmonious relationships between employers and workers, which is important. As any person in business realises, having a content and happy workforce means greater productivity, which is the whole aim of business. The ultimate aim is to deal with the challenges and opportunities that the current economy and labour market conditions present to us. The Bill also deals with registered employment agreements, REAs.

The amendment of section 27 of the 1946 Act contains many parts. One which stands out is that the parties to an agreement must be substantially representative of both the workers and the employer. This is important because there are always rumblings that certain unions or representatives are not quite as inclusive or representative as they feel they are. This sets down in legislation that the people purporting to represent workers or employers need to be expressly involved and to be truly representative. The amendment to section 27 also sets out consideration of whether it is appropriate to register an agreement. It states that the court shall have regard to a number of factors. The first, as I stated earlier, is that the parties involved are representative; this is important. It also sets out core principles, including the fact that agreements will be binding on both workers and employers. It promotes harmonious relations between workers and employers and, if used properly, should facilitate the avoidance of industrial unrest.

These agreements will also be viewed in terms of their potential impact on employment levels in various sectors. What will be considered here is the desirability of maintaining fair and sustainable rates of remuneration for the sectors in question. This is where the real work is to be done. Obviously, most employers want to get work done at a reasonable price that keeps them competitive; and, of course, employees will want what they regard as fair pay. The task at hand is to strike a balance. Previous Governments have shirked their responsibility in this regard by essentially buying each agreement. They were not really agreements; they were in fact purchases. They purchased industrial stability at the cost, as we all see now, of making our economy uncompetitive. This Bill arises from the Government's obligation to address this legacy, and hopefully we will become a better country for it. The hard-learned lessons from the negligence of the past will also have to be taken into account in maintaining our competitiveness. When considering levels of employment in each sector, it is important that we do not allow one sector to run out of control, as happened in the building industry. When this happens, it causes a lot of pain for a long time afterwards.

The Bill also states that levels of wages in comparative sectors must be recognised. Although we would all love to pay ourselves loads, if we become uncompetitive we will not have any work to do. The Bill also sets out procedures to be used when one or the other party wants to vary an agreement and both parties are not agreeable to doing this. Initially, the case goes to the Labour Relations Commission for investigation; if agreement is not reached there, it goes to the courts for their recommendation. The aim of the legislation is to avoid protracted employment disputes which will affect a lot of people. It puts the Minister in a position in which he can make a decision on the court's outcome.

Another important aspect of this new legislation is the provision that where an REA is in place, the employer may apply for a court exemption. This may, on the face of it, sound as though employers are just looking for a way to pay workers less. However, this is not the aim. The provision is fairly tightly regulated; exemptions will apply for periods of not less than three months and not greater than two years. This applies to situations in which a company needs to get through a difficult period, when it may need to break such agreements in order to ensure it can keep all of its employees or keep the company in existence. A company seeking to do this must have a current tax clearance certificate, which is important because it shows that the business is up to scratch and the employer is honourable. It is also incumbent on the employer to notify the workers concerned about the financial difficulties and to be open about them.

[Deputy Tom Barry.]

This is the only reason for which it should be applied. Hopefully, this can be spelled out to the employees in a fashion that is agreeable to all. In fairness, long-term sustainability is what we should be seeking.

Putting this in legislation is important because any break that can be given to businesses whereby they will be able to stay in business is vital. I have set up a small business and in many small businesses these issues can be thrashed out across the table with one's employees. However, this is not always possible in the case of large companies where the employer does not have time to do it and personal relationships have not been built up over time. In essence, we are trying to bring the strengths of small businesses to larger businesses. Hopefully, building this co-operation with each other will lead this country to become a flexible and very good place for people to work. We will not always be living in bad times. People seem to think that we will never get out of the current devastating situation, but that is not true. We will get out of it.

I must reply to some of the suggestions made by Deputies earlier in the debate, and I will do so wearing my employer's hat, an employer in a business that is, thankfully, working quite successfully. Some of the Members suggested a wealth tax. I do not understand this. The objective of a business is to make money and in many cases, such as mine, it is reinvested in the business. That is good for the economy and for the workers. After listening to some Members' contributions I believe they do not understand business. They do not understand the ups and downs and the fact that in small businesses one works with one's employees. "With" is a very important word in this case. If one works with one's employees and if they understand that one is as concerned about their welfare as with the position of the business, everybody will get on and the business will succeed.

Members mentioned the World Economic Forum. That is a world away from small businesses that are trying to survive. One cannot ignore wages either. They are an intrinsic part of every business. To say that wages must be parked and never touched is wrong. An employer reviews the wages every year and if he or she can, will increase them. In difficult times, however, the main focus is on keeping the business going successfully. I do not agree with the claim that this Bill weakens workers' rights. It is not meant to do that.

I really take exception to the term "ruthless employers". I have never regarded myself as a ruthless employer, and I have no time for people who are. This Bill is not for ruthless employers but for the ordinary decent employer who wants to develop his business and work with his workforce in a progressive fashion. That is the spirit of this legislation. The Members who criticise it tend to criticise everything, and it is very easy to criticise everything. I urge them to look constructively at the legislation.

Another Deputy was correct to point out that beef prices have increased by 50%. I am a farmer too and I am glad he does not begrudge the farmers. However, it should be borne in mind that food price inflation will happen. Food prices have fought inflation back for 20 years. There has not been an increase in the price of milk, beef or grain for almost 20 years. That has kept inflation down, but now prices are rebounding like a spring. That will be a fact of life, but that is a matter for another day.

This legislation is progressive. I am delighted it has been brought forward in such a fashion. This country will emerge from the current difficulties. I see it happening at present as we are seeing a rebound in the countryside. It is a breath of fresh air to welcome legislation that will protect employees and encourage employers to further develop their businesses.

Deputy Derek Keating: I welcome the opportunity to speak on this legislation. The Minister, Deputy Richard Bruton, has introduced this Bill as a result of the High Court judgment, to

protect workers who were previously covered by JLCs. I welcome this reform of the Industrial Relations Act. I congratulate the unions who have involved themselves in making constructive submissions, unlike People Before Profit, who see employers and entrepreneurs as tyrants who act like “Fagin” from Dickens’s time.

The purpose of this new legislation is to allow the Minister and this House to protect both workers and employers. Companies will be able to get derogations from agreements in cases of financial difficulty, but for this to occur the Labour Court must be satisfied that specific criteria have been met. I welcome that it will only be granted for a limited period in cases of proven economic difficulty and following consultation with employees. We need a strong partnership between employers and their workers. Many people are aware of this. I have always supported the view that a respected employee is a productive employee and should be rewarded as such.

We are living in difficult times. Our country is trying to recover from the disgraceful and disastrous management of our economy by the previous administration of Fianna Fáil and the Green Party. Fine Gael and Labour Party Ministers are struggling to protect jobs while seeking to regain our financial independence from the troika. The ordinary citizen knows this and, unlike some other countries, we do not have riots or lightning strikes — the type of activity I sometimes believe Deputy Boyd Barrett is seeking.

Last week, I had an opportunity to speak in the Dáil on the manner in which the La Senza workers in my constituency were treated by their employers, who are based in London. I did not consider myself a lefty or a radical because I set out to support these workers. More than 100 women were affected by the manner in which this company closed shop without notice and left their staff high and dry without salary, overtime and, indeed, their entitlement to redundancy.

I welcome the Minister, Deputy Bruton’s, comments that from the beginning of this process, following the court case which found against the State, he was determined to strike a balance between protecting vulnerable workers and providing reforms that will make the system more competitive and flexible to allow for the creation of jobs, our economic recovery and the restoration of our fiscal independence.

It should be put on record again that this country was at risk of total collapse. This Government is pro-worker and pro-union. It is the worker who will bring about our national recovery. Having mentioned the La Senza workers, I welcome the Minister’s intervention in requesting the Labour Relations Commission to prepare a code of practice that will be given formal status by means of a ministerial order. This code will give guidance to all employers and employees in the sector that is covered by employment regulation orders, EROs, and will include such additional amounts as are reasonable for Sunday working. I also welcome the Minister’s view that this code of practice will substantially reform the work employers must carry out with regard to record keeping and compliance.

We need strong industrial relations legislation to protect both the employee and the employer. In cases where employees consider that their wages have been improperly reduced, they have a right to go to a rights commissioner under the Payment of Wages Act or they can go to the civil courts under breach of contract legislation. However, everybody knows how costly it is to go to the civil courts and how long it takes to get through those courts. We also know that the employers, backed in many cases by the Irish Business and Employers Confederation, IBEC, can mount a very powerful and costly challenge to an employee, which the employee generally cannot withstand. It is regrettable that IBEC has disputed this legislation and said it is unnecessary. Again, if one recalls how people are treated by some employers, it is interesting to note that low paid workers who are covered by the provisions in

[Deputy Derek Keating.]

the Bill will be able to achieve premium rates through a code of practice to be developed by the Labour Court. I welcome this.

However, I am concerned about when a dispute arises and there are difficulties relating to an employer pleading inability to pay.

It will take weeks, if not months, to resolve the dispute and the meantime the worker will often be left waiting in the sidelines. For this reason, I ask the Minister to ensure that when the legislation is passed mechanisms will be made available to address employee concerns immediately in order that workers are not required to take action on their own and outside the law.

I welcome the introduction of a new code of practice which employers will be required to take into consideration by providing for overtime rates, pensions and sick pay, matters that were not covered by joint labour committees in the past. It is heartening that the major trade unions in the Irish Congress of Trade Unions, namely, SIPTU and Mandate, have welcomed the legislation. Following the High Court decision to overturn the JLC system for regulating wages and terms and conditions for low paid workers, the Government, in coalition with trade unions, has shown through this legislation that we can still protect vulnerable workers and their conditions of employment.

Many of those who are expressing an interest in the Bill, notably employees, trade unions and employers, have differed in their views on Sunday premiums. The Minister, Deputy Bruton, and Minister of State, Deputy Sherlock, are working hard to ensure employees are protected while at the same time allowing the Government to proceed with its plan to create an economic environment which improves our chances of recovering from the disaster we inherited.

Although I am in favour of the Bill, I do not support jobs at all costs. Last week, I noted that we do not want employers dragging employees back to the conditions in which people worked in the 18th and 19th centuries. The Minister, through this legislation, has made an effort to protect vulnerable businesses while creating an environment in which this issue can be addressed once and for all in a manner that meets the needs of society in 2012. Our economy is in crisis. We hear on a weekly basis of the difficulties companies are experiencing as they try to maintain commercial viability.

The rules governing pay for Sunday working, which will affect many people employed in tourism, hotels, restaurants, shops and sport, constitute a fair and just approach to the circumstances in which we find ourselves. The evidence shows that the Minister has listened to the trade unions. He is a man of his word who has shown that the Government is committed to protecting employers and employees.

Following the reduction in the VAT rate for the tourism sector, hotels and restaurants, this legislation marks a further step towards the recovery of the State's finances. It is estimated that well in excess of 150,000 workers are working in the catering, hotel, hairdressing, cleaning, security, sporting and commercial areas. Their terms and conditions, as set down in employment regulation orders, are legally binding.

I believe this legislation will be constitutionally sound and acceptable to all workers as the alternative is unacceptable. The purpose of the Bill is to enable people to have and hold a job. It recognises and accommodates the sacrifice made by those who work on Sundays. I am concerned, however, that the Labour Relations Commission will be inundated with requests and low paid workers will be denied their rights because of the waiting list to access the commission's service. Perhaps the Minister will examine this issue. I wholeheartedly support the Bill.

Deputy Michael Healy-Rae: I acknowledge the presence of the Minister of State, Deputy Perry, and thank the Technical Group for facilitating me by providing time to allow me to speak on this important Bill. I am pleased the legislation is receiving the time and attention it deserves. Considerable work has gone into it and its provisions merit significant debate.

The workers affected by the legislation are among the lowest paid and most vulnerable members of the workforce. Employment regulation orders cover hotel workers, restaurant staff, agricultural workers, cleaners and those employed in catering, hairdressing, retail and security. Registered employment agreements cover the construction industry and electrical contractors. These orders and agreements cover rates of pay and working conditions. The workers concerned must frequently work anti-social hours, including Sundays. Even though I am a young man, I remember that a time when anyone driving from County Kerry to Athlone would have found only two places to buy petrol on a Sunday. This may be hard to believe but it was not many years ago. Nowadays, every outlet is open on Sunday. We all remember a time when one was fortunate if one could buy a newspaper on a Sunday because shops only opened for a couple of hours as opposed to all day and night. Times have changed and the Government must achieve a balancing act as it tries to protect lower paid workers while also creating an environment in which people will create jobs and become valuable employers.

The proposed legislation was drafted as a result of the High Court decision in *John Grace Fried Chicken and others v The Catering Joint Labour Committee and others*. It found that certain provisions of the Industrial Relations Acts were unconstitutional. The Bill satisfies a number of conditions in the EU-IMF programme of financial support for Ireland. It aims to reform the joint labour committee, JLC, system to better reflect the current economic climate and provides new criteria for the creation of employment regulation orders, EROs, and registered employment agreements, REAs. It also introduces the condition that the EROs and REAs will only have legal effect upon ministerial orders and Oireachtas review.

The Labour Court can temporarily exempt employers from the terms of REAs and EROs if certain conditions are met, for example, there must be a risk of lay-off and the exemption cannot have a distortive effect on competition. The proposed exemption is a cause of concern because while it is clearly necessary, we must ensure it is not misused or used in an unscrupulous manner.

The joint labour committees will have the capacity to set a basic adult rate and two other minimum rates. These will take into account factors such as length of service and skills. A review of each JLC will take place every five years. New criteria for the creation and variation of EROs will take into account factors such as the legitimate interests of the employer and employees, competitiveness, sustainability, levels of employment in the sector, conditions in comparable sectors and the minimum wage. While the JLCs will not set a Sunday premium rate, protections will remain under the Organisation of Working Time Act 1977. In addition, a code of practice is to be drafted to provide guidance to employers and employees on the issue of Sunday working. The Bill proposes a new procedure whereby the terms of an agreement may be varied by the Labour Court and recommends less onerous record keeping requirements for employers.

I propose to address first the good points of the legislation. Clearly, the Government had to act following the High Court judgment because the workers covered by employment regulation orders and registered employment agreements would otherwise have been left without protection. The Bill is important from the point of view that it will apply to 200,000 workers. Moreover, it provides for oversight of the process by the Oireachtas and allows greater flexibility for employers facing financial difficulties to obtain temporary exemptions from employment

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regulation orders in certain circumstances. Such derogations will be granted in cases of proven economic difficulty following consultation with the employees concerned.

On the negative aspects of the legislation, perhaps it should be more specific about Sunday premiums. We must await the code of practice before learning what provisions will apply in this area. Workers should be adequately compensated for working on Sundays as it is unsociable to

do so. Given the current state of the economy, employers need to be able to be
7 o'clock competitive and more flexible if jobs are to be created in the sectors in question.

There is a danger that further constitutional challenges could be taken against the legislation and some employers' groups have already threatened to do so. The inability to pay clause available to employers may become a cause of concern if employers use it as a means of circumventing the provisions of the legislation. I also note that the Restaurants Association of Ireland is outraged by the Government's decision to reintroduce the joint labour committee wage setting system.

Ireland's €8.65 per hour minimum wage is one of the highest in Europe, according to the association. It said the minimum wage is €9.10 per hour in France, €7.06 in the UK and €4.01 in Spain.

The Irish Hotels Federation was also critical of the retention of the JLCs which it described as an outdated and regressive employment framework. Mr. Tim Fenn, chief executive of the body, queried the constitutionality of the proposed reforms and described the JLCs as an impediment to job creation. The Construction Industry Federation also expressed its disappointment, saying the proposals did not go far enough to meet competitiveness challenges in the sector.

The Irish Small and Medium Enterprises Association said the proposed reforms would push struggling companies over the edge. The ISME chief executive officer, Mr. Mark Fielding, said the core issue of general pay had not been sufficiently addressed.

IBEC also slammed the Government's Industrial Relations (Amendment) (No. 3) Bill 2011 and said that the plans by the Government to reintroduce the JLC wage setting system, as set out in the Bill, were misguided and unnecessary. Reacting to the publication of the Bill by the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, IBEC director, Mr. Brendan McGinty, said:

While some of the proposals, such as the abolition of Sunday premiums, are an improvement over the last regime, the entire JLC system should have been consigned to history.

The High Court decision of last summer did not provoke the crisis some predicted. Employers have respected the fact that existing employees have contractual rights to established JLC rates, unless and until they freely agree otherwise. Any attempt to reinstate the JLC system will be fraught with constitutional uncertainty and will be open to further legal challenge.

Ireland has the second highest national minimum wage in the EU, and all employees are protected by over 40 pieces of employment legislation. The move to bring in new legislation means that workers in some sectors that can least afford it will have higher sectoral minimum wages and other benefits not available to other private sector workers. The government proposals are arbitrary and unnecessary.

Having said that, it is very important the message we send from this House is that small business people are the backbone of Ireland's business. These people created one to four jobs. These businesses, along with agriculture, were the backbone of Ireland's business over the years.

Unfortunately, we have seen many small shops and small businesses close. I am not one bit slow about saying there were 27 shops and six pubs in the village in which I grew up. Today there are two shops and two pubs. That is reflected in every town and small village in the country. All of those people created a job for themselves and, if they had additional work, they hired help and those people were very glad to have work.

I have heard colleagues, who I respect very much, talk about unscrupulous employers. There are cases in the media at the moment and none of us is happy about the situation in which workers find themselves. In the main, those who employ other people respect them. Everybody is pulling together. The business person who is creating the job must make money to keep a person in the job. If he or she is not making money, the door closes. The Government and the Opposition must ensure mechanisms are put in place which will protect the worker, in particular the lower paid worker, and ensure no worker is blackguarded in his or her place of work.

The hotel sector has grown enormously over the years. There are families in Ireland which are steeped in the hotel business. In Killarney town, generations of families have worked very hard in the hospitality sector and they have grown their businesses and borrowed vast amounts of money. They are not like some of the fly-by-nights who ran away; these are respectable people who borrowed money, improved their hotels, put in leisure complexes and enhanced their businesses greatly. They have increased enormously the number of people working with them. I will not say working for them because these are family hotels. There is a big difference between working for somebody and working with somebody. I am one of those for whom nobody has ever worked. People have worked with me and that is the way business should be, how one grows a business, gets the trust of one's employee, gets an employee to be as worried about one's business as one is so that he or she is as interested in keeping one's door open as one is. That is what is important.

The hotel industry has raised the bar for people who visit our country. They have excellent facilities and the best of restaurants. I refer to the Restaurants Association of Ireland and the great improvements which have taken place in places such as Dingle, Kenmare, Kinsale and other places. The country is dotted with great businesses that have built up reputations which are very important to them. Under no circumstances would those people like to be classified in this House as unscrupulous employers. They are respectable people who are creating jobs and want to stay in business. We must be very clear that the proper message is sent from this House.

Whatever way Members vote on this Bill, we must remember that at the end of the day, it is about sustaining jobs, creating a protective environment for workers and ensuring that the message is sent that it is not a sin for employers to want to make a profit to ensure their businesses will be there the following year and for future generations.

Small businesses have had to reinvent themselves because of new regulations. Every day small business throughout the country are subject to all types of inspections and regulations, including accounting standards and hygiene regulations. This is all good but it places an additional burden on businesses which are already struggling and under severe financial pressure.

SIPTU's views on this matter are very important also. In July, when the Minister announced his intention to introduce legislation which, effectively, dismantled the EROs and REAs which set out the rates of pay and conditions for low paid workers, SIPTU, other trade unions and organisations representing low paid workers campaigned intensively to ensure that all workers previously covered by the wage setting mechanism would continue to be protected under the new provisions. They have managed to achieve this, although they were disappointed the Sunday premium was excluded from the provisions published. Workers will, however, be able

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to achieve a Sunday premium through a new code of practice to be developed by the JLCs. They said the Minister has also agreed to include the provisions to ensure employers pleading inability to pay the agreed JLC rates would have to satisfy the Labour Court that they are genuinely not able to do so. They will also have to satisfy the court that any exemptions granted will have to take into account any distortion effect in the relevant industry.

I note what the Mandate trade union said at the time: it acknowledged the progress embodied in the draft legislation. Mandate's general secretary, Mr. John Douglas, said this progress had been brought about by the hard work of many Oireachtas Members, the trade union movement and campaign groups such as the coalition to protect the low paid. Mr. Douglas argued, however, that much work was required to turn this Bill into legislation the trade union movement can fully support, particularly with regard to Sunday premiums and the ability-to-pay clause introduced for employers.

Since the High Court overturned the JLC system of regulating wages and other terms and conditions for low-paid workers, Mandate has been working with many others to ensure a replacement system was put in place. They are aware that much work needs to be done to continue the fight to protect low-paid workers.

I hope the spirit of the Bill will ensure that our competitive enterprises will be able to stay in business in the years ahead, and that workers' rights will be protected.

Deputy Paudie Coffey: I wish to share time with Deputy Tony McLoughlin and Deputy Damien English.

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

Deputy Paudie Coffey: I welcome the opportunity to contribute to the important debate which concerns industrial relations, employment law and workers' rights. The Bill is before the House because the joint labour committee structures, which were in place since 1946 and many felt were extremely outdated given our current economic circumstances, were urgently in need of reform. That situation was endorsed by the court case last year which found that the fundamental structures of JLCs and employment regulation orders, ERAs, that emanate from them, were fundamentally unsound and in urgent need of reform. At that time, much concern was expressed, quite rightly, by unions and employers in the business sector. The Bill before us will address this important area.

When introducing new legislation, it is important that, as far as practicable, it should be fair, balanced and do the job it is intended to do. This Bill is to reform employment regulation orders and registered employment agreements made by the joint labour committees. It will protect workers' interests. The JLCs can still set adult rates of pay, but they must now take into account factors such as competitiveness and unemployment which is currently in crisis. If we do not have competitiveness in our economy we will not be creating employment. We can see the challenges that lie before us with rising unemployment levels.

I come from Waterford in the south east where unemployment levels are way above the national average. It is of great concern to me as a Deputy from that constituency, as with Deputies on both sides of the House, that legislation we introduce here should not put employment creation prospects at risk in any way.

Sunday premium rates were previously set by the JLCs, but this will no longer be the case. A code of practice will be introduced and consultation will occur between employer and employee representative bodies. That is both correct and important. Any new premium rates to be set must reflect the flexibility now required in a modern economy. I attended a good news story

this week in Waterford where a company called Eishtec will create over 280 new jobs in the coming six months. Eishtec has won international contracts against stiff competition. It is a service call centre which feels it can compete with international companies and win more contracts here in Ireland. To do so, however, it needs to be competitive and flexible. Much of Eishtec's work will be at off-peak times, at weekends and after hours. The company has a flexible workforce that is ready and willing to do such work and the more we see of that the better. We are beginning to realise that in the modern global economy we must adopt a flexible approach to work. That will allow us to become much more competitive, thus winning more international contracts.

Social partnership contributed many positive things to this economy, but there were negative aspects also because many deals were done behind closed doors. They were not done openly or in this House and we suffered for that in many ways through a loss of competitiveness. In addition we lost our ability to be flexible and win contracts.

I hope that in future we will see a real engagement by employers, unions and the Government to ensure we protect and sustain existing jobs as well as pitching for new ones. Today I saw an announcement that exports are up massively on last year's figures. They are at the highest rate ever, which must be welcomed. Last summer, the Government got much criticism when the jobs initiative was introduced to focus on the tourism and hospitality sectors. We saw the direct impact of that focus, however, by increasing jobs in those areas as well as having higher visitor numbers. That creates a whole new revenue stream of income for this country, which must be further encouraged.

Some areas in the construction sector have been affected by JLCs in the past, such as electricians' rates. Many contracts have been lost to companies outside this jurisdiction. For example, JLCs restricted companies that quoted for work, including fitting out shops at weekends. As a result we lost such contracts to Northern Ireland and British companies because we were not competitive in those areas. I certainly hope we will now become competitive as a result of this legislation. In that way, Irish companies will compete for contracts and win them, thus creating jobs here.

I commend the Minister, Deputy Richard Bruton, and the Minister of State, Deputy John Perry, for the many initiatives they have introduced to assist small businesses. However, banks in this country are still not giving credit to small businesses. Last week in Waterford, a small business employing ten people applied for a term loan from a bank. They were given the term loan after much negotiation and hardship, but the bank withdrew the overdraft to that company. That limited the access to credit the company so badly needs. Banks cannot continue to give with one hand and take away with the other.

There are over 200,000 small businesses which employ almost 700,000 people. They are the life-blood of this economy and must be supported in every possible way.

Deputy Tony McLoughlin: I welcome the opportunity to speak on this Bill and thank the Minister for his work on the legislation. The Minister and Minister of State have had a difficult job to balance the arguments on both sides, but the Bill achieves a compromise. I welcome a number of measures in the Bill, particularly in the area of Sunday working which has been a bone of contention both for employers and employees. Many employers complained that such rates were making Ireland uncompetitive, especially in the tourism sector, as countries like Spain, Germany and the United Kingdom do not pay premium rates on Sundays.

The Bill proposes that joint labour committees will no longer set Sunday premium rates or any other conditions of employment covered by universal standards provided for in existing legislation. I welcome the fact the position of Sunday working will still be recognised, mainly

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through options set out in the Organisation of Working Time Act. These include the provision of time off in lieu. However, a new statutory code of practice on Sunday working is to be drawn up by the Labour Relations Commission, which will provide guidance for workers and employers on compliance with the Organisation of Working Time Act.

Like many Deputies, I have been lobbied by organisations like the Restaurants Association of Ireland on the issue of Sunday working. While we must have regard to our competitive tourism and service sectors, it is only fair to protect those working in those sectors, most of whom are on the minimum wage. It is only right that due recognition be given to people who have to work on the day most others have off. However, we must strike a balance and exorbitant multiples of pay on Sunday, as proposed by JLCs in the past, have damaged the prospects of creating more jobs in restaurants and in the service sectors. The Minister has achieved the desired balance in the Bill's proposals. I acknowledge the comments by Chambers Ireland, which welcomed the move in saying that the new measures would result in a fairer and more competitive system.

There is frustration among many employers, some of whom are struggling to make a profit. These are pitched against our neighbours in the UK and especially those in Northern Ireland, where the wage levels at the lower end of the scale are substantially less than in Ireland. It is worth noting that we have the second highest national minimum wage in the EU and all employees are protected by over 40 items of the legislation. Many business people in my constituency of Sligo Leitrim North, a constituency that straddles the Border, struggle to compete with businesses supplying similar services and goods in Northern Ireland. Only for the currency difference and the weak euro, it would be much worse.

It may be said that it is a race to the bottom when it comes to wage restraint but there is a competitive issue to be considered and we must keep our eye on the ball. Otherwise, more jobs will be lost, especially in the Border region and in our tourism industry. The jobs initiative by this Government, reducing the VAT rate at the lower level, resulted in many services associated with the food, tourism and service sector being reduced. Increased tourist numbers over the past number of months shows me that this move worked and will secure more employment in the sector. In tandem with this, it is vital we maintain wage costs so that we can continue to provide value for money in these sectors.

While the Government has been criticised by the trade unions for going further than recommended by the Duffy Walsh review, the EU Commission supports this approach. The finding in the High Court that some sectoral wage setting arrangements were unconstitutional redoubles the urgency of reform in this area. I recently met a restaurant owner who offered the job to a person in receipt of a social protection payments. After taking a week to think about, the person told the restaurant owner that the difference in earnings compared to welfare payments was €50 and the loss of a number of benefits. Needless to say, the job was turned down. We need to strike a balance so that remuneration difference between working and not working is less than €100.

I welcome two further aspect of this proposal, such as the need to take into account international wage rates when agreeing terms and the fact that, for employers, the burden of compliance and record-keeping requirements in these sectors will be reduced. I commend the Bill to the House.

Deputy Damien English: I welcome the opportunity to speak on this Bill, which is very important. We have been talking about it for a long time. For years we knew this had to be reformed but it never happened. I had to laugh last night and today when I heard Deputies on the Opposition side giving out about the Minister for Jobs, Enterprise and Innovation, Deputy

Bruton, delaying for the past six months. We are more than ten years late in reforming this legislation but at last we are finally there.

This matter became much more urgent after the High Court case last July. The Duffy Walsh report was published around the same time and this made it a pressing issue. I thank the Minister for the urgency with which he dealt with the matter. Along with a number of colleagues on the Joint Committee on Jobs, Social Protection and Education, I am dealing with this Bill and it has been frustrating because we wanted to have the matter addressed. I acknowledge the contribution of Deputies O'Dea and Tóibín, who introduced Bills on this area. That legislation dealt with some of these same issues but not all of the issues addressed by the Minister's Bill. I acknowledge the efforts of those Deputies and the efforts of the committee to address this matter. Looking through the Bill and realising how long it can take, I accept that the Minister and the Ministers of State, Deputies Perry and Sherlock, did this as quickly as they could. The Bill covers most of the matters under review. There will be plenty of debate in the coming weeks and on Committee Stage during February and March. A number of groups want to present and make submissions on this legislation and I have no doubt that it will get a good hearing. We will get it right this time. A long time ago, when starting out in politics, I was told that sometimes one wants to rush things but it is better to get things right than rushed. It is only January but I think we have the right balance and common sense into an area that needs major reform. The main reason it needs reform is because we are missing out on job opportunities. People are missing out on having their first job, such as a part-time job in a local shop, which is often people's first job. This is the opportunity to find out how it works in the workforce.

This is an important Bill that will change how these agreements are reached. This is a major problem area for employers, particularly the red tape associated with this. In some cases, there were over 300 different rates of pay across different sectors, which is absolute madness. One of the reforms included in the legislation is that rates of pay will be limited to three. The red tape will be cut out for employers and this will help them to create jobs.

Most of the Opposition speakers have made clear that we must protect workers in vulnerable sectors or categories of workers on low wages. There is no doubt about that but one must also have the balance so that people are willing to create jobs in the first place. This legislation has balance. If anyone doubts the commitment of the Government to the low paid, one of its first acts when it came into government in March was to reverse the minimum wage cut. That cut was absolutely wrong. At the time, we were told by the then Government, which was mainly Fianna Fáil, along with the Green Party and a few other people hanging around, that this would create jobs. I had to laugh when I read Deputy Willie O'Dea's speech last night when he made it clear that there is no link between cutting wages at the lower end and creating jobs. Last year, his message was totally different. I am glad that the Opposition has come around to our view of this, that is wrong to cut the wages of those on low wages. I agree with IBEC on many things but it got this wrong. It is very hard for people to survive on low wages. If people are on the minimum wage, there is a cost to going to work. Cutting the minimum wage means that it is not worthwhile for people to go to work. Industry wanted the minimum wage reduced because it is used as a benchmark for other wage negotiations. These should be addressed separately and people should not pick on the minimum wage. We understand the necessity to have a proper minimum wage and we will not use this Bill to cut people's wages in a drastic way.

We need to bring some common sense to the wage agreements in various sectors over the past 60 years. Hopefully, we will get it right. It is important that we are more transparent in these agreements and in the Labour Court committees. This Bill gives the Minister of the day more power and more involvement in setting these agreements. Some will say that this is a scary thing but in my view it gives the House more powers. For too long, I watched politicians

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here trying to give away powers and blaming other people for every decision made. It is time that this House, through the Minister, the Government and committees, started to make more decisions, which it is supposed to do. Members should stop trying to hide behind every other sector and group. This Bill reintroduces relevant decision making to this House when it comes to setting terms of employment and wage rates. That is useful and will be of benefit as we go along.

The Minister has made it clear that he will take on board the views of others and amendments will be made. I look forward to examining the amendments on Committee Stage. The High Court recommendation and the Duffy Walsh report both said that we must be very clear in setting out the principles behind any agreement. Everyone must be involved in that debate in order to set out who has what powers. It was not clear over the years and the waters were muddied since then, probably because they were too many agreements, some of which were defunct. The other part of the Bill I welcome is that the Minister will deal with the unnecessary ones immediately.

Debate adjourned.

Private Members' Business

School Guidance Counsellors: Motion (Resumed)

The following motion was moved by Deputy Brendan Smith on Tuesday, 17 January 2012:

“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;
- 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.”

Debate resumed on 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 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.”

— (Minister for Education and Skills)

Deputy Maureen O’Sullivan: With the agreement of House I will share my time with Deputies Seamus Healy, Tom Fleming, Clare Daly and Luke ‘Ming’ Flanagan.

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

Deputy Maureen O’Sullivan: I did the guidance and counselling course in University College Dublin in 1991-92. Given the numbers in my own school I combined that role with the teaching of English and history until 2009, when I was elected to Dáil Éireann. I acknowledge the commitment and dedication of those people with whom I did the course in 1991-92 and of the many guidance counsellors I worked with in those 20 years.

I will not speak about statutory and legal requirements. I will speak from my personal experience of what was involved in guidance counselling during those 20 years. For me, and many others, it was divided into two areas. One was the careers area and the other was counselling. In the careers area there was a defined contact with students in their leaving certificate year. It is a difficult but also a wonderful year. As a guidance counsellor one is there and guiding

students through the wide range of options available to them: further study through the central applications office, CAO; post-leaving certificate, PLC, courses; repeat leaving certificate; work; apprenticeship; going abroad; or going through the Universities and Colleges Admissions Service, UCAS, system. Being a guidance counsellor means being with the students during that year as they go through the stresses, difficulties, joys and sorrows and being with them when they change their minds, as they do on many occasions, and when the offers and results come in. It means being available to them when they leave school, face other difficulties and want to come back to the guidance counsellor. It is about working with the incoming first year students, fifth years and transition year students on subject choices. It is about using the standardised tests and being with them and guiding them through their CVs, mock interviews and open days.

The guidance and counselling course is a professional qualification to do career guidance work and counselling. When I look back over those 20 years I think of what I did. Some of my work was one-to-one counselling and some was group counselling, depending on the situation. Some was drawing up my own programme or adapting existing programmes. I went through support in relationship difficulties with boy-friends, girl-friends or parents. A common situation was separating parents and the stresses for students from that and when new partners were brought in. The job and money situation at home would come to school with the student. Issues arose around sexuality, teenage pregnancy, bullying, addiction, alcoholism, violence, abuse, eating disorders and self harm. Counselling means being with the students in a very special way during any of those events. It is about being available at all times during the course of the school day, and after that day.

Given that we do not have sufficient referral agencies in this country in many cases the guidance counsellor is the only support available. When there is a particular tragedy the National Educational Psychological Service, NEPS, will come in, but NEPS will go and the guidance counsellor will still be there.

I acknowledge one aspect of the Government amendment, which is that guidance is part of the pastoral care system in a school involving year heads and form teachers. It is retrograde to leave schools without this service and leave the burden of choice on principals. I ask the Minister to look at the substitution and supervision scheme instead, and leave guidance counsellors in place.

Deputy Seamus Healy: In the few minutes available to me I wish to record my appreciation and thanks to the guidance counsellors and teachers, throughout the country and particularly in my own constituency, for the work they do for young people. My own children benefitted from the services of guidance teachers and many of my own family are involved in the education system.

While I welcome the Minister of State, Deputy McGinley, it is a pity the Minister for Education and Skills is not present to hear the views of Members. This is an important subject and his absence is an indication of his lack of understanding. I would have expected him to be here.

The services provided by guidance counsellors are to be decimated. The proposals mean the pupil teacher ratio will be, effectively, increased and subject choice will be narrowed as many schools will have to choose between guidance and other subjects. Approximately 700 schools and 1,000 guidance teachers will be affected by this measure.

The new arrangement will not provide an effective system for students who require guidance, not alone in the educational areas but also in the personal areas of life, where guidance teachers have been excellent in advising and steering young people during their formative years.

I acknowledge the motion and confirm my support for it.

Deputy Tom Fleming: The recent budget decision to discontinue the ex-quota allocation of careers guidance hours on the expectation that schools will provide guidance within the general teacher allocation is completely unacceptable. It means career guidance will be competing with

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general subject areas within the general school allocation. Schools will have to choose between guidance counselling and other essential subjects. With the recent increase in the pupil teacher ratio, schools are already struggling to provide subject choices and will not be in a position to provide both effectively.

The decision is also contrary to the current Department of Education and Skills policy on guidance. For example, the Department's inspectorate recommended in two whole-school evaluations in Kerry that, "Arrangements should be made for guidance to be delivered by a qualified guidance counsellor". The new proposed junior certificate document, Towards a Framework for Junior Cycle, highlights a modern approach to course-work which involves many choices for students which can only be effectively supported by a qualified guidance counsellor.

As job prospects are fewer the need for accurate and solid careers advice is more critical than ever. With the deteriorating economic situation more and more families are presented with pressures and crisis situations which need a strong and immediate response from schools. I cannot stress strongly enough the high levels of stress, depression, suicide and mental health issues that are addressed by our guidance counsellors on a daily basis.

In the context of increased globalisation and the changing nature of jobs and careers in the smart economy, IBEC, Forfás, third level institutions and other agencies depend on guidance counsellors to support students to make informed decisions about their futures. The role of the guidance counsellor is critical in ensuring that the future skills needs of the country are met. Recent ESRI research found that students need more guidance in schools and want more one-to-one guidance. If we are to care for our students and contribute to the smart economy we must, at least, maintain the current allocation for guidance and counselling and not allow these hours to be absorbed into the academic curriculum.

The proposal in the budget promises only negative implications for Ireland, its young people, their families and the education system.

Deputy Clare Daly: Like the cutbacks in DEIS schools, which we debated in Private Members' time last week, this issue shows that the Government has taken part in the butchery of our education system. Decisions have been taken that are short-sighted and narrow-minded and will have a serious impact on young people growing up in Ireland today and on society as a whole.

Measures such as the one we are debating this evening show that the Minister for Education and Skills was party to a lie when he said his Government and his Department would protect the pupil teacher ratio. That is not so. That promise is being negatively impacted upon by the decision on guidance teachers. It will have a cataclysmic effect on young people and on education standards.

When guidance teachers are forced back into the classroom, as the Government would have it, the non-permanent teachers who now carry out teaching functions in other classes will lose their jobs. Some 700 jobs are on the line as a result of this measure. What signal does that send and what record is that for a Government that says it is in favour of job creation? Where is the economic sense in educating our young people to be teachers if we then export them to other countries? It makes no sense at all. Undoubtedly, what is being done will make it much harder for young teachers to get a job and it will have an impact on those currently in employment. That alone is utterly scandalous.

The other aspect to be considered is the impact on students themselves. As other Deputies have said, what is essentially being lost is the one-to-one care and counselling service, which will be replaced by a more class-based approach and, probably, a more career-based approach. In modern Ireland, that is not enough. The Government has paid extensive lip service to mental health but this measure alone will have a massive impact on the mental health of very vulnerable teenagers. I refer to 300,000 young people who, in many instances, because of the lack of adequate counselling services outside the school system, will have no access to trained counsel-

lors to help them with all the difficulties that affect them because of the expense. If the Government does not reverse the cut, it will have a detrimental impact on those young people and society as a whole. I hope the unions take this matter on. The Government feels it can withstand the pressure but it will meet the hot breath of people in the workplace, parents, students and teachers. It will not get away with this one.

Deputy Luke 'Ming' Flanagan: When talking about a subject, one should refer to the experts. I was contacted by an expert on this subject, a guidance counsellor. Her letter states:

1. The Guidance and Counselling Service was the first government funded counselling service in the state. For 35 years, the department of education has been funding this vital service to all second level students, those in further education and in prisons.

2. Guidance counsellors provide a professional counselling service to their students at a fraction of the cost of other state funded counselling services...

3. Guidance counsellors refer students to state funded and private counselling services. We support the students who sometimes have to wait up to 2 years before being seen by other agencies. These services are already under huge pressure and will not be able to cope with the massive increase in referrals from schools.

Acting Chairman (Deputy Tom Hayes): The Deputy has already exceeded his time. If he reads the letter into the record, I will move to the next speaker.

Deputy Luke 'Ming' Flanagan: I did not use up my time.

Acting Chairman (Deputy Tom Hayes): The Deputy's colleagues did.

Deputy Luke 'Ming' Flanagan: If what I said could be put on record, I would appreciate it. The Deputies opposite should not be crying crocodile tears in a few years when the number of people committing suicide goes up. It is quite clear that if they do not do something about this, they will be talking rubbish. They will be crying fake tears when this inevitably happens.

Acting Chairman (Deputy Tom Hayes): Deputy Harris is sharing time with Deputies Pat Breen, Anthony Lawlor and Mary Mitchell O'Connor, each of whom has five minutes. I will be insisting, in fairness to everybody else, that they stick to the time limits.

Deputy Simon Harris: I welcome the opportunity to contribute on this important debate. The work of guidance counsellors in our schools is beyond reproach. Every student reacts to the pressures and stresses of the school environment in very different ways. I have spoken previously in the House on the importance of providing students with the support they need to deal with the challenges.

Deputy Flanagan should note that nobody, on any side of the House, cries crocodile tears when it comes to the issue of mental health. We are all united in our desire to reduce the level of suicide among young people and improve mental health.

Our education system is facing real challenges. We cannot introduce the savings we need to see under the EU-IMF agreement without achieving savings in education which will account for approximately 17% of all State spending this year. Our education system is already under significant pressure. Over the next six years, enrolment will increase by 70,000 pupils and we must be able to provide for them. One cannot discuss the resources available for education without acknowledging these pressures. In 2008, in response to these pressures the previous Government chose to make a blanket increase to the pupil-teacher ratio. This resulted in some schools having to curtail their subject choices to the detriment of students. By contrast, we have sought to give schools the flexibility to deliver. The Minister has maintained the pupil-teacher ratio and the overall number of special needs assistants and resource hours. The

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decision to remove the ex-quota provision of guidance teachers in post primary schools is not one I relish——

Deputy Willie O’Dea: He has not maintained it. Deputy Harris is misleading the House.

Acting Chairman (Deputy Tom Hayes): Deputy O’Dea will get his chance.

Deputy Simon Harris: ——but by structuring the change in this way, school management authorities will have the freedom to manage their own guidance provision and balance the guidance needs of their students with the desire for a broad range of subject choices.

I have confidence that school principals will run their schools in the best interest of their students, which I welcome, and we must——

Deputy Micheál Martin: The Deputy should not put them in an impossible position.

Deputy Simon Harris: ——give them the flexibility to do so. This is in line with the commitments in the programme for Government to end the one-size-fits-all approach to education and to give greater autonomy to those who know a school best, the principal and board of management.

Deputy Michael Healy-Rae: It is called defending the indefensible.

Deputy Simon Harris: The recent budget also provided for the filling of 300 additional principal posts.

Deputy Willie O’Dea: Get off the stage.

Deputy Simon Harris: I met many principals throughout my constituency, as I am sure has every public representative, and noted they have really struggled to run their schools in recent years due to the vacant assistant principal posts. This measure will assist schools in filling management positions which also have a guidance role, including year heads. Year heads are often a natural point of support for students.

Deputy Michael Healy-Rae: Throw it onto the principals.

Deputy Simon Harris: I welcome the Minister’s engagement with the Institute of Guidance Counsellors. I would hate to see a school lose its entire guidance provision. The support provided to students by guidance teachers in providing advice, support and information on third level options and a range of wider supports concerning the well-being of the student is invaluable.

Schools have a statutory obligation to provide such facilities for their students. The Education Act is not changing and the obligation on a school to deliver within the Act remains. I have corresponded with the Minister on this obligation and very much welcome his amendment’s commitment to reiterate the nature of provision within the Education Act in his Department’s next circular to schools. Giving school principals the power to allocate resources as they see fit is the best step forward.

These are difficult circumstances but nobody on this side of the House is in favour of increasing suicide or of any other such charge.

Acting Chairman (Deputy Tom Hayes): The Deputy has only one minute remaining.

Deputy Willie O’Dea: Reverse the cut, then. Get off the stage; you are a disgrace.

Deputy Simon Harris: I do not have the luxury to enjoy the limelight of the stage that Deputy O’Dea likes to——

Deputy Willie O’Dea: Get off the stage; you are a joke.

Deputy Simon Harris: The Deputy’s party had its chance. It had 14 years and made its decisions and we are left with its mess.

Deputy Willie O’Dea: The Deputy’s party has had 14 months and made a hames of it.

Deputy Simon Harris: Unless some Members of the Opposition want to go down the road of Greece, Latvia and Northern Ireland, which face school closures, this Government will take a responsible step forward.

Deputy Michael Healy-Rae: Deputy O’Dea did not cut education anyway.

Deputy Pat Breen: I call on Deputy Luke Flanagan to withdraw his remark on Deputies crying crocodile tears. Everybody has been touched by suicide and everybody knows a family or individual affected.

Deputy Luke ‘Ming’ Flanagan: There will be more touched by it because of this.

Acting Chairman (Deputy Tom Hayes): Please.

Deputy Luke ‘Ming’ Flanagan: He referred to me.

Deputy Pat Breen: It is very insensitive of Deputy Luke ‘Ming’ Flanagan to have made his remark and I believe he should withdraw it.

Deputy Luke ‘Ming’ Flanagan: I do not really give twopence what the Deputy says.

Deputy Pat Breen: I welcome the opportunity to contribute to this debate. There is no doubt but that we are living in dire straits, strange economic times and circumstances that warrant tough decisions. All of us on this side of the House would prefer if we did not have to make them but, unfortunately, the people elected us to sort out the finances and economic situation. There are tough decisions to be made.

The Minister, Deputy Quinn, managed to drive reform in such a short time in his Ministry. Since he assumed office, he has introduced some real educational reforms. The reforms of the junior and leaving certificate curricula are just some of the challenges we face. There have not been changes in this regard since the 1930s. The new junior certificate will concentrate more on critical thinking. There will be more school-based assessment, which will place less emphasis on one final exam. The new curriculum will lay the foundation for changes to the leaving certificate. This is extremely important. For far too long, pupils were just learning off the content of textbooks. New thinking is required and it is extremely important.

The Minister plans to review the CAO points system for entry to third level which could see radical changes to the college admissions system within three or four years. I compliment him on this forward thinking.

I sometimes pinch myself when I listen to some of the comments from across the floor, particularly from the former Government Deputies. Sometimes I believe I am in the film “Back to the Future” when I listen to comments in debates here but I suppose that is the way politics works.

Deputy Mattie McGrath: They are in Government now.

Deputy Pat Breen: I remind Deputies that when the Celtic tiger was raging a few years ago and we were flush with money, the then Government delivered very little reform in the education system.

Deputy Timmy Dooley: We built schools all over Clare. Deputy Breen was at the openings. He drank the wine.

Acting Chairman (Deputy Tom Hayes): Order, please.

Deputy Pat Breen: I remind Deputies it was the former Government that reduced the number of language support teachers from six to two and axed the 128 special classes for pupils with mild learning disabilities. It was the former Government that cut substitute teachers in schools, reduced class sizes and forced many trainee secondary teachers to choose alternative careers or emigrate.

The reality is we are bankrupt. Some €350 million has to be cut from the education budget by 2014, with €70 million in cuts this year, an enormous sum.

Deputy Mattie McGrath: It is the Government's choice.

Deputy Pat Breen: The Minister explained last night the reasons for the budget reduction. He is anxious to put in place the staffing allocation at 19:1 but, unfortunately, like every other Minister in this Government, he does not have the luxury of unlimited budgets. If he spends the money in one area, he has to make cuts in others.

I want to refer to the role played by guidance counsellors. While 42% of our schools do not have full-time guidance counsellors, those schools that have them value the service that is provided by counsellors, which must be acknowledged by all Deputies. From my discussions, I understand that guidance classes are very valuable and a time-effective way of presenting general information to students in regard to career choices, which are now extremely important, as other Deputies have said. It is a very difficult time for students given the issues of skills, college options, the CAO and so on. It is the individual appointments with students which are invaluable. In these sessions, the students have an opportunity to sit down on a one-to-one basis and talk to somebody about their problems. One guidance counsellor told me he deals with students who are suicidal, who are bullied and who have very low self-esteem.

Guidance counsellors play a very valuable role. I welcome the fact the Department of Education and Skills is to issue a circular in the coming weeks to further clarify the situation in regard to guidance.

Deputy Anthony Lawlor: I am pleased to speak on the motion put down by Fianna Fáil, or should I call it the ostrich party? What I mean by this is that for the past 14 years they must have had their heads buried in the sand or the trough and then suddenly pulled their heads out and are blinking all over the place with regard to what has happened for the past 14 years. We are here to clean up the mess they have left behind.

Deputy Willie O'Dea: Is that the best the Deputy can do?

Deputy Niall Collins: It is pathetic.

Deputy Anthony Lawlor: I must also point to the regular misinformation that has been coming out from Fianna Fáil in recent years. In his speech on the motion, Deputy Brendan Smith stated: "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".

Deputy Brendan Smith: A correct statement. The Deputy can hear the applause from the Visitors Gallery.

Deputy Anthony Lawlor: Does he not know——

Acting Chairman (Deputy Tom Hayes): I remind people in the Visitors Gallery to refrain from applause. That is not allowed in the House.

Deputy Luke ‘Ming’ Flanagan: Deputy Lawlor has managed to get the people to applaud Fianna Fáil. Well done.

Deputy Anthony Lawlor: Does he not know that the Minister has ring-fenced funding for the DEIS secondary schools? Does he not read the reports or does he put out misinformation to the public so he can get the applause he does not deserve?

Deputy Brendan Smith: It is Deputy Lawlor who got me the applause. I did not look for it.

Deputy Anthony Lawlor: Let us tell the truth to the public. Let us not make light of——

Deputy Timmy Dooley: The Deputy should read the rest of Deputy Smith’s speech. Some of the people might not have heard it and they seem to be appreciating it. Keep it coming.

Deputy Mary Mitchell O’Connor: Will Deputy Dooley desist?

Deputy Anthony Lawlor: Let me continue. We are not finished with Deputy Dooley yet, by the way.

Deputy Dara Calleary: What about the non-DEIS schools?

Acting Chairman (Deputy Tom Hayes): Deputy Lawlor has the floor. I ask him to stick to his speech.

Deputy Anthony Lawlor: One of the initiatives is beginning to give decentralised power back to the principals. Let them make a decision as to what they are going to do with regard to the guidance counsellors. Let them make the call. Fianna Fáil has centralised power for the past 14 years whereas we are trying to decentralise it. Let people on the ground make the decisions where they are.

Deputy Timmy Dooley: I do not know many principals who want to be in the position the Government is putting them in.

Deputy Anthony Lawlor: Let us continue with that. It is important we give back local autonomy and let them have greater freedom in making decisions on the ground.

Deputy Willie O’Dea: With no staff.

Deputy Anthony Lawlor: The most important part of all of this is that the DEIS schools have been protected with regard to guidance counsellors.

Deputy Willie O’Dea: The Deputy should stop digging.

Deputy Anthony Lawlor: Let us also look at the teaching profession and how it has developed over the years. Teachers are now more than just teachers in the classroom. They are an important link between the family and the child.

A key issue was raised by Opposition Deputies, in particular Deputy Mick Wallace, who talked about the incidence of suicide in schools in Wexford. A point I have encouraged among public representatives is that people should take either the ASIST or the safeTALK course so we can help recognise students who might be vulnerable in classrooms. Many resource teachers in schools are taking on more initiatives themselves. Not alone are they looking after the pupils in schools but they are also looking after them outside schools.

I compliment the Minister on what he has done to date. He has been dealt a bad hand.

Deputies: Hear, hear.

Deputy Michael Healy-Rae: He made the choices himself.

Deputy Anthony Lawlor: All the aces have been taken out of the deck by the previous Government.

Deputy Mattie McGrath: He cannot keep saying that. Change the record.

Deputy Anthony Lawlor: We are here to make sure we encourage our students to get the best education possible.

Deputy Mary Mitchell O'Connor: Education cuts, while unpopular, are unfortunately necessary. Savings must be made across the board. Undoubtedly, the Government is severely hampered in its ability to make independent decisions.

Deputy Mattie McGrath: It had choices.

Deputy Mary Mitchell O'Connor: Cognisance must be taken not alone of the EU-IMF programme but also the Croke Park agreement. The previous Administration tied the hands of this Government and the Minister for Education and Skills in many regards. Some 80% of the education budget is spent on the salaries, allowances and pensions of teachers, special needs assistants, administrators, principals, deputy principals and lecturers. Therefore, the Government has no discretion over 80% of its budget. In essence, we must ensure that our children and young people get the best education using 20% of the education budget.

The decision by the Minister for Education and Skills to provide savings through changes in the allocation of guidance teachers safeguards essential and core provisions such as the protection of subject choice, pupil-teacher ratios and special needs assistants. It should be noted and highlighted that despite what the Opposition might argue, the increased autonomy that will be given to principals to run their schools is in the best interest of their pupils. Moreover, 42% of schools will not be affected by these changes at all as they already do not have a full-time guidance counsellor. Only those schools with 500 or more students will be affected by these changes.

Deputy Mattie McGrath: For God's sake.

Deputy Mary Mitchell O'Connor: Having worked as a classroom primary teacher and as a primary principal, and having had a close association with second level schools in my area, I know first-hand that our schools are caring institutions. Every teacher, regardless of the subject they teach, has a duty of care for their pupils. Again, I know first-hand that all teachers take genuine interest in their students' welfare and their futures. Class teachers, deputy principals, year heads and especially guidance counsellors take this duty of care very seriously.

Deputy Mattie McGrath: Why is the Government putting them out?

Deputy Mary Mitchell O'Connor: I have spoken to many principals in the Dún Laoghaire-Rathdown area and they have assured me the best interests of the students will be a top priority in their schools. I have full confidence and faith in our teachers and principals and I know they will ensure students continue to enjoy an educational environment that takes a holistic approach to educational development.

The provision in the budget to allocate 300 additional assistant principals will provide some relief to those schools hardest hit by the budget cuts. This allocation of an extra 300 managerial posts will provide an extra layer of support to many students. This is a wise investment and was asked for by both the teachers' unions and the management in our secondary schools.

I stress that what is going on in our classrooms is what is most important. That should be our top priority, not whatever number of jobs are being lost or gained in any given area. In the past ten years the levels of numeracy and literacy of Irish students have dropped significantly. Although the previous Government increased spending in education it did not produce improved results. We cannot continue with our heads in the clouds and leave the current system unchanged. This Government is doing the very best with the limited resources we have.

Deputy Tom Barry: This is a very serious topic and I am glad to have the opportunity to speak on it. I am also glad so many guidance counsellors made the effort to come to the House today. I have spoken to a number of these teachers who are fine principled people, very skilled and focused in what they do. They are the type of people I would be proud to have teaching my sons or daughters.

Let us focus on what they have to do and look at possible solutions. In the first place, they play a very important role at junior certificate level, in that they focus young children down the career path for which they have the aptitude. I am very concerned about getting children to take the route of sciences because this will back up the food industry which is a major part of our economy. I have been through that myself and I recognise the importance of getting people into this stream. I also recognise the role of these teachers in CAO guidance, which can be a conundrum for many parents. There is also the role of career guidance teachers in recognising children who are vulnerable, due to many different circumstances.

It is fine for me — or for the Opposition — to state the Government must row back on decisions but we must recognise the problems. It is incumbent on all of us to find solutions. As the previous Deputy noted, 20% of the budget is where all the cuts have to be made. Achieving €350 million in cuts is hard to do. The Minister, Deputy Quinn, is correct when he states that if he rows back on one side he will have to give to another. We have to look at what can be rowed back upon and see if this can be resolved.

First, the teachers' unions must become professional. They must allow and facilitate the Minister to increase class sizes by at least two pupils. The unions have short-changed career guidance teachers and this must be examined. I do not believe in yellow-back career guidance. I am very anxious to ensure people head down the correct route. However, in order to find the savings for this service we should urge teachers and their unions to have flexibility on the issue.

One thing that comes to mind, about which I feel very passionate, is the school transport system which costs €110 million. From the work I have done, it is my view that this system should be scrapped.

Deputy Mattie McGrath: It is being scrapped.

Deputy Tom Barry: It could be done in a manner that might cost €20 million. Eighty per cent of the school transport system is provided by private operators, in any case.

A Deputy: Scrap it altogether.

Deputy Tom Barry: There is a suggestion that parents' funds are being used to subsidise the private business of Bus Éireann. This must be looked at. If we have to make savings let us come up with solutions. There is no point in shouting across the floor, saying, "It's wrong!" Of course it is wrong. We are trying to correct the situation we are in, which is a financial mess. There is no point in getting into that subject. We need to focus on getting solutions for the people in the Gallery. According to the Mazars report of last year, we could make a serious impact in savings by examining school transport. The Minister, Deputy Quinn, is a very good Minister who is prepared to look at long decisions. In fairness to him, if there are ways to save money we should look at different situations, as I will urge him to do.

8 o'clock

[Deputy Tom Barry.]

There are two methods by which we could save money. The first is to ask teachers' unions to stand up to the mark and not hang some of their members out to dry. The second is——

(Interruptions).

Acting Chairman (Deputy Tom Hayes): Please.

Deputy Tom Barry: The second is to accept that our school transport system must be looked at again. Ultimately, it is there to provide a service for parents. It is costing a great deal of money but in my view is not providing the service. As long as we operate under the conditions of the Croke Park agreement, which is working for many people and is keeping peace on our streets in the matter of demonstrations, we must be cognisant of that.

I am delighted to have spoken and I thank all the visitors for attending and listening to the debate.

Acting Chairman (Deputy Tom Hayes): I call Deputy Neville.

Deputy Seamus Healy: Will Deputy Barry vote against the Government?

Acting Chairman (Deputy Tom Hayes): Please, allow Deputy Neville to speak.

Deputy Seamus Healy: He sounds as if he was speaking against the motion.

Acting Chairman (Deputy Tom Hayes): Please, you are eating into other people's time.

Deputy Dan Neville: I welcome the opportunity——

Deputy Seamus Healy: Will he vote against the Government?

Deputy Tom Barry: Did I say anything against the Government?

Acting Chairman (Deputy Tom Hayes): Deputy Neville's time is limited so please allow him——

Deputy Seamus Healy: It is all talk, is it not?

Deputy Tom Barry: You are all talk.

Deputy Dan Neville: With the Chairman's permission, I am glad to make a contribution to this debate. We have to recognise the situation we are in and respond to it and I wish to do so in this way. I believe guidance counselling is absolutely vital to the education and development of our children. There must be a continuation of the guidance counselling service.

The Minister has made it clear, in discussions I have had with him, that he is supportive of the guidance counselling service, the pastoral element of which I am particularly interested in, and wish to consider. Principals will have the discretion to decide on how much counselling or pastoral counselling will take place in their school. This should be responded to. The trained guidance counsellor provides a professional and confidential counselling service to students during their period at school.

I come from an area where I meet many families in difficulties, including young people. We have the fourth highest level of suicide in Europe. Suicide was mentioned in the debate. Suicide is such a complex and difficult subject and I do not believe it should become a political football

under any circumstances. I wish to make that statement and put it on the record. I do not want to hear any arguments about it.

Every day guidance counsellors deal with a wide range of issues, including bereavement in families, abuse issues, gender issues that occur at puberty and eating disorders which can be a very difficult area in young people's lives. Alcohol and substance abuse have increased dramatically in recent decades. Anxiety, anger management — which we spoke about to some extent last week — depression and suicide ideation are all factors. They have all become more profound with the advent of the recession. We have spoken at length about difficulties families can experience because of the recession, unemployment, financial difficulties or losing a house. This manifests itself in the school. Guidance counselling activity identifies students who are in need and at risk in such situations, and who would benefit from intervention. The guidance counsellor supplies a supportive relationship to the student before the difficulty becomes more pronounced. Students know how to request counselling and feel comfortable doing so. It is for that reason the guidance counsellor is often the first adult to whom a student is close.

We have often discussed this in regard to schools. I have seen this system working in the United States, where there is confidence on the part of students that if they are in difficulties they can speak confidentially and openly and this is known within the school. There may be a different relationship with other teachers but the counsellor assesses the need of the student, offers support, advises and refers to outside agencies, which is very important. They can head off a crisis point in many difficulties. Teachers have spoken to me on how pressures at home, often with two parents working, can affect young people in school which counsellors are able to deal with.

For years we have told people of all ages about being open about their emotional well-being and the psychological difficulties they experience. Counselling services promote a positive mental health message in schools. It promotes a culture of assistance and being open about one's difficulties. Schools have an important role to play in ensuring the stigma around mental illness is removed. The guidance counselling service is key in this and it should continue, regardless of these changes. Principals must understand this key role and accept it.

Deputy Michael P. Kitt: I wish to share time with Deputies Kitt, Dooley, Cowen, Troy, Michael McGrath and Browne.

Acting Chairman (Deputy Tom Hayes): Is that agreed? Agreed.

Deputy Michael P. Kitt: I commend Deputy Smith on tabling this important Private Members' motion. All Deputies spoke of the student being the most important person in this debate. That was my view in my primary school teaching days. In the early 1970s a new primary school curriculum was introduced which was child-centred. If Members opposite argue the student is the most important person in this debate, they then must look at the effect of cuts in education on students. The Minister for Education and Skills has made a crude, blunt and badly thought-out decision on guidance counselling in schools. It gives no consideration to the essential nature of the advice and support provided by guidance counsellors for students who may have difficult decisions to make.

Subsuming the counsellor allocation into the overall allocation for second level schools will in effect increase the pupil-teacher ratio by almost one. Most people would prefer if the Minister were more honest and announced straight out he was increasing the pupil-teacher ratio. The Minister's proposals will mean second level schools will have to make an impossible choice on cutting back on guidance provision or drop subjects.

We have to stand up for young people's education. One cannot defend the education cuts announced in budget 2012 and I call on the Minister to reverse them. The Fianna Fáil Private

[Deputy Michael P. Kitt.]

Members' motion refers to 700 schools which will lose up to 1,000 guidance counsellors resulting in guidance provision being provided from within the standard teacher allocation. In fact, more resources need to be provided for career guidance counsellors. Some students have difficulties in adapting to courses at third level. An ESRI report, *Improving Second Level Education*, sees a role for guidance counsellors in helping such students adapting properly. It also raises concerns about the effect the removal of career guidance would have on going on to third level for young students from disadvantaged backgrounds.

Who will provide guidance counselling in a school that chooses not to replace its guidance counsellor who retires either this February or in June? Schools are legally obliged to provide appropriate guidance under the Education Act 1998. It is important to ensure all second level students have access to career guidance given by professionally qualified counsellors. There is a need for safe and confidential counselling services for vulnerable students. I am impressed by the number of letters I have received praising guidance counsellors who do their work outside classroom hours.

Career guidance is not just about the leaving certificate but also about dealing with vital educational career activities, transition programmes and that element of counselling to which Deputy Neville referred.

I hope the Minister for Education and Skills will see he has made a mistake and will reverse these cuts.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this important debate. I compliment those who have been in contact with me and other Members in an effort to highlight the difficulties that will arise from the significant cuts set out.

I condemn the actions taken by the Government which has sought to undermine the provision of guidance counselling in over 700 schools, losing up to 1,000 teachers. As a teacher Deputy Mitchell O'Connor would perhaps have more understanding of this area than me. She sought to suggest that 42% of schools would not be affected. My understanding is that is not true. While 42% of schools may not have a full allocation of a teacher, they have an allocation of hours graduated based on the number of students. The Minister has not indicated that schools that do not have a full allocation of a teacher will be treated differently and will not be subject to the same cuts on a per-hour basis.

Deputy Mary Mitchell O'Connor: He said it last night but Deputy Dooley was not in the Chamber then.

Deputy Timmy Dooley: That was not made clear as schools still have concerns. Last night, the Minister suggested they would not on the basis of a whole allocation. It is not true. There has been an element of hiding behind facts in this debate. We are having a decent debate in which we can discuss this in the full view of those affected, people who deal with children at the coalface.

Deputy Mary Mitchell O'Connor: Deputy Dooley is just playing to the gallery.

Deputy Timmy Dooley: It behoves anyone in the House not to hide behind some clamour of smoke to suggest 42% of schools will not be affected.

The Department of Education and Skills completed a spending review and published it on its website in September. An option was included in this document which spoke about terminating the dedicated staffing allocation for guidance counselling. There was nothing about providing an allocation from another. Instead, the review spoke about redeploying guidance teachers. To suggest the Minister was not aware of this is ludicrous when in September he considered

the obliteration of guidance counselling from our schools in advance of the budget. That is the mindset of the Minister, his party and the Government. The obliteration of the guidance counselling service is outrageous.

Deputy Mary Mitchell O'Connor: Deputy Dooley's party obliterated the country.

Deputy Timmy Dooley: Any Member who comes forward tonight with some weasel words to claim this was never the intention should go back and read the review provided by the Minister in September.

Deputy Mary Mitchell O'Connor: Deputy Dooley should stop talking.

Deputy Timmy Dooley: With the greatest of respect to Deputy Mitchell O'Connor, she should be aware of this option.

Deputy Mary Mitchell O'Connor: I am aware that Fianna Fáil obliterated this country.

Deputy Timmy Dooley: I am shocked that any Member who taught children and was involved in the education service should suggest this cutback happened almost unknown to her as with the previous DEIS cutback announced by the Minister.

Deputy Mary Mitchell O'Connor: Fianna Fáil has made all our children pay for its mistakes.

Deputy Timmy Dooley: He got that one wrong because he did not really understand it and was prepared to change.

It does not matter whether he got it or sought to get it wrong on guidance counselling. There is an opportunity for Members opposite to get it right tonight and overturn this decision. To do so would allow the people in the Visitors Gallery to go back to their schools tomorrow to continue the excellent work they do in assisting children in making career choices in these difficult economic times.

Deputy Mary Mitchell O'Connor: Absolutely. It was Fianna Fáil that ruined the country.

Deputy Dara Calleary: What about the Progressive Democrats? Does Deputy Mary Mitchell O'Connor remember them?

Deputy Timmy Dooley: Children now need assistance from professionals who have liaised with universities and other third level institutions. They also, as Deputy Neville stated concisely, deal with children who self-harm, come from broken homes or those in which there is alcoholism or have other difficulties. The one solace for those children is the opportunity to talk to their guidance counsellor at school, the one friendly face they can talk to. If guidance counselling is removed from schools, we can throw our hats at keeping these children in school and out of the prison environment or giving them an opportunity at a decent life and to go on to be model citizens like so many others. I do not expect Government Members to vote with us on the motion because that does not happen but they should get into their huddles tomorrow before approaching their senior Ministers and, in particular, the Minister for Education and Skills, and appeal to him based on what they have seen in the House this evening to overturn this decision or choice. It is all about priorities. They can talk about the country being broken and apportion blame to whom they so wish.

Deputy Mary Mitchell O'Connor: Fianna Fáil.

Deputy Timmy Dooley: The State will spend between €40 billion and €50 billion this year and the issue is what the Government prioritises in spending that amount. If it does not priorit-

[Deputy Timmy Dooley.]

ise the work of the people in the gallery and the children who will be affected by this cut, shame on them. I appeal to them to change it.

Acting Chairman (Deputy Tom Hayes): I again appeal to the people in the gallery to behave in a proper fashion.

Deputy Mary Mitchell O'Connor: They should act like professionals.

Acting Chairman (Deputy Tom Hayes): This will not be allowed in the future if they continue as they are. I call Deputy Cowen.

Deputy Barry Cowen: This time last year, the Minister for Education and Skills made many commitments and promises to the electorate, including a commitment that there would not be an increase in third level fees or in the pupil-teacher ratio and that there would not be a reduction in the number of SNAs. He did this in the full knowledge of the country's finances and the gap between income and expenditure. He campaigned in the election on the basis of there being an easier or softer way to close the deficit. However, since assuming office, the U-turns in education make those in health and social protection seem minuscule. Such U-turns include an increase in third level fees; an increase in the pupil-teacher ratio in a sneaky, indirect way where principals and boards of management have no alternative; reductions in the number of SNAs; reductions in the back to school and back to education allowances and student grants; increases in school transport fees for families; a reduction in the capitation grant; and, last week, cuts to top-ups for DEIS schools, thus increasing severe reductions in teacher numbers.

Since the budget, when challenged, questioned and enlightened as to the errors of the Government's way, these cuts have been subject to what the Taoiseach terms "pauses", where he resembles Bambi the deer being caught in the headlights. This is followed by consultation with backbenchers and the huddles referred to by Deputy Dooley where the prospect of well won seats becoming marginal seats leads to the next phase in this charade, which is reviews. Reviews are under way into the cutbacks in disability payments to young people, community employment schemes and DEIS schools. Nothing has been reversed.

The Minister might have said he is out of practice and that he made mistakes in the budget. He should not feel sorry for himself because he is not alone. It is time for another Bambi moment and for him to realise that removing the special provision for guidance counsellors at second level is a bad mistake. This will lead to an increase in class sizes through the back door and will result in 700 secondary schools losing guidance counsellors. No mistake should be made about this; this is a cut to teacher numbers, which will lead to an increase in class sizes. It means schools will be forced to choose between either cutting their guidance counselling service or dropping another subject, leading to a reduced subject choice. It is a lose-lose situation all around.

Guidance counsellors, as has been said by many speakers, provide a critical service in encouraging students to choose appropriate education and career pathways and offer advice and support relating to a range of personal issues. They are professionally trained to provide more than career advice, with most of them acting as a support to vulnerable students. I urge the Minister to do the right thing and to acknowledge that this is another particularly damaging mistake that must be reversed. Government Members have the opportunity to stand up for their local schools, class sizes and, more important, for the right of students in their constituencies to be allowed to realise their full potential, which is paramount to the country getting back on its feet and realising its potential.

Deputy Robert Troy: I compliment my colleague, Deputy Brendan Smith, on tabling the motion and giving every Member an opportunity to debate this serious matter.

The Minister admitted on national radio last weekend that he is not at the top of his game and he has clearly demonstrated this by implementing savage cuts with no regard for the social implications of such cuts. This is evidenced by the reduction in the pupil-teacher ratio for small schools with fewer than 86 pupils, which mainly affects rural Ireland and minority faiths, the cuts to DEIS schools and the cut to guidance counsellors we are debating. This is a savage cut which will have a serious impact not only on the well-being of our pupils today but for a long time into the future. The Minister effectively stated last night that he has full confidence in the guidance service in schools because it is covered by legislation introduced by our party leader when he was Minister for Education but he failed to acknowledge how this can be provided. His budgetary decision to include guidance provision in the standard allocation is an effective increase in the pupil-teacher ratio from 19:1 to 19.8:1. The Minister is basically saying, "I am going to cut off one of your hands; you decide which one."

Many Government Members stated school managers welcome this cutback because they will have greater autonomy but they do not want to have to make decisions on whether to deliver a guidance service or maintain current subject provision and current class sizes. All three will not be maintained as a result of this cut.

Last night the Minister tried to have us believe that because 42% of schools did not have a full-time guidance counsellor, they had nobody providing this service. In his book, one needs to be a full-time counsellor to be recognised. When he shelves them, I do not know who he expects to provide this service in schools. The Minister did not refer to the guideline for second level schools on the implications of section 9(c) of the Education Act 1998 relating to student access to appropriate guidance, as published by the inspectorate in 2005. This document was prepared for school managers, guidance counsellors, staff, education partners and, most important, parents and students. It states that a school must provide access to appropriate guidance. It refers to identifying the needs of students in choosing educational programmes and offering appropriate guidance to ensure that, on leaving second level education, they are best placed to reach their potential, whether it be in further education, PLC or third level or if they wish to pursue an apprenticeship.

It also refers to personal and social education and developing coping strategies to deal with stress, personal and social issues and challenges posed by adolescence and adulthood. Many students feel they have to conform with their peers. They need somebody they can approach and in whom they can confide, trust and have belief in, somebody who will be there exclusively to listen to them. The document addresses educational disadvantage, early school leaving, disability and special education needs, non-national students, adult students and promoting inclusion. I urge the Minister to read this document.

I also urge the Minister to get into training quickly because the decisions he and his colleagues make are ones that will affect the future direction of their lives of men, women and children the length and breadth of this country. I urge Government backbenchers to talk to their Minister and ensure we get a reversal of this drastic cut.

Deputy Michael McGrath: I too commend Deputy Smith for bringing forward this motion to give Members on all sides of the House the opportunity to make a contribution to this debate.

The decision of the Government to make guidance counselling *ex quota* is forcing schools to make an impossible choice between keeping the guidance counselling service in the school or narrowing the subject choice made available to the students they serve. Both of these choices run contrary to what we need to be trying to achieve as a country. On the one hand, IDA Ireland and all the enterprise bodies are advising schools and the Government that we need to invest in science subjects and foreign languages, the very subjects which will be forfeited under this decision if schools decide to keep guidance counselling services. On the other, if they remove the lifeline that guidance counselling provides to students, over time we will see the

[Deputy Michael McGrath.]

consequences of that decision as well. The Government's decision shows no regard for the pressure young people are under today. Deputy Neville, from the Government's own benches, set out clearly those pressures. Every teacher in this country knows what those pressures are because they deal with them on a daily basis. By making guidance counselling *ex quota*, the Minister is demeaning the profession of guidance counselling and robbing students of a service which can help to steer them on the right path in life not only in terms of their career, but in terms of their life choices and lifestyle.

The wording the Minister, Deputy Quinn, put forward in his amendment is deeply cynical. It speaks of giving schools "discretion" and "greater freedom and autonomy to school principals". It speaks of all teachers having a duty of care to their students and the long and proud tradition of guidance counselling. It speaks of guidance being "a whole school activity". These are woolly words indeed. They have no meaning. It is empty rhetoric. The Minister is pulling the rug from under the guidance counselling profession and, more importantly, from under the students they serve.

The Minister tells schools, in the amendment, that they have a duty under the Education Act 1998 to provide guidance services to their students, but he is removing the very resources they use to provide that service. It must be pointed out that class teachers simply do not have the time to provide the quality of counselling or guidance that is required to students today, and every teacher in the country will tell the Minister that.

I understood this was a coalition Government. I must ask where is the Labour Party. For the past couple of weeks, every Labour Party Deputy has been telling every journalist that he or she could find that he or she managed to get a reversal on the cuts to disadvantaged DEIS schools. Clearly, they have abandoned the guidance counselling profession and the very students those professionals serve.

I am delighted to see such a full Gallery tonight. Those here tonight are not motivated by self-interest — God knows they have made enough sacrifice over the past number of years through various cuts imposed on them. They are here because they care about the students who benefit from the service they provide. That should give us all a lesson on what we need to do.

The Minister made a calculated decision in the budget that this cut would go through quietly and almost unnoticed, but he and every backbencher must know that it will have a corrosive effect which will become clear over time not only regarding the quality of the education that is provided, but on the society these students will enter as adults when they emerge from school.

The fundamental point at issue here tonight is the right of students to have access to a qualified guidance counsellor as and when they need it. Is the Government prepared to stand over that? I commend Deputy Smith for putting down this motion. I ask the Government to review what is a retrograde cut which it knows will come with a heavy long-term price for this country.

Deputy John Browne: In one fell swoop on budget day, the Minister for Education and Skills, Deputy Quinn, announced the end of a critical service that has supported students for over 30 years. The Minister spoke of protecting front line services and surely guidance counsellors are just that, part of the front line service. The Minister speaks of schools being allowed to manage guidance provision at their own discretion. Maybe he might explain to us how schools will do this.

Recently, I made representations to the Minister on Gorey community school, which, with 1,000 students, is one of the biggest secondary schools in the country. He sent me back a reply today outlining all the reasons he had to make the cuts and all the ways the school could continue to have guidance counsellors for the future, but it all was gobbledygook put together

with little concern for the students in that school who have all the problems of which Deputy Neville spoke earlier. It is important the Minister recognises the difficulties and problems large schools such as Gorey community school will face in the future.

Effective guidance counselling from junior cycle through to senior cycle has been shown to play an important role in preventing early school-leaving and helping progression to third level. As my party leader, Deputy Martin, pointed out last night during the debate, Ireland now has one of the world's highest school completion rates and it is important that this would continue.

Guidance counsellors offer not only educational guidance, but also personal guidance. Guidance counsellors deal with a range of issues on a day-to-day basis such as mental health and family issues. Many guidance counsellors in my county of Wexford spend much time, even outside school hours, advising children from less well-off families and making a valuable contribution to how they progress in school in the future.

It is the students who benefit most from this service who will suffer the most from this nasty cut by the Minister. A student from a disadvantaged background who may not have the support and advice at home to go on to third level or a student who cannot afford expensive private counselling services to deal with depression or other problems will suffer most as a consequence of this decision. The well-off student from an educated family background with financial resources will do fine. I am concerned about the students from less well-off families that I have mentioned. We will end up with a more inequitable school system where schools that can afford to buy-in counselling services will do so. This cut will affect not only students from disadvantaged backgrounds, but also students with disabilities and learning difficulties and students with different ethnic origins.

While other members of the school management and teaching staff may also play a role, they are not qualified to provide real counselling services. The notion that the appointment of 300 assistant principal posts will somehow alleviate the position in schools completely misses the point regarding the important role of the career guidance counsellor. I would like to hear the Minister explain how he feels that 300 assistant principals will now be able to step in and carry out the role of the career guidance counsellors. I do not know of any assistant principals who are qualified in this area. While they might be able to help, they are not qualified in this field.

Students will be poorer as a result of these cuts. Many will not go on to college, many will give up on complex application forms, many will be given the wrong advice and many will not seek help for serious mental or related problems from which they may be suffering. Disadvantaged students will be economically and socially deprived as a result of these nasty cuts.

It is important that the Minister looks seriously at the matter and reflects again. He admitted last week that he made a mistake and he certainly made a mistake in this area. The recent ESRI report stated that students increasingly want a one-to-one guidance service in their schools. The Minister should reverse this decision and allow guidance counsellors to continue what they have been doing for the past 30 years in terms of providing a valuable resource for students.

Acting Chairman (Deputy Tom Hayes): Is it agreed that Deputy Healy-Rae shall speak for the remaining minute in this slot? Agreed.

Deputy Michael Healy-Rae: I have one special message for the Government. When it took power it knew the situation. It made certain commitments but it did not tell the people that it planned to make an unprecedented attack on our education system. I speak to support the motion brought by Deputy Smith on behalf of guidance counsellors who have provided an invaluable service over the years. At a time when students are facing crises in their personal lives that we never had to deal with when we are young, these counsellors are doing important

[Deputy Michael Healy-Rae.]

work. Telling principals that it is up to them to run their own houses is like handing them a grenade with the pin pulled and telling them to do what they can with it.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: That is what the Government is doing to our principals. The Deputies opposite went before the people and they know the situation on the ground. People are sick to death of hearing that Fianna Fáil destroyed the country.

Deputy Dan Neville: Deputy Healy-Rae kept them there.

Deputy Michael Healy-Rae: That is rubbish at this stage because this is the Government's budget. It made disgraceful choices and I welcome the people who have come from all parts of Ireland to support this motion. I am sorry that they face long, lonesome bus journeys home. I urge Deputies to vote with their hearts and souls. They will have an opportunity when the bell sounds at 9 p.m. to do the right thing by voting against these horrible cuts.

Deputy Willie O'Dea: On a point of order, I wish to point out for the benefit of the House and the public that we have been joined by the Labour Party.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Yesterday the Minister for Education and Skills set the debate in the context of the overall financial and budgetary framework in which Ireland must operate. We inherited this legacy from the previous Fianna Fáil Government. He made clear that controlling the public service pay bill and reducing public service numbers——

Deputy Robert Troy: The Minister of State was happy to take the safe seat from them.

Acting Chairman (Deputy Tom Hayes): Allow the Minister of State to continue. Everybody is getting a fair opportunity.

Deputy Ciarán Cannon: ——are fundamental to dealing with the gap between public expenditure and revenue. With one third of all public sector employees working in the education sector, it is not possible to leave staffing levels untouched. None the less, despite difficult circumstances the Government is trying to protect frontline services at a time of rapidly rising enrolment in our schools.

It is clear from the Deputies opposite that while they demand changes to the budget on guidance they are really calling on us to avoid making any reduction. That is simply not realistic nor credible.

Deputy Michael Healy-Rae: It was the Government's choice.

Acting Chairman (Deputy Tom Hayes): The Deputy had his turn.

Deputy Ciarán Cannon: No Government wants to reduce resources for the education system. However, it would be healthy if our debates on particular measures were based on reason and balance rather than ill-founded assumptions or judgments about how school leaders will manage the changed arrangements.

I will clarify a number of critical points. There has been no change to the Education Act 1998, which stipulates that provision for guidance is one of the many functions that schools must discharge from the resources available to them. Guidance is a whole school activity and under existing arrangements each school develops a guidance plan as a means of supporting the needs of all its students. These plans do not solely deal with the functions of guidance

counsellors, important though they may be, because guidance requires the entire staff of a school to collaborate in supporting pupils' educational and general welfare needs. The circular on teacher allocations which will be issued shortly by the Department will make clear that the legal provisions of the 1998 Act remain in place and will point schools towards the relevant documentation and guidance required to support such work.

This budget measure makes changes to the way posts are allocated to schools rather than eliminating the guidance function. From September, there will not be a separate or specific allocation for guidance provision over and above the number of teachers to which a school is entitled under the general teacher allocation of 19:1. The Minister has acknowledged that the budget reductions create pressures and will require difficult choices at school level but schools will have discretion in balancing guidance needs with the pressure to provide subject choice.

While the removal of separate allocations for guidance will reduce the overall number of posts available to most schools, the 195 DEIS second level schools will be sheltered because we are introducing a more favourable staffing schedule of 18.25:1 for such schools.

Deputy Mattie McGrath: What about non-DEIS schools?

Deputy Ciarán Cannon: This contrasts with how the last Fianna Fáil Government reduced staffing for second level schools across the board and without protecting DEIS schools. Their more favourable student-teacher ratio will put them in a better position to manage the changes in guidance provision within their standard staffing allocations.

A disturbing feature of the comments made in the media and this Chamber is the assumption that school principals will not be capable or confident enough to operate this change. Claims that school principals and management will totally abandon guidance provision prejudice decisions yet to be taken by them in addressing the staffing position for next September.

Deputy Brendan Smith: They need the resources.

Deputy Ciarán Cannon: Our schools are caring institutions and their leaders are responsible professionals. We are confident they will continue to support vulnerable pupils in their care.

Deputy Michael Healy-Rae: How?

Deputy Ciarán Cannon: This budget measure must be viewed in the context of the major challenges that face us in trying to shelter public services to the greatest extent possible in these exceptional times. We have confidence that our second level principals and the boards of management of our schools will balance the guidance needs of pupils with their curricular and other needs within the resources available to them.

Deputy Michael Healy-Rae: Throw it back at the principals.

Deputy Seamus Kirk: I congratulate Deputy Smith on tabling this motion. It is generally accepted that the proposals on career guidance are a serious mistake. The motion before us seeks to remedy that mistake, which has profound implications for students and their families, as well as career guidance teachers.

The educational system has been steadily built up over many years. Our party leader, Deputy Martin, played a central role in the development of the educational supports that are now in place for pupils who need them. However, while we had one of the finest education systems in the world, slowly but surely the Minister is dismantling many of the supports that were formerly in place. These supports were put in place for a good reason.

The Minister of State argued that the functions of career guidance teachers can be adequately catered for by the principals of schools. The reality is that career guidance teachers pursue

[Deputy Seamus Kirk.]

special training for their role and to suggest that another teacher can adequately replace that special training is seriously to underestimate their work in our education system.

Career guidance teachers provide confidential counselling services to our students. The important elements of the role are personal and social guidance and counselling and educational guidance. The latter is vitally important for our young people because career choices made at a key time in the educational cycle determine the well-being of students and their families for the future. Unless specialist advice is available to students at the right time, wrong decisions are inevitably made, with profound and serious negative consequences for everybody concerned.

Given that the economy of this country is at a particular point, the quality of decision making is vital, and nowhere is it more important than in our educational system. If good decisions are not made by students and teaching staff, we will pay a heavy price in the future. The decision the Government, in the form of the Minister for Education and Skills, has taken is a bad one and needs to be revisited and reversed immediately. We must change it to ensure the career guidance teachers can go back to school tomorrow with assurance that the significance and importance of their role in our education system will be adequately safeguarded.

Other changes that were proposed in the budget are being reviewed, revisited, or whatever the word is. There is no reason this decision cannot also be reviewed and revisited. I urge the Minister to consult with his Cabinet colleagues and change the proposal he has made. The guidance counselling service is important for our young people in the education system, whose predecessors have benefited in the past from the excellent counselling and advice services that were provided for them. This service is needed in our system, and all schools must be adequately covered. Now is the time to recognise that.

Deputy Éamon Ó Cuív: I am pleased to have an opportunity to speak on this subject tonight. The only way one can measure a Government is by the commitments it makes and how it honours them.

Deputy Damien English: How many commitments did the Deputy's Government make before it left office?

Deputy Aodhán Ó Ríordáin: Unbelievable.

Deputy Éamon Ó Cuív: Government spokespersons——

Deputy Willie O'Dea: Is the Labour Party here?

Deputy Aodhán Ó Ríordáin: Yes.

Deputy Willie O'Dea: At last.

Deputy Éamon Ó Cuív: ——can talk about the situation it inherited. The Government knew exactly the situation it was going to inherit because it had full access to all the books in the autumn of 2010. If one checks the record one will see its members said that autumn that things were a lot worse than they were. Now, of course, they are saying there has been a miraculous improvement because they followed their plan. However, the fact is that despite all of that, the Government made commitments and promises knowing full well it could never honour them.

It seems to me, when one examines this decision, that what drove it was not the interests of education but the need to come up with a smoke-and-mirrors way of saying the Government did not touch the pupil-teacher ratio. Somebody dreamt up a clever trick: to go for the *ex-quota* teachers, because then the Government members could stand up on budget night and

get a short victory by saying they did not touch the pupil-teacher ratio. What did the Government do? It cut a service that was established by my colleague Deputy Martin, the leader of Fianna Fáil, based on the Education Act 1998, which provided career guidance counselling to pupils in our schools.

The Minister's statement that this is about filling out CAO forms is totally disingenuous.

Deputy Michael McGrath: Hear, hear.

Deputy Éamon Ó Cuív: The reality is that guidance counsellors help children of all ages and are more important, if I might say so, in the role they have played in encouraging children to complete school than in filling out the CAO form. At least, at the stage of filling out the CAO form, one has got them that far. As has been said by many of my colleagues, because of the much more complicated society in which we live today and because a much greater proportion of our children are going to secondary school, there are, as a consequence, many more issues to be resolved than there were in the past. There are children with learning difficulties or significant disabilities who would not have been in mainstream schooling in the past. There are children who come from backgrounds that are not supportive of education. As the Minister himself said, 60% of disadvantaged pupils do not attend DEIS schools. He is pulling the legs from the stool that is under the weakest of pupils. As a parent who has seen his children through school, I have always made the point that those who are endowed in one way or another — by way of background, access, support and so on — will probably make it through even if supports are pulled away. The people who always lose in that situation are those from vulnerable backgrounds or who have other things — personal or societal issues, or issues to do with background — that need dealing with. What the Minister is doing is to pull the supports away from these people.

The Minister is saying that the principal can allocate teachers to guidance counselling duties. However, he is changing the service from being guaranteed in all schools to being at the discretion of the principal. We have reports already that guidance counsellors are now being allotted teaching hours away from guidance counselling. Something that was ring-fenced, autonomous and *ex quota* is now being added to the main area of decision making. This is the beginning of the slippery slope.

The Minister, when speaking last night, said that 42% of second-level schools — that is, 730 schools — do not have a full-time guidance counsellor. Of course that is a factual truth. However, every school is affected by this policy, because the smaller schools have a *pro rata* allocation of guidance counselling, which is also being cut. This idea that there are many schools which are immune to this cut just because they do not have a full-time guidance counsellor ignores the reality of large parts of Ireland in which there are small secondary schools. I presume, in line with what the Government is doing with the primary schools, it is probably targeting the smaller secondary schools as well, but we will leave that for another day.

Cé mhéad ama atá fágtha agam, a Chathaoirligh?

Acting Chairman (Deputy Tom Hayes): Five minutes.

Deputy Éamon Ó Cuív: Good. There are many things I have to say here tonight.

Deputy Mattie McGrath: Ar aghaidh leat.

Deputy Éamon Ó Cuív: Unfortunately, I have to be selective in the things I want to say.

The Minister is leaving to every school the obligation of complying with section 9(c) of the Education Act 1998. At the moment, the Department has control, because guidance counsellors

[Deputy Éamon Ó Cuív.]

are *ex quota* and controlled from the centre. From next year, how will the Department control the situation? How will it guarantee that this fundamental part of the Act is adhered to? Let us be honest about it: there is always a temptation not to defend what are seen as the soft supports, and to cut these in the interests of defending particular subjects or whatever one wants to defend. I predict that over time, in many schools, we will find that guidance counselling is pushed aside and that some extra subject on the curriculum will get the advantage. If the Ministers of State do not think that will happen then they do not know the nature of how human beings act in these situations.

There is a saying, “penny wise and pound foolish”. As I said, we have had an enviable record in school completion in recent years.

Deputy Sean Sherlock: Is the Deputy being ironic, talking about penny wise and pound foolish? It is scandalous to be lectured like that.

Acting Chairman (Deputy Tom Hayes): Deputy Ó Cuív has the floor.

Deputy Éamon Ó Cuív: What I am saying is very simple. Students who would go ahead and complete school if personal issues were dealt with and students who would make the right choice when going into third level education will not now have the supports that were available heretofore. Many of them will make wrong choices and more children will leave school early. The consequences of that are both personal and national. On the personal level it has implications for something that all Members of the House strive for, that children get the best possible opportunity in life and that we particularly support those from disadvantaged backgrounds to break the cycle of disadvantage.

Deputy Aodhán Ó Ríordáin: Builders and speculators are more important to you.

Deputy Niall Collins: Listen to the Labour Party.

(Interruptions).

Deputy Éamon Ó Cuív: Tá mé in an a rá leis an Teachta go bhfuil mo shaol caite ag obair do ghnáth dhaoine. Má chaith sé an oiread ama agus a chaith mise ag obair do ghnáth dhaoine——

Acting Chairman (Deputy Tom Hayes): The Deputy has only one and a half minutes left.

Deputy Éamon Ó Cuív: I know.

Deputy Willie O’Dea: Control the Labour Party.

Deputy Éamon Ó Cuív: I have never acted in the interest of any builder or speculator. If the Deputy repeated that remark outside the House, I would bring him to court and I would win. That is absolutely guaranteed. My life, from the time I left school, has been dedicated to working for ordinary people.

(Interruptions).

Deputy Timmy Dooley: You have some gall to sit beside your colleague and make those comments. That is not fair to the man you are sitting beside.

Acting Chairman (Deputy Tom Hayes): Deputy Ó Cuív has the floor. Deputy Dooley should allow his colleague to speak.

Deputy Niall Collins: You will take the money from SIPTU.

Deputy Colm Keaveney: Would you say that outside?

Deputy Niall Collins: I would.

Deputy Colm Keaveney: Were you ever in the Galway tent?

Deputy Niall Collins: No.

Acting Chairman (Deputy Tom Hayes): In fairness, Deputy Ó Cuív has the floor.

(Interruptions).

Deputy Colm Keaveney: Apologise to the children of this country for what you did.

Deputy Niall Collins: I am a member of SIPTU; I paid your wages.

Deputy Éamon Ó Cuív: As I said——

Deputy Colm Keaveney: Your fingerprints are all over the destruction of the country. Apologise to the people.

Deputy Michael McGrath: They have more manners than the Deputy.

Deputy Aodhán Ó Ríordáin: You are right wing apologists.

(Interruptions).

Acting Chairman (Deputy Tom Hayes): If the Deputies would stay quiet, we could proceed.

Deputy Éamon Ó Cuív: The Deputy doth protest too much.

Deputy Colm Keaveney: This is the man who wanted to go to jail.

Deputy Éamon Ó Cuív: As I said, there are huge personal consequences but there are also significant national consequences of this. People will not get the chances they would have received and there will be more early school leavers. That will put a huge cost burden on society into the future.

I ask the Minister to do what some of his colleagues have already done. In fairness to the Minister for Education and Skills, he admitted that his lack of experience, although he was a Minister previously, had led him to make mistakes. Tonight, I urge him to consider which is more important, that we can say we did not cut the BTR or that we do the right thing by the children. If he returns and says, “I made a genuine mistake here; I did not realise the consequences and I am now amending this decision”, we will recognise that and compliment him on doing so. If he does not, we will continue to assert that this is the wrong decision.

Amendment put:

The Dáil divided: Tá, 90; Níl, 41.

Tá

Bannon, James.
Barry, Tom.
Breen, Pat.
Bruton, Richard.
Butler, Ray.
Buttimer, Jerry.
Byrne, Eric.

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

Tá—*continued*

Coonan, Noel.
 Corcoran Kennedy, Marcella.
 Costello, Joe.
 Creed, Michael.
 Creighton, Lucinda.
 Daly, Jim.
 Deenihan, Jimmy.
 Deering, Pat.
 Doherty, Regina.
 Donohoe, Paschal.
 Dowds, Robert.
 Durkan, Bernard J.
 English, Damien
 Farrell, Alan.
 Ferris, Anne.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Gilmore, Eamon.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Hayes, Brian.
 Hayes, Tom.
 Heydon, Martin.
 Hogan, Phil.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.
 Kehoe, Paul.
 Kelly, Alan.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Kathleen.
 Lyons, John.
 McFadden, Nicky.

McGinley, Dinny.
 McHugh, Joe.
 McLoughlin, Tony.
 Maloney, Eamonn.
 Mathews, Peter.
 Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Dara.
 Murphy, Eoghan.
 Nash, Gerald.
 Naughten, Denis.
 Neville, Dan.
 Nolan, Derek.
 Nulty, Patrick.
 Ó Ríordáin, Aodhán.
 O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Mahony, John.
 O'Reilly, Joe.
 O'Sullivan, Jan.
 Phelan, Ann.
 Phelan, John Paul.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Twomey, Liam.
 Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Browne, John.
 Calleary, Dara.
 Collins, Niall.
 Cowen, Barry.
 Crowe, Seán.
 Doherty, Pearse.
 Dooley, Timmy.
 Ellis, Dessie.
 Ferris, Martin.
 Flanagan, Luke 'Ming'.
 Fleming, Sean.
 Fleming, Tom.
 Grealish, Noel.
 Healy, Seamus.
 Healy-Rae, Michael.
 Kirk, Seamus.
 Mac Lochlainn, Pádraig.
 McConalogue, Charlie.
 McDonald, Mary Lou.

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

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

Amendment declared carried.

Question put:

The Dáil divided: Tá, 90; Níl, 43.

Tá

Bannon, James.
Barry, Tom.
Breen, Pat.
Bruton, Richard.
Butler, Ray.
Buttimer, Jerry.
Byrne, Eric.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Coonan, Noel.
Corcoran Kennedy, Marcella.
Costello, Joe.
Creed, Michael.
Creighton, Lucinda.
Daly, Jim.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Ferris, Anne.
Fitzpatrick, Peter.
Flanagan, Charles.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Brian.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.
Howlin, Brendan.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Keaveney, Colm.

Kehoe, Paul.
Kelly, Alan.
Kyne, Seán.
Lawlor, Anthony.
Lyons, John.
McFadden, Nicky.
McGinley, Dinny.
McHugh, Joe.
McLoughlin, Tony.
McNamara, Michael.
Maloney, Eamonn.
Mathews, Peter.
Mitchell, Olivia.
Mitchell O'Connor, Mary.
Mulherin, Michelle.
Murphy, Dara.
Murphy, Eoghan.
Nash, Gerald.
Naughten, Denis.
Neville, Dan.
Nolan, Derek.
Nulty, Patrick.
Ó Ríordáin, Aodhán.
O'Donnell, Kieran.
O'Donovan, Patrick.
O'Mahony, John.
O'Reilly, Joe.
O'Sullivan, Jan.
Phelan, Ann.
Phelan, John Paul.
Rabbitte, Pat.
Ring, Michael.
Ryan, Brendan.
Sherlock, Sean.
Shortall, Róisín.
Spring, Arthur.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Twomey, Liam.
Varadkar, Leo.
Wall, Jack.
Walsh, Brian.
White, Alex.

Níl

Adams, Gerry.
Boyd Barrett, Richard.
Browne, John.
Calleary, Dara.
Collins, Niall.
Cowen, Barry.
Crowe, Seán.
Daly, Clare.
Doherty, Pearse.
Dooley, Timmy.
Ellis, Dessie.

Ferris, Martin.
Flanagan, Luke 'Ming'.
Fleming, Sean.
Fleming, Tom.
Grealish, Noel.
Healy, Seamus.
Healy-Rae, Michael.
Kirk, Seamus.
Mac Lochlainn, Pádraig.
McConalogue, Charlie.
McDonald, Mary Lou.

Níl—continued

McGrath, Finian.
McGrath, Mattie.
McGrath, Michael.
McLellan, Sandra.
Martin, Micheál.
Moynihan, Michael.
Murphy, Catherine.
Ó Caoláin, Caoimhghín.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
Ó Snodaigh, Aengus.

O'Brien, Jonathan.
O'Dea, Willie.
O'Sullivan, Maureen.
Pringle, Thomas.
Ross, Shane.
Smith, Brendan.
Stanley, Brian.
Tóibín, Peadar.
Troy, Robert.
Wallace, Mick.

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

Question declared carried.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 19 January 2012.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 9, inclusive, answered orally.

Gas Exploration

10. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the discussions he or his officials have had with the authorities in Northern Ireland with a view to agreeing a joint policy North and South on hydraulic fracturing on an all Ireland basis; and if he will make a statement on the matter. [2626/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Officials of my Department have had contacts with their counterparts in Northern Ireland in relation to the onshore exploration authorisations that are in place in the two jurisdictions.

The primary purpose of these contacts has been to facilitate an exchange of information in relation to the nature of the activities that have been licensed and their associated timelines. There has also been a sharing of information in relation to the regulatory processes that would apply in each jurisdiction should the promoters of these projects make applications to advance to an exploration drilling phase, or beyond.

The focus of these preliminary engagements has been on information sharing and not on seeking to agree a joint north south policy. In the case that a project in either jurisdiction were to advance to the next stage then it would be subject to the regulatory processes that pertain in that jurisdiction.

It is the case, however, that the environmental consideration of any proposed project in either jurisdiction will be subject to EU environmental legislation, including the provisions relating to consultation across borders where there could be a potential negative environmental impact in a neighbouring jurisdiction.

A meeting between authorities both north and south is planned for the coming weeks to provide an opportunity for a more detailed engagement and sharing of information between the respective regulators.

Mobile Telephony

11. **Deputy Billy Kelleher** asked the Minister for Communications, Energy and Natural

[Deputy Billy Kelleher.]

Resources if he intends issuing an instruction to ComReg as he is empowered to do under the Acts laying down the minimum coverage requirements for any new mobile licences; and if he will make a statement on the matter. [2633/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The management of the radio spectrum is a statutory function of the Commission for Communications Regulation (ComReg) under the Communications Regulation Act, 2002 as amended.

As set out in ComReg documents 11/60 and 11/75 and associated documents, ComReg is proposing to hold a multi-band award of spectrum rights of use in the 800 MHz, 900 MHz and 1800 MHz bands. These documents also detail ComReg's proposed minimum coverage requirement for spectrum rights so awarded.

In making its proposals ComReg notes, amongst other things, that the four existing mobile operators have achieved coverage levels exceeding those set out in their respective mobile licences. For example, for 3G services, Vodafone's coverage covers 90% of the population, 5% more than its obligation. Hutchison 3G, better known as "3", covers 96% of the population, 11% more than its obligation. O2 also covers 90.5% of the population, which is also more than its obligation.

ComReg also notes that coverage continues to be an important competitive differentiator. Any deterioration in coverage by any one network would undermine that network's attractiveness to its existing and potential customers.

The importance of maintaining the existing levels of mobile telephony and mobile broadband coverage has been raised with ComReg by my officials. While the outcome of the forthcoming multi-band spectrum release process can not be anticipated I understand that ComReg are not anticipating any reduction in coverage as a result of the process.

It is also important to note that ComReg's coverage proposals are designed to facilitate the possible entry of new operators in a manner that would ensure that "cherry picking" of high-density urban areas would not occur.

Finally, section 11 of the Communications Regulation Act, 2002 requires that "Subject to this Act, the Commission shall be independent in the exercise of its functions" and such independence is also a requirement under the EU Directives which underpin the electronic communications regulatory framework in all Member States.

In the light of the above I do not propose to issue a direction in this regard. It is however up to the Joint Oireachtas Committee on Communications to invite ComReg to make a presentation on its work including the issue of coverage requirements.

Energy Market Regulation

12. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources his views on reforming the energy market; and if he will make a statement on the matter. [2534/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Government's priority energy policy objectives are to ensure secure, sustainable and competitive energy supply for the economy and for consumers. The energy regulatory framework for energy markets must also reflect and address evolving energy policy challenges and deliver compliance with the requirements of both EU and national energy legislation.

The regulation of the electricity and gas market is the responsibility of the Commission for Energy Regulation (CER). The Electricity Regulation Act 1999 provided for the establishment

of the CER as an independent statutory regulator. Since its establishment, there have been a number of changes to the regulatory framework, and to the CER's remit reflecting the evolving energy policy landscape and particularly as a result of EU legal requirements under successive Directives on the Internal Energy Market.

In addition to its responsibility for the gas and electricity markets, the CER's remit has been extended to include responsibilities for security of supply, petroleum and gas safety and consumer protection.

Overseen by the Departments North and South, the CER and the Northern Ireland Regulator developed and designed the Single Electricity Market (SEM) which has been operating in Ireland and Northern Ireland since November 2007. SEM is one of the first cross jurisdictional electricity markets of its kind in the world, a fact that was explicitly recognised by the EU Energy Commissioner at the time of the launch.

The two regulators are currently working together to develop Common Arrangements for Gas (CAG) on the island of Ireland, in the interests of consumers North and South and security of supply, taking into account the EU goal of 2014 for market integration.

The regulatory regime for the Irish electricity and gas market, including consumer protection is currently being enhanced by the legal requirements under the EU's Third Energy Package which is designed to deliver a fully integrated and transparent EU energy market to the benefit of consumers.

The International Energy Agency (IEA) is conducting its periodic in-depth review of Irish energy policy. The Agency reviews the energy policy of every member country every four to five years. On this occasion, and at my request, the IEA review includes, as part of its overall review, an assessment of the efficiency of the Irish electricity and gas sectors, as required under the EU/IMF Programme of Financial Support for Ireland.

Informed by the IEA assessment, my Department in conjunction with the CER will develop proposals for my consideration on any further action required to enhance the regulatory and market framework this year in line with the requirement in the EU/IMF/ECB Programme of Financial Support for Ireland.

I have previously announced that an Energy Policy Framework 2012-2030 will be prepared this year reflecting economic and energy developments at national, EU and international level. The Energy Policy Framework will also be informed by the outcome of the IEA's overall Energy Policy Review which will be published mid year.

Question No. 13 answered with Question No. 7.

Question No. 14 answered with Question No. 9.

Question No. 15 answered with Question No. 8.

Gas Exploration

16. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources if he has received any applications for an exploration licence to conduct hydraulic fracturing drilling here since he last addressed the matter; if so, if he will provide the relevant details; and if he will make a statement on the matter. [2577/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I have not to date received any applications for an exploration licence that would involve hydraulic fracturing.

[Deputy Pat Rabbitte.]

In February of last year, my Department granted onshore Licensing Options to three companies over parts of the Lough Allen and Clare Basin respectively. The Licensing Options are preliminary authorisations and are different to exploration licences. The Options are for a two year period from 1 March 2011. During this period, the companies will evaluate the natural gas potential of the acreage largely based on studies of existing data. The companies will also undertake a preliminary environmental baseline/impact assessment and engage with the local authorities and other statutory agencies as required.

This work is largely office/desktop based and will not involve exploration drilling or hydraulic fracturing. In fact exploration drilling is specifically excluded under these authorisations.

By the end of the Option period in February 2013, the companies will have to decide whether to apply for a follow-on exploration licences or relinquish their acreage.

In the event that a company decides to apply for an exploration licence that includes proposals for exploration drilling using hydraulic fracturing, the company would have to demonstrate that this work could be undertaken without causing harm to the environment. The application would have to be set out in detail and be supported by an environmental impact statement.

My Department would then undertake a full assessment of the application, including an environmental impact assessment with a public consultation phase. As part of that public consultation, my Department would consult with other relevant statutory authorities such as the EPA, NPWS and Local Authorities in making any decision.

Work under these Licensing Options is at an early stage and it is too soon to conclude whether or not these authorisations will proceed to the exploration licence stage.

My Department is currently assessing two further applications for onshore licensing options.

Alternative Energy Projects

17. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which a greater extent of electricity can be generated from non-fossil means with particular reference to wind and other forms of electricity generation; the full extent of contribution of the national grid from non-fossil fuels at present; the potential over the next five years; and if he will make a statement on the matter. [2566/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Directive 2009/28/EC imposes a legally binding target on Ireland for a 16% share of renewable energy in all energy consumed by 2020. Ireland has set targets of 40% electricity, 12% heating and 10% transport fuel to be from renewables by 2020. The combined effect of these sectoral targets is commensurate with the achievement of the overall 16% target. In 2011 around 15% of Ireland's electricity was generated by renewable technologies.

The latest modeling undertaken by Sustainable Energy Authority of Ireland (SEAI) indicates that capacity of around 4000MW of renewable generation will be required on the system to deliver the 40% renewable electricity target by 2020. EirGrid's latest data, which is available on their website, shows that at the end of 2011, Ireland had 1900MW of renewable generation on the grid. This includes 1630MW of connected wind, 234MW of hydro and 46MW of additional other renewable generation.

In addition to projects already connected, there is around 1000MW from the Gate 1 and Gate 2 rounds which have contracted and are scheduled to be built out and connected over the next few years. Around 4,000MW of additional renewable capacity is provided for in the Gate 3 process. EirGrid's Grid 25 strategy and implementation plans are designed to deliver

the necessary grid developments and grid reinforcements to underpin the new renewable generating capacity, as well as to support regional economic development.

EirGrid has also developed a world leading programme to manage the integration of high levels of renewable electricity on the system from a grid operations perspective over the coming years. The programme includes enhancing generation portfolio performance, developing new operational policies and systems, to efficiently use the generation portfolio to the best of its capabilities and regularly reviewing the needs of the system as the portfolio capability evolves.

Telecommunications Services

18. **Deputy Kevin Humphreys** asked the Minister for Communications, Energy and Natural Resources if he is satisfied with the international connectivity for broadband and information service cables here; the number of transnational connections Ireland has; if any strategic review has been performed in this area by him; if not, if he has any plans to carry out such a study; and if he will make a statement on the matter. [2568/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of telecommunications services, including international electronic communication connectivity, is primarily a matter for the private sector, regulated where appropriate by the Commission for Communications Regulation (ComReg). The island of Ireland has many international telecommunications cables, providing international connectivity to the country. There are transatlantic subsea telecommunications cables providing direct connectivity between Ireland and the USA and subsea cables connecting Ireland to the UK and on to Europe through the UK.

I understand the availability and capacity of international connectivity services are more than adequate for foreseeable needs. As the Deputy may be aware, the telecommunications market in Ireland is fully liberalised and the State's ability to intervene in the market is limited to cases of demonstrated market failure and other limited situations. I am also aware that there are a number of international connectivity projects either planned or underway which, if delivered, would enhance the international connectivity of the country. I fully support and welcome the prospect of these projects coming to fruition, thereby improving the speed and availability of international connectivity in the country.

My officials are constantly monitoring developments in this area, including maintaining contact with the industry users of international connectivity to understand their requirements, and the providers of such connectivity, to understand how the policy environment might facilitate additional connections.

Alternative Energy Projects

19. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources when he hopes to announce approval of the REFIT programme for wind energy; the reason for its delay; if the EU has raised any further issues in relation to this matter; and if he will make a statement on the matter. [2628/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): REFIT 2 is designed to support a range of technologies including onshore wind, landfill gas and small hydro technologies. I can inform the Deputy that last week my Department received State Aid clearance from DG Competition for Ireland's REFIT 2 application. I am advising the Government accordingly of my intention to open the scheme and with the Government's agreement, the scheme will be formally launched by my Department and open for applications at the earliest possible date.

Telecommunications Services

20. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Communications, Energy and Natural Resources if he will resolve the lack of broadband provision in the Moheraven area, Aughamore, County Leitrim; if he will make clear the reason persons of this area have been neglected by the national broadband scheme, forcing them to pay for a satellite broadband service which costs €100 to install and €300 per year in subscription fees; and if he will make a statement on the matter. [2537/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ireland’s telecommunications market has been liberalised since 1999 and thus the delivery of broadband services is a matter, in the first instance, for the private sector commercial operators. In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) represents such an intervention. EU State Aid and competition rules govern how states can intervene in areas where existing service providers operate. Accordingly, the NBS is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion. The mapping exercise undertaken by my Department at the time of designing the NBS in 2008, found that broadband services were available in the area referred to in the Deputy’s Question and consequently the locality was excluded from the Scheme.

The Rural Broadband Scheme (RBS) was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, due to technical difficulties such as line of sight issues. This Scheme, which will be rolled out this year, is aimed at making a basic broadband service available to those individual un-served premises in rural non-NBS areas who wish to avail of such services. The combination of private investment and State interventions such as the National and Rural Broadband Schemes means that Ireland is on target to meet the EU Digital Agenda milestone of having a basic broadband service available to all areas by 2013.

The Deputy refers to the cost of satellite connectivity. The technology involved with satellite internet has meant that connectivity has tended to be more expensive than connectivity via other means. However, with technological advances, I am pleased to note that tariffs for satellite connectivity are becoming increasingly competitive with other technologies. The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. With basic broadband services now widely available across Ireland, the challenge is to accelerate the roll out of high speed services.

Under the NewERA proposals in the Programme for Government, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband customer access to every home and business in the State. The Next Generation Broadband Taskforce which I convened earlier this year has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

Offshore Exploration

21. **Deputy Richard Boyd Barrett** asked the Minister for Communications, Energy and Natural Resources if he will respond to concerns and a petition by local residents in the coastal

areas close to the Kish Bank, regarding the potential dangers to the marine ecosystem, tourism and heritage, resulting from possible oil spills, heavy industrial activity and other environmental impacts if a company (details supplied) gain approval for their current drilling licence application; and if he will make a statement on the matter. [2581/12]

27. **Deputy Joan Collins** asked the Minister for Communications, Energy and Natural Resources the way the State and the Irish people might benefit if the drilling application were to be approved in respect of a company (details supplied) and lead to a successful oil find, in view of the current licensing and tax regime surrounding the exploitation of natural resources such as oil and gas; and if he will make a statement on the matter. [2583/12]

30. **Deputy Joan Collins** asked the Minister for Communications, Energy and Natural Resources if he will respond to concerns and a petition by local residents in the coastal areas close to the Kish Bank regarding the potential dangers to the marine ecosystem, tourism and heritage, resulting from possible oil spills, heavy industrial activity and other environmental impacts if a company (details supplied) gain approval for their current drilling licence application; and if he will make a statement on the matter. [2584/12]

31. **Deputy Richard Boyd Barrett** asked the Minister for Communications, Energy and Natural Resources the benefits or otherwise that would accrue to the State and the Irish people if the drilling application were to be approved in respect of a company (details supplied) and lead to a successful oil find, in view of the current licensing and tax regime surrounding the exploitation of natural resources such as oil and gas; and if he will make a statement on the matter. [2582/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd): I propose to take Questions Nos. 21, 27, 30 and 31 together.

Standard Exploration Licence 2/11 was granted last year to a consortium comprising Providence Resources Plc and Star Energy Oil and Gas Ltd over an area of approximately 380 square kilometres in the Kish bank Basin. The exploration licence is for a six year period with an obligation to drill an exploration well during the first three years. Drilling operators are required to comply with best international practice when carrying out drilling operations offshore Ireland. My Department will only give an approval to drill once it is satisfied that all requirements of its Rules and Procedures for drilling operations, in particular those concerning health, safety and the environment, have been fully met.

Exploration Licence holders are required to engage a competent Independent Well Examiner to verify the safety of all drilling rigs, drilling equipment, pressure containment systems and drilling processes in advance of and during drilling operations. The well examiner has a role for as long as drilling operations continue and is required to verify any changes to drilling plans. Ongoing monitoring by the Independent Well Examiner, my Department's Advisers and my Department's technical specialists continues throughout the drilling of a well. I would of course be happy to respond to any concerns communicated to me or my Department by members of the public.

In relation to the benefits that would accrue to the people of Ireland under the fiscal licensing regime in the event of a commercial discovery being made, the profits from any commercial discovery would be subject to a tax rate of between 25% and 40% under the 2007 Licensing Terms. A commercial discovery could also help strengthen Ireland's energy security of supply and would have a positive impact on Ireland's efforts to attract an increased share of international exploration investment.

Telecommunications Services

22. **Deputy Micheál Martin** asked the Minister for Communications, Energy and Natural Resources the average broadband speeds available to residential and business customers in towns of less than 10,000 persons and in the open countryside; and if he will make a statement on the matter. [2640/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Telecommunications service providers are required to provide certain statistical returns to the Commission for Communications Regulation (ComReg), the independent market regulator. ComReg publishes quarterly statistical reports, based on these returns, which can be accessed on its website *www.comreg.ie*. Some of the information returned by service providers to ComReg is market sensitive and is published in aggregate form only. My Department does not have access to these returns other than in the form published by ComReg.

The reports published by ComReg provide statistical information at the national level only, with no further breakdown by geographic region or town size. The most recent report published by ComReg is the Quarterly Report for Q3 2011, i.e. up to the end September 2011. It reports that the number of customers contracting for broadband service more than doubled from 793,000 to more than 1.6 million between Q3 2007 and Q3 2011.

As regards broadband speeds, the Quarterly Report for Q3 2011 reports that the number of customers contracted at slower Internet speeds, using dial-up Internet service, reduced from 383,000 to 28,000 over that four year period. In terms of moving to higher speeds, at the end of September 2011, 73.2% of residential customers and 88.8% of business customers were using speeds of between 2mbps — 10mbps. I should also highlight that some businesses in regional and rural areas receive their broadband services via “leased lines” which are capable of providing “ultra fast” broadband speeds, e.g. 1Gbps (Gigabits per second), which is 1000Mbps (Megabits per second).

Natural Gas Grid

23. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources his views on the Western Development Commission paper *Why Invest in Gas* which outlines the clear benefit of extending natural gas distribution network to the north west; and if he will make a statement on the matter. [2533/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Commission for Energy Regulation (CER), which is a statutory, independent body, has, since 2002, been charged with all aspects of the assessment and licensing of prospective operators who wish to develop and/or operate a gas distribution system within the State under the Gas (Interim) (Regulation) Act 2002. I have no direct statutory function in relation to the connection of towns to the gas network.

The CER, in 2006, approved a new network connections policy, which created the opportunity to reassess the feasibility of connecting certain towns to the gas network. In order for any town to be connected to the gas network, certain economic criteria need to be satisfied as a prerequisite. The policy allows for the appraisal of a town either on its own or as part of a regional group of towns.

This policy ensures that, over a certain period, the costs of connecting the town, or group of towns, to the network are recouped through the actual economic consumption of gas and the associated tariffs. Otherwise, uneconomic projects will increase costs for all energy consumers. Having regard to the CER policy on new towns connections, Bord Gáis Networks, and more recently Gaslink, have carried out a comprehensive review of towns not connected to the

national gas network. In April 2010, Gaslink published its ‘New Towns Analysis Phase 3’ report.

The study included a review of the feasibility of connecting 11 towns in the West and North West region which are the focus of the Western Development Commission paper, ‘Why Invest in Gas’. However, the Gaslink report found that none of the towns qualified for connection on economic grounds. Nevertheless, Gaslink continues to review towns which did not qualify for connection under the Study and other towns on an ongoing basis. The key factor which would qualify a town or group of towns in any future review would be a significant increase in demand for natural gas, probably resulting from the addition of a new large industrial or commercial facility.

Telecommunications Services

24. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources his views regarding the current range of problems facing Eircom in view of the critical national strategic communications infrastructure which the company controls and which needs major national investment in view of the ongoing poor broadband performance; and if he will make a statement on the matter. [2536/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Eircom is a private company operating in both the fixed line and mobile electronic communications markets in Ireland. The company is trading profitably in its day to day operations. Its current reported difficulties are related to its debt levels which must be addressed and resolved by the parties involved.

Eircom’s fixed line network, in particular, is of strategic importance to Ireland, both socially and economically, given its universal reach. It is also designated by the Commission for Communications Regulation (ComReg) as the Universal Service Provider and has other regulatory obligations arising from its significant market power. Given eircom’s designation as the Universal Service Provider and the other regulatory obligations arising from its market power, ComReg continues to monitor its provision of both wholesale and retail services. It would not be appropriate for me to comment in any way on the process currently underway to resolve its reported debt issues.

25. **Deputy Seamus Kirk** asked the Minister for Communications, Energy and Natural Resources the improvement or disimprovements in Ireland’s ratings for the availability of high quality broadband since he assumed office; and if he will make a statement on the matter. [2637/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Commission for Communications Regulation (ComReg) publishes quarterly statistical reports on developments in the telecommunications market in Ireland on its website www.comreg.ie. ComReg’s most recent publication, for the quarter ending September 2011 (Q3 2011), reports total broadband subscriptions increased to 1.652m compared to 1.624m at end March 2011(Q1 2011).

At the end of both periods residential and business users were more likely to subscribe to packages between 2Mbps — 10Mbps. The number of non-residential customers in this band increased from 87.8% to 88.8% over the six month period. Residential customers are migrating to even higher speeds. This is confirmed by the reported increase in residential customers contracting at speeds above 10 Mbps which increased from 12.1% at end March 2011 to 19.8% at end September 2011. Consequently, ComReg reported a reduction in residential customers

[Deputy Pat Rabbitte.]

contracting in the 2Mbps — 10Mbps band, from 78.9% to 73.2% in the same period. I welcome this continued migration to higher speeds by residential subscribers.

The ComReg report also carries a survey of EU broadband prices conducted by Teligen, an international consultancy that reports on tariffs and services for comparison purposes. The residential DSL and cable basket for all speeds was based on a 1Mbps speed in Q1 2011, which is below the typical contracting speed in Ireland and a direct comparison is not appropriate. In the business DSL and cable basket of speeds between 4Mbps and 10Mbps Ireland ranked 10 in Q1 2011 (i.e. rank 1 has the lowest price, rank 10 was the tenth cheapest) and 17 in Q3 2011. Both of these rankings were cheaper than the benchmarked EU average. It is important to note that broadband retail prices are not subject to retail price regulation.

26. **Deputy Kevin Humphreys** asked the Minister for Communications, Energy and Natural Resources the action that has been taken to guarantee Ireland's international broadband connectivity security; his views on the volume of information flow from Ireland that is processed through London, England; his views that we should seek further connections by fibre cable that bypass the UK and connect directly to the European mainland; and if he will make a statement on the matter. [2580/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of telecommunications services, including international electronic communication connectivity, is primarily a matter for the private sector, regulated where appropriate by the Commission for Communications Regulation (ComReg). A number of existing international telecommunications routes are provided by multiple operators. Other operators are currently exploring the possibility of providing additional connectivity between Ireland and both Europe and the USA.

My officials monitor international connectivity developments and I am advised that the availability and capacity of international connectivity services is more than adequate for foreseeable needs. I would, however, welcome and support any project that enhances Ireland's international connectivity. I am aware of some projects that will add additional capacity over the coming months. I am also aware of other plans, one of which would connect Ireland directly to mainland Europe. International network security is crucially important and I understand that the network providers take all of the necessary precautions to protect their networks.

Question No. 27 answered with Question No. 21.

Offshore Exploration

28. **Deputy Michael Moynihan** asked the Minister for Communications, Energy and Natural Resources the percentage of the Irish seabed that is licensed for the exploration and extraction of hydrocarbons; the percentage of geologically significant areas for the exploration of hydrocarbons that have been licensed; and if he will make a statement on the matter. [2623/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The percentage of Ireland's designated continental shelf that is currently licensed for exploration or leased for production of hydrocarbons is 4.4%. The percentage of the area of sedimentary basin (i.e. geologically significant for hydrocarbons) within the designated continental shelf that is currently licensed for exploration or leased for production of hydrocarbons is 9.3%.

While Ireland has recognised potential as a petroleum producing area, the Irish offshore is relatively under explored. As a result Ireland's petroleum potential is largely unproven. This

is likely to continue to be the case, until there is an increase in the level of exploration activity offshore Ireland and there is an increase in the level of exploration drilling in particular.

Telecommunications Services

29. **Deputy Thomas P. Broughan** asked the Minister for Communications, Energy and Natural Resources his views on Ireland's ranking in recent international broadband league tables; if he is considering any new measures to ensure that all households and businesses have access to download speeds of 30 Mbps and that the digital divide does not increase further; and if he will make a statement on the matter. [2535/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): There has been significant growth in the take up of broadband services and contracted speeds in Ireland in recent years. The Commission for Communications Regulation (ComReg) has reported that between Q3 2007 and Q3 2011 the number of broadband subscribers has more than doubled from 793,000 to more than 1.6 million.

It is also the case that, at the end of September 2011, 73.2% of domestic customers and 88.8% of business subscribers were using speeds between 2 Mbps — 10 Mbps. Many subscribers are also migrating to higher speed products with 19.8% of residential subscribers using speeds in excess of 10 Mbps, according to ComReg's latest Quarterly Report (Q3 2011).

International comparisons of broadband services are complex to measure and interpret. In many instances, surveys measure an average of retail broadband speeds published on service providers' websites only. These comparisons do not take account of higher speeds, which are available in some countries (including Ireland) over leased lines to users of very high speeds and bandwidth. The international comparisons only consider retail services that are advertised. Big bandwidth leased line services are not advertised as retail services in Ireland.

It is also the case that the comparisons do not take account of the variety of speeds options advertised. Furthermore, broadband services that are advertised as part of a bundled package are not compared. Some commonly used high speed broadband services, available in Ireland as triple play products, are therefore excluded from the international comparisons.

Nevertheless, there is a recognition in the Programme for Government of a need to increase the quality of broadband available nationwide. Under the NewERA proposals in the Programme for Government, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband customer access to every home and business in the State. The Next Generation Broadband Taskforce which I convened last summer has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

The Taskforce will conclude its deliberations shortly. It is my intention to consider the findings, conclusions and recommendations of the report of the Taskforce and to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

Questions Nos. 30 and 31 answered with Question No. 21.

Energy Resources

32. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when it is expected that product from the Corrib gas fields will be available to the consumer; the degree to which planning and licensing requirements have now been complied with; the issues if any, outstanding; and if he will make a statement on the matter. [2567/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Completion of the development works by the developer is the principal factor that will determine the date for first gas. Pending such completion, it is not possible to state a date for when gas from the Corrib gas field will become available.

The Corrib Project requires a number of statutory permissions in order for the developer to construct, operate and maintain the development. In February of last year, the then Minister for Communications, Energy and Natural Resources granted consent to the Corrib Partners pursuant to Section 40 of the Gas Act, 1976 and Section 13 of the Petroleum and Other Minerals Development Act, 1960 to construct, but not commission, the Corrib Gas Pipeline, subject to 47 conditions.

The Deputy might also note that other licences and permissions beyond my statutory remit, including planning permission, Foreshore Licence and an Integrated Pollution Prevention and Control Licence are also required with respect to the construction and operation of the Corrib Gas Pipeline. I understand that all of the relevant permits have now been granted. Legal challenges to the consents granted pursuant to both the Gas and Petroleum Acts and the Planning Permission granted by An Bord Pleanála were settled towards the end of last year. Works on the development commenced last summer. It is estimated that construction of the onshore section of the pipeline, including the construction of a 5 km tunnel, will take in the region of three years. First gas cannot therefore reasonably be anticipated before 2014.

Human Rights Issues

33. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he has taken in conjunction with his EU colleagues to address the undermining of individual and press freedom in Hungary; and if he will make a statement on the matter. [2679/12]

34. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the Hungarian constitution; and his further views on whether it is compatible with the democratic principles of the EU; and if he will make a statement on the matter. [2680/12]

35. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has met with Hungarian representatives to raise concerns regarding the series of measures taken by the Fidesz party; and if he will make a statement on the matter. [2681/12]

36. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has met with his EPP colleagues in the Fidesz party to discuss concerns regarding the new Hungarian constitution; and if he will make a statement on the matter. [2682/12]

37. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he met with the Hungarian Prime Minister, Victor Orbán, during his visit under the Hungarian EU Council Presidency in June; the issues they discussed; and if he will make a statement on the matter. [2683/12]

40. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has issued a formal protest with his EU colleagues regarding the Hungarian constitution; if not, if he would support such a protest; and if he will make a statement on the matter. [2690/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 33 to 37, inclusive, and 40 together.

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 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 on a number of concerns including in relation to the judiciary. The European Commission has noted that it stands ready to make full use of its prerogatives to ensure that Member States respected the obligations that they have accepted as Members of the European Union. Foreign Minister Martonyi has recently written to EU Foreign Ministers and the European Commission on these issues. While recognising the very real concerns that the new Constitution and Laws have prompted, I welcome the Minister's intention to engage in discussion of the issues and I would encourage Hungary to engage substantively with the European Commission.

In response to the Deputy's question, I can confirm that I did not have a meeting with Prime Minister Orbán during his visit to Ireland under the Hungarian Presidency of the EU.

EU Treaties

38. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has discussed the media campaign necessary to advance the fiscal compact treaty with his EU colleagues; and if he will make a statement on the matter. [2685/12]

39. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has discussed Ireland's corporate tax rate during talks on the fiscal compact treaty; the person with whom he had the discussions; the response received; and if he will make a statement on the matter. [2686/12]

48. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has discussed the issue of his criticism of the UK's negotiating stance in the December EU summit with UK officials and representatives; and if he will make a statement on the matter. [2699/12]

49. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the discussions he has held with UK representatives regarding UK-EU relations following the abstention of the UK from the fiscal compact treaty agreed at the EU December Summit; and if he will make a statement on the matter. [2700/12]

50. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the impact the UK's decision to abstain from the fiscal compact agreed at December's EU summit and growing risk of isolation from the EU will have on Ireland's EU relations; and if he will make a statement on the matter. [2701/12]

54. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the impact of the fiscal compact agreement of December 2011 in relation to national sovereignty and the principle of subsidiarity; if he has raised these issues with his EU colleagues and the President of the EU Council; and if he will make a statement on the matter. [2705/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 38, 39, 48 to 50, inclusive, and 54 together.

Since the onset of the current economic crisis in Europe, 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 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. 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. That in no way changes the reality that the UK is and will continue to be an active and important Member State of the European Union, with whom we cooperate very closely across a very wide range of policy issues. This will not change in any way in the wake of the decisions taken by leaders last month.

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 cooperation and compromise, while respecting vital national interests, as has been the guiding approach to previous European negotiations. I had a useful meeting with British Deputy Prime Minister Clegg in Dublin on Friday last, 13 January, at which we took stock of current developments in the EU, including progress in the negotiations on the intergovernmental agreement. The Deputy will also be aware that the Taoiseach also met with Prime Minister Cameron in London last week during which they agreed to pursue together cooperation with regard to the completion of the EU's Single Market.

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.

In taking forward the work mandated in December, there has been no discussion of Ireland's Corporate Tax rate. What was agreed at last month's European Council does not open the question concerning our 12.5% corporation tax rate. As far as the Government is concerned the corporation tax rate issue is closed.

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.

Communications is and will continue to be an important aspect of any and all significant initiatives to be taken at European level. Effective communications with our respective publics, so as to ensure the broadest possible understanding of key issues and developments, is an important issue for all Member States. Lessons are learnt and shared among partners in this regard, when appropriate. This is to be welcomed. However, this work is best led at the national level — in the first instance, by the elected representatives of the people — in the case of Ireland, by Members of the Oireachtas. 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. In addition, the Programme for Government commits Ministers to appear before the relevant Oireachtas Committees prior to travelling to Brussels for meetings of the Council where decisions are made.

In this context, I look forward to meeting at the end of this week with the Joint Oireachtas Committee on European Union Affairs to brief Members on developments in the on-going negotiations on the intergovernmental Treaty and to engage with them on related issues.

Question No. 40 answered with Question No. 33.

Election Monitoring

41. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he discussed the disputed Duma elections in Russia held in December 2011 with his EU colleagues; if an EU course of action has been proposed; and if he will make a statement on the matter. [2691/12]

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.

[Deputy Eamon Gilmore.]

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.

EU Enlargement

42. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he supports an application for EU membership by Bosnia; and if he will make a statement on the matter. [2692/12]

43. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised the 2009 European Court of Human Rights ruling on the Bosnian Presidency in respect of a potential application for membership of the EU by Bosnia; and if he will make a statement on the matter. [2693/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 42 and 43 together.

The Ruling of the European Court of Human Rights in December 2009 (Sejdic and Finci v. Bosnia and Herzegovina) 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 Sejdic and Finci ruling. 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.

44. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he supports an application for EU membership by Turkey; the reasons behind his position on the issue; and if he will make a statement on the matter. [2694/12]

45. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised the Turkish treatment of the ethnic Kurd minority at an EU level in respect of EU discussions on potential Turkish EU membership; and if he will make a statement on the matter. [2695/12]

46. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised the treatment of homosexuals in the Turkish military in respect of EU discussions on potential Turkish EU members, EU-Turkish relations; and if he will make a statement on the matter. [2696/12]

47. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised the treatment of homosexuals by the Turkish State in respect of EU discussions on potential Turkish EU membership, EU-Turkish relations; and if he will make a statement on the matter. [2697/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 44 to 47, inclusive, together.

Our approach to EU enlargement is positive. Expanding the Union encourages a more prosperous and stable Europe and the process itself is equally beneficial to candidate countries in encouraging them to implement economic and political reforms and to strengthen their democratic values.

Respect for these norms as set out in the Treaties, the adoption of a European perspective which those values reflect, strict adherence to membership conditions, and the capacity of the EU itself to integrate the new member are all important factors in assessing the pace and progress of an applicant's accession. Turkey is introducing reforms required under the accession process, albeit sometimes not as quickly as might be hoped for. I remain confident that the prospect of accession will continue to promote fundamental reform, to strengthen democracy and human rights, and to bring about further modernisation in that society.

Respect for human rights and democratic standards form a key element of the enlargement negotiations with Turkey. In recent years, Turkey has been developing an outreach programme towards the Kurdish minority. The measures include greater recognition of the rights of the Kurdish population, including use of their own language in daily life and in public affairs.

Along with our EU partners, we will continue to encourage Turkey to implement further reforms, including further outreach to the Kurdish minority and proper recognition of their rights. Indeed, through the EU-Turkey human rights consultations, and the use of the European Instrument for Democracy and Human Rights, we are engaging with Turkey on addressing our concerns in relation to the treatment of all minorities within the country, including the LGBT community.

The position of Turkey on these issues is not yet quite in line with the EU's values and ideals, but the government in Ankara is aware, from its continuing contacts with the Union that the issues of human rights and democratisation need to be fully addressed by a prospective member State.

Questions Nos. 48 to 50, inclusive, answered with Question No. 38.

Human Rights Issues

51. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised the issue of EU policy towards Uzbeki cotton and child labour use; the action he has advocated regarding same; and if he will make a statement on the matter. [2702/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The most recent meeting of the EU-Uzbekistan Cooperation Council took place in Brussels on 14 November 2011. During the Cooperation Council, the EU raised a wide range of issues concerning human rights and fundamental freedoms in Uzbekistan. Prior to the meeting, all twenty-seven Member States of the European Union, including Ireland, mandated the EU representatives at the Cooperation Council to raise with the Uzbek side the question of child labour in Uzbekistan and the Uzbek commitment to honouring its International Labour Organisation (ILO) obligations. The EU efforts in this respect are recorded in the Press release issued at the end of the meeting:

“The EU took note that Uzbekistan had ratified the ILO conventions against child labour and had adopted a national action plan to implement the conventions. The EU called upon Uzbekistan to engage with (the) ILO on implementation of the conventions, including through the ILO visit.”

This issue will remain on the agenda for EU dialogue with Uzbekistan in the field of human rights and I have asked my officials to ensure that Ireland plays an active role in preparing the EU position for future EU-Uzbekistan Cooperation Councils.

EU Budget

52. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the discussion he has had with the President of the European Council on the EU’s multi-annual financial framework; the issues he raised; the timeframe for the MFF decision-making process; and if he will make a statement on the matter. [2703/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Commission presented proposals for the EU Budget Multiannual Financial Framework for 2014 to 2020, the MFF, on 29 June 2011. Work on this legislative proposal is being led by the General Affairs Council. Detailed proposals are being discussed in the relevant sectoral Councils. The Polish Presidency presented a report on initial discussions of the MFF to the December European Council. Negotiations will intensify during the present Danish Presidency, and it is expected that a draft outline agreement will be presented to the June meeting of the European Council, at which point President Van Rompuy will have a role in the negotiations. It is hoped that the final agreement can be reached during the Cypriot Presidency in the second half of this year.

Important issues to be resolved during the negotiations will include the overall size of the EU Budget; the relative proportions to be allocated to different sectors, notably the CAP, Cohesion Policy, and Research and Innovation; and how the Budget will be funded. Ireland’s approach to the negotiations is to engage constructively with our EU partners to ensure that the EU has a budget which reflects the Europe 2020 priorities, while taking account of the current budgetary consolidation imperatives in Member States.

EU Presidency

53. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the additional staff his Department will receive for the Irish Presidency of the EU Council in the first half of 2013; the estimated costs involved in holding the Presidency; the total staff estimated to be needed; and if he will make a statement on the matter. [2704/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Department of Foreign Affairs and Trade is being allocated some 68 temporary additional posts in

2012/2013 in order to plan and fulfil its EU Presidency responsibilities and activities in the first half of next year. The temporary additional staff will be assigned as appropriate at Headquarters and to Irish Missions abroad with Presidency responsibilities, most notably the Permanent Missions to the EU and the UN in Brussels, New York and Geneva respectively. Various recruitment options will be used, including redeployment from elsewhere in the Public Service and internships.

Wider logistical and technical planning is well underway and aims to put in place arrangements to ensure an efficient and cost-effective Presidency. While the costs and overall staffing numbers associated with the Presidency have yet to be finalised, the expectation is that they will be at the lower end of the range for recent EU Presidencies.

Question No. 54 answered with Question No. 38.

EU Strategy

55. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has held any discussions in relation to the Europe 2020 strategy; the suggestions he has put forward on the issue; if he advocates any changes to the strategy; and if he will make a statement on the matter. [2706/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Europe 2020 strategy for smart, sustainable and inclusive growth is a key topic of Ireland's ongoing engagement with European partners, both capitals and institutions. Ireland believes that the growth agenda must become a stronger focus at EU level. Growth is key to supporting the job creation necessary to address the unemployment crisis. It is also critical to restoring fiscal balances and regaining market confidence in debt sustainability. The Commission produced its Annual Growth Survey 2012 on 23 November, marking the starting point of the second European Semester of economic governance. The key message is that, faced with a deteriorating economic and social situation, more efforts are needed to put Europe back on track and sustain growth and jobs.

I support the five priorities suggested for the EU and Member States: pursuing differentiated, growth-friendly fiscal consolidation; restoring normal lending to the economy; promoting growth and competitiveness for today and tomorrow; tackling unemployment and the social consequences of the crisis; and modernising public administration. It is clear that we need to deliver better education outcomes; that we need to keep our focus on knowledge-intensive development; and that we need to improve participation and employment rates with sensible and job-friendly labour market policies. That is what the Europe 2020 Strategy is about.

A key challenge in the current environment is to create a climate of confidence for new investment, and to steer this investment in a direction that is smart, sustainable, and socially inclusive. We look forward to engaging constructively with the second European Semester. In line with this, we will update our National Reform Programme under the Europe 2020 Strategy by mid-April. Work to this end has begun, and will include developing a stronger alignment with specific EU-level initiatives that are supportive of national priorities established by our Programme for Government.

EU Directives

56. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the total number of EU directives, regulations and decisions that have been transposed into law here since March 2011; and if he will provide a detailed breakdown of each issue. [2708/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Responsibility for transposing EU measures into Irish law rests with individual Departments with responsibility for the relevant policy area. The Department of Foreign Affairs and Trade has no EU Directives awaiting transposition. As Tánaiste and Minister for Foreign Affairs and Trade I have not participated in any debates on transposition relative to my areas of responsibility.

EU Presidency

57. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the issue he intends to prioritise during the Irish EU Council presidency in the first half of 2013; and if he will make a statement on the matter. [2709/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland is aiming to run an efficient and cost-effective Presidency focused on making progress in promoting Irish interests through the EU's legislative agenda. Work by Ministers and their Departments to identify priorities and emerging issues in their policy areas that are likely to be of importance during Ireland's Presidency of the Council of the European Union in 2013 has been ongoing for some time. While it is too early to identify one specific issue as Ireland's main Presidency priority, job creation will be a particular focus. The Government plans to work closely with its EU partners to promote measures aimed at boosting Europe's competitiveness and to restore strong and sustainable economic growth in our Union. Another major cross-cutting issue that is likely to figure prominently during Ireland's Presidency is the next Multiannual Financial Framework (MFF) which outlines plans for the EU budget from 2014. The Common Agriculture Policy, the Common Fisheries Policy, Cohesion Policy and Horizon 2020 (the EU's future framework programme for research and innovation) are just some of the important initiatives that are linked to the MFF process. The Government will support efforts by the Danish and Cypriot Presidencies during 2012 to reach agreement on the MFF. Even if agreement is reached, it will fall to the Irish Presidency to introduce implementing legislation.

While these are the main issues that the Government is likely to prioritise during Ireland's Presidency there is a range of policies and draft legislation across all of the EU's Council formations that the Government will seek to progress in 2013. Ireland's Presidency programme will be published in December 2012 and will, to some extent, be influenced by the progress made by Denmark and Cyprus during their Presidencies in 2012 and by issues already on the EU agenda. Intensive work will continue throughout 2012 at all levels of Government to define Ireland's Presidency programme and to identify key priorities.

The Government is also working to ensure close cooperation with the European Parliament during its Presidency, given the important role of the Parliament in the co decision process and in ensuring the effective delivery of Ireland's Presidency priorities.

58. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade the measures he has taken to date in preparation for Ireland's involvement in the EU Presidency in co-operation with Cyprus and Lithuania from the latter half of 2012; the discussions he has held with EU colleagues, in particular representatives from these specific countries; if any outside expertise has been sought; and if he will make a statement on the matter. [2710/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland will assume the Presidency of the EU during the first six months of 2013. An important element of these preparations is close cooperation and coordination with the preceding and succeeding Presidencies and the EU institutions. The Government is working closely with Lithuania which will also hold its Presidency in 2013. I met twice last year with the Lithuanian Minister for

Foreign Affairs, and the Minister of State for European Affairs has also met on two occasions with her Lithuanian counterpart. There have also been extensive contacts at official level.

Cyprus precedes Ireland as Presidency. I hope to meet soon with my Cypriot counterpart to discuss Presidency planning issues. The Minister of State for European Affairs met with her Cypriot counterpart and the Cypriot Foreign Minister during a visit to Nicosia last November.

Contacts with our partners will intensify at all levels over the coming months.

Planning for the Presidency has been underway since 2010 and is being led by in Dublin by two inter-departmental groups that are coordinating Presidency policy and logistics preparations, and the Irish Permanent Representation in Brussels. Officials in Dublin and in Brussels have engaged extensively with their Cypriot and Lithuanian colleagues. Ireland is also working closely with the EU institutions in advance of its Presidency, and several high-level visits and meetings are being planned in the run-up to the Presidency, including visits of a number of Commissioners to Ireland over the coming months. Contacts between the Government and the European Parliament have also increased, particularly with key Committee Chairpersons and rapporteurs. As with all recent Presidencies, there has been close coordination between Irish officials and the General Secretariat of the Council on issues including the preparation of the Presidency calendar, and coordination of the Council's Trio Presidency programme (which is a Council document). The General Secretariat of the Council has also assisted most recent Presidencies by providing training for officials from the Presidency state. Training for Irish officials (particularly for officials who will be chairing Working Groups during the Presidency) will start in February.

EU Enlargement

59. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is supportive of an application for EU membership by Serbia; the reasons for his position; and if he will make a statement on the matter. [2711/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In relation to Serbia's application for EU membership, the Commission recommended in its Enlargement Strategy for 2012 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 December 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. 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.

Diplomatic Representation

60. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade his view on the value of Ireland's embassies in other EU States in informing his work and that of his Department; and if he will make a statement on the matter. [2712/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Active engagement with Europe and with the other EU Member States is a core element of Ireland's foreign policy, and the work of our Embassies and diplomatic missions in other EU countries is crucial in this regard.

[Deputy Eamon Gilmore.]

Europe and the EU have a pre-eminent place in much of Government policy. The Government's programme emphasises the importance of restoring Ireland's standing as a respected and influential member of the EU, and of the wider international community.

Our Embassies in other EU Member States have an important function in disseminating information about Ireland. Embassy staff are face to face with our partners in EU capitals, and are active in cultivating close bilateral relations. Through the networks and contacts that they build, Irish Embassies ensure that policy-makers — and indeed the wider audience — in their countries of accreditation understand Ireland's priorities and interests, both in relation to EU matters, and the wider foreign policy agenda. In turn, through their engagement with key contacts, Irish Embassies have an important role in reporting back to the Irish Government on the priorities and interests of the other EU Member States. The advancement of Ireland's economic interests overseas is a key priority for my Department both at Headquarters and through our Embassy network, where we work closely with all of the State Agencies. Ireland's Embassies in EU countries are active in promoting Ireland's economic and trading interests. Responsibility for certain trade functions transferred to the Department of Foreign Affairs and Trade on 1 June of last year. I chair the new Export Trade Council, which aims to strengthen cooperation across all key Departments and agencies involved in the promotion and development of trade and exports and putting in place a joined-up approach to promoting our trade, tourism and investment sectors.

Ireland's Embassies in other EU countries work closely with the State Agencies and private enterprise to identify opportunities for the high quality products which Ireland exports and to support the growth of Irish business overseas.

In addition, *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, has identified priority markets for Ireland which include a number of key high growth potential economies such as Brazil, Russia, India and China. The Strategy also recognises the importance for Ireland of established markets in the USA and the European Union, given our strong knowledge and understanding of these markets, embedded relationships that include historical and cultural linkages, the nature of our FDI base and geographic proximity.

Local market teams chaired by the local Ambassador and comprising representatives of the locally based State Agencies have been established in the all of the priority markets, including those in the EU, identified in the Trade Strategy. These teams execute detailed market plans, and report on progress to the Export Trade Council, which I have set up to monitor implementation of our Trade Strategy.

Our embassies in Europe also play an important role in promoting Ireland's cultural and scientific programme and reputation, in close cooperation with other Government Departments and economic agencies. They also work to maintain contacts and build networks with the Irish Diaspora living in other EU Member States.

In addition, Irish Embassies in other EU Member States have an important role in providing assistance to Irish citizens. Every year my Department provides consular assistance to thousands of Irish citizens. As EU Member States include some of the most popular destinations for Irish citizens travelling abroad, our Embassies in these countries continues to fulfil an important role in assisting Irish citizens in times of distress.

61. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade his view on the closure of the Vatican embassy in regard to Ireland-EU relations owing to the

Vatican's role as diplomatic listening post; and if he will make a statement on the matter. [2713/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The decision to close Ireland's resident Embassy to the Holy See and to appoint a non-resident Ambassador was made following a comprehensive review of the Mission network and against a background of the need for my Department to reduce its expenditure in the current difficult economic climate that we face. The Government has nominated the Secretary General of my Department, Mr. David Cooney, as our non-resident Ambassador to the Holy See and the Holy See has signalled its agreement to this appointment. As Ambassador, Mr. Cooney will be travelling to Rome regularly to maintain contacts with officials of the Holy See on issues of mutual interest, including global issues such as development, human rights and disarmament, and to represent Ireland at major ceremonies.

I do not believe that the decision to appoint a non-resident Ambassador to the Holy See will impact on our relations with the European Union. Indeed, a number of other EU member States are also represented at the Holy See by non-resident Ambassadors.

Passport Applications

62. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will review a matter (details supplied) regarding a passport. [2814/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I refer to my answer to PQ 30853 of 25 October 2011. As this matter is currently before the courts, it would be inappropriate for me to discuss the case further at this time.

Ministerial Appointments

63. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade when he expects to appoint an Ambassador to the Irish Embassy in Australia; and if he will make a statement on the matter. [2853/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government recently made arrangements to appoint Mr Noel White, currently serving as Director for Press and Information in my Department, as Ireland's next Ambassador to Australia. Mr White is expected to take up duty within the next month.

Diplomatic Representation

64. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade the countries in which Irish embassies are located where there is not a reciprocal embassy in Ireland; and if he will make a statement on the matter. [2857/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are nine countries where Ireland maintains an Embassy abroad where there is not a reciprocal Embassy in Dublin. Of these, six are in Irish Aid priority countries: Malawi; Mozambique; Tanzania; Uganda; Vietnam; and Zambia. Our resident Missions reflect the special relationship with these developing countries.

The other countries where Ireland has resident Embassies without a reciprocal arrangement are Luxembourg; Singapore; and Sweden. Each of these three countries is accredited to Ireland on a non-resident basis and has appointed Honorary Consuls in Ireland. As well as our common membership of the European Union, Ireland has substantial trade surpluses with both Luxem-

[Deputy Eamon Gilmore.]

bourg and Sweden, which is also a valuable source of inward investment and tourism. Singapore is also a significant trading partner and an important regional business hub.

Fiscal Policy

65. **Deputy Timmy Dooley** asked the Minister for Finance if he has discussed Ireland's corporate tax rate with his EU colleagues; if so, with whom; the response he has received; and if he will make a statement on the matter. [2687/12]

Minister for Finance (Deputy Michael Noonan): The Deputy is well aware of the Government's continued commitment to ensure that Ireland's corporate tax rate remains unchanged. I recently restated this position in my Budget 2012 speech. Under the Euro Plus Pact for Stronger Economic Policy co-ordination for Competitiveness and Convergence which was agreed at the European Council in March 2011, Ireland as well as those other Member States who signed up to the Pact, are committed to discussions on tax policy co-ordination and to engage constructively with the CCCTB proposal. Ireland will honour these commitments.

66. **Deputy Timmy Dooley** asked the Minister for Finance if he has discussed the issue of a financial transaction tax with the UK regarding their relationship with the EU and the potential use of a veto on the matter; and if he will make a statement on the matter. [2698/12]

Minister for Finance (Deputy Michael Noonan): As I have stated clearly in the past, if such a tax cannot be introduced on a global basis, I think it would be better if it were introduced on an EU-wide basis. This would prevent any distortion of activity within the Union. Our major concern is that, if an FTT is introduced, it could affect the financial services industry, especially in the IFSC, and lead to some activities moving abroad. If, as some countries have proposed, the tax was to be brought in under enhanced co-operation arrangements, we would fear we could lose business to London, since the UK is strongly opposed to this initiative. In the past, certain financial activities moved to London when other countries enacted similar taxes. The current draft proposal is still being discussed at EU Council Working Party level and will be considered again by the Council of Ministers later this year. I have made clear our views, as has the Taoiseach, in discussion with our European colleagues.

Economic and Monetary Union

67. **Deputy Timmy Dooley** asked the Minister for Finance if he has held discussions with his EU colleagues on reforming the remit of the European Central Bank to include economic growth as well as price stability; if it will fully publish its board minutes and increase its transparency; and if he will make a statement on the matter. [2707/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, the ECB is independent and its remit is set out in Article 282 of the Treaty. Article 282 (2) states that "The primary objective of the European System of Central Banks shall be to maintain price stability. Without prejudice to that objective, it shall support the general economic policies in the Union in order to contribute to the achievement of the latter's objectives". Currently there are no proposals on the table for reform of the European Central Bank's remit.

Job Creation

68. **Deputy Robert Troy** asked the Minister for Finance if NewERA will quantify the number of new jobs that have been created by his Department since its inception. [2714/12]

Minister for Finance (Deputy Michael Noonan): In September 2011 the Government announced the establishment of the New Economy and Recovery Authority (NewERA) within the NTMA and the establishment of the Strategic Investment Fund. NewERA will centralise the management of Government holdings in the commercial semi-state sector (initially the companies within NewERA's remit are ESB, EirGrid, Bord Gáis, Bord na Móna and Coillte) from a shareholder perspective. This role, based on the Shareholder Executive model already established in a number of developed economies, will involve oversight of activities such as capital expenditure plans, corporate strategy, acquisitions and disposals. NewERA is already working closely with the relevant Government departments and companies in this regard. The Shareholder Executive approach is designed to provide the Government with a portfolio view of investment returns from the sector and with a means of assessing the likely impact of commercial developments in the sector on long-term Government investment plans.

NewERA is also charged with assisting the development and implementation of Government plans for investment in energy, water and next-generation telecommunications with the long-term objective of employment creation and has commenced work with the relevant Government departments in these areas.

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 commitment of €250 million to a new Irish infrastructure investment fund which is seeking up to €1 billion from institutional investors in Ireland and overseas and which will invest in infrastructure assets in Ireland, including assets designated for disposal by the Government and commercial State enterprises and also new infrastructure projects.

NewERA and the Strategic Investment Fund are important elements in the Government's strategy to promote economic growth and create jobs.

State Bonds

69. **Deputy Peter Mathews** asked the Minister for Finance if the State has ever issued a 30-year bond and, if not, the longest maturity on a bond the State has issued; and if he will make a statement on the matter. [2654/12]

Minister for Finance (Deputy Michael Noonan): Data supplied to my Department by the Central Bank and the National Treasury Management (NTMA) show that the State has issued Government bonds with maturities of 30 years or more. A Government bond with a maturity of 38 years, a 6.5% Exchequer stock, was issued in 1967. This bond was redeemed early, in 2000.

The most recent bond with a maturity of 30 years was an 8.75% Housing Finance Agency (HFA) stock. It was issued in February 1988 and is due to be redeemed in February 2018. This bond was issued by the HFA and is guaranteed by the State.

Another bond with a maturity of 30 years, a 4% index linked HFA stock, was issued in April 1985 and is due to be redeemed in 2015. This bond was also issued by the HFA and again it is guaranteed by the State.

Personal Debt

70. **Deputy Billy Timmins** asked the Minister for Finance the position regarding assistance in respect of persons (details supplied) in County Wicklow; and if he will make a statement on the matter. [2720/12]

Minister for Finance (Deputy Michael Noonan): It is not appropriate for me, as Minister for Finance, to become involved in the detailed mortgage position of an individual borrower and lender. However in the case mentioned by the Deputy, I note from a copy of a letter dated 29 December 2011, that accompanied the Deputy's question, that the decision of Permanent TSB not to grant an alternative repayment arrangement in this case can be appealed to Permanent TSB's Appeals Board.

State Banking Sector

71. **Deputy Ciarán Lynch** asked the Minister for Finance if he intends to influence the setting of the variable interest rate charged by State-owned financial institutions on mortgage repayments to avoid the considerably higher repayments required of Permanent TSB customers over those of AIB; and if he will make a statement on the matter. [2721/12]

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 responsibility for any variation in the variable mortgage interest rates charged by the two institutions. However the Central Bank has advised me that, within its existing powers, it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

National Pensions Reserve Fund

72. **Deputy Eoghan Murphy** asked the Minister for Finance the current standing of the National Pensions Reserve Fund; if he will provide a breakdown of investments including the discretionary portfolio, as well as money committed and information on the future investment plans of the fund. [2786/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the National Treasury Management Agency, as the Manager of the National Pensions Reserve Fund, that, on 31 December 2011, the total value of the National Pensions Reserve Fund was €14.5 billion, comprising the Discretionary Portfolio of €5.4 billion and the Directed Portfolio currently held at €9.1 billion pending completion of an independent valuation review of the Fund's investments in Allied Irish Banks. The breakdown of the Discretionary Portfolio as at 31 December 2011 is as follows:

Asset Class	€m	% of Discretionary Portfolio
Large Cap Equity	1,346	25.1%
Small Cap Equity	141	2.6%
Emerging Markets Equity	375	7.0%
Quoted Equity	1,862	34.7%
Value of equity put options	264	4.9%

Asset Class	€m	% of Discretionary Portfolio
Eurozone Inflation Linked Bonds	78	1.5%
Eurozone Corporate Bonds	271	5.0%
Cash	856	15.9%
Financial Assets	1,205	22.4%
Private Equity	791	14.7%
Property	501	9.3%
Commodities	271	5.0%
Infrastructure	308	5.7%
Absolute Return Funds	170	3.2%
Alternative Assets	2,041	38.0%
Total Discretionary Portfolio	5,3721	100%

¹Information in respect of the Discretionary Portfolio is, in the case of direct quoted investments, based on valuation as of close of business on 31 December 2011 and, in the case of indirect investment vehicles, based on the most recently available valuations.

It should be noted that the NPRF has a number of capital commitments as set out in the following table:

Capital committed at 31 December 2011		€m
Private Equity	Undrawn commitments	431
	— to Irish funds €123m	
	— to international funds €308m	
Property	Undrawn commitments	84
Infrastructure	Irish Infrastructure Fund	250
Water metering	Subject to certain conditions	450
Total		1,215

In September 2011 the Government announced the establishment of a Strategic Investment Fund which will take the form of a portfolio of funds investing in areas of importance to the Irish economy including infrastructure, financing for SMEs and venture capital. The NPRF will be a cornerstone commercial investor in these funds with the expectation of increasing total fund size by attracting other commercial co-investors. In November the NPRF announced a commitment of €250 million to a new Irish infrastructure investment fund which is seeking up to €1 billion from institutional investors in Ireland and overseas and which will invest in infrastructure assets in Ireland, including assets designated for disposal by the Government and commercial State enterprises and also new infrastructure projects.

Fiscal Policy

73. **Deputy Éamon Ó Cuív** asked the Minister for Finance the maximum Exchequer budget deficit he thinks is prudent for 2012, 2013 and 2014; and if he will make a statement on the matter. [2807/12]

74. **Deputy Éamon Ó Cuív** asked the Minister for Finance the maximum Exchequer borrowing requirement he believes is sustainable for the years 2012, 2013 and 2014; and if he will make a statement on the matter. [2808/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 73 and 74 together.

Budget 2012 estimated that the Exchequer deficits in the years 2012-2014 would be €18.9 billion, €14.1 billion and €10.2 billion respectively. By contrast, the 2011 Exchequer deficit was €24.9 billion.

It is the case that the global economic and financial environment is subject to a great deal of uncertainty at present and there are a wide range of different factors which could effect revenues and expenditure and thereby these Exchequer deficit estimates. One of the main aims of Government is to restore sustainability to the public finances and consistent with this is to achieve steady reductions in the borrowing requirement of the Exchequer. At this point, I am confident that the respective Exchequer deficits for the years 2012-2014, as forecast in *Budget 2012*, are both achievable and sustainable.

Tax Collection

75. **Deputy Joanna Tuffy** asked the Minister for Finance the number of individuals assessed by the Revenue Commissioners on income arising from US social security pensions in 2006, 2007, 2008, 2009 and 2010; and if he will make a statement on the matter. [2809/12]

76. **Deputy Joanna Tuffy** asked the Minister for Finance the number of individuals assessed by the Revenue Commissioners on income arising from UK social security pensions in 2006, 2007, 2008, 2009 and 2010; and if he will make a statement on the matter. [2810/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 75 and 76 together.

I am informed by the Revenue Commissioners that individuals are not required when completing their tax returns to separately identify the country of origin of a foreign pension.

I am further informed by the Revenue Commissioners that income tax returns for the 2008 tax year and earlier tax years did not require a distinction to be made between different types of foreign pensions and, consequently, specific information on the number of individuals returning foreign social security pensions is not available for those years. The relevant statistical information as regards the number of individuals who returned foreign pensions in their tax returns for the tax years 2006 to 2008 is as follows:

Tax Year	Numbers of individuals returning all types of foreign pensions
2006	14,089
2007	15,385
2008	17,117

For the tax year 2009 (the most recent tax year for which complete information is available), foreign pensions are segregated as to State Welfare pensions and other pensions. The relevant statistical information as regards the number of individuals who returned foreign pensions in their tax return for the 2009 tax year is as follows:

Tax Year	Foreign State Welfare pensions	Other foreign pensions	Total
2009	10,646	10,889	21,535

Banking Sector Regulation

77. **Deputy Michael McGrath** asked the Minister for Finance the current status of the reports completed by McCann Fitzgerald and Ernst and Young into certain corporate governance matters at the former Irish Nationwide Building Society; if the reports have been referred to the Garda and the Office of the Director of Corporate Enforcement; and the action being taken on foot of the content of the reports. [2845/12]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware a number of reports have been produced by Ernst and Young and McCann Fitzgerald at the request of the INBS Board. Copies of all of these reports have been provided to the Central Bank under the terms of a protocol for limited disclosure agreed between the parties to preserve legal privilege over the material. A report was also been provided to the Garda in this regard. However, IBRC have been advised, given the on-going nature of the investigations by the Authorities as well as internal considerations within the bank, that the reports cannot legally be published at this time. Publication of the reports may be considered when the Central Bank proceedings are concluded, when any Garda investigation has been finalised (or any proceedings arising from such investigation concluded) and any civil proceedings contemplated by IBRC either concluded or otherwise disposed of.

78. **Deputy Michael McGrath** asked the Minister for Finance if he has raised with Permanent TSB the fact that the standard variable interest rate it charges on mortgages is significantly in excess of the rate charged by other covered institutions; his views that the rate being charged is contributing to the bank's mortgage arrears problem; his plans to address the issue; and if he will make a statement on the matter. [2846/12]

Minister for Finance (Deputy Michael Noonan): I have not raised this matter with Permanent TSB. 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 responsibility for any variation in the variable mortgage interest rates charged by the two institutions. However the Central Bank has advised me that, within its existing powers, it will continue to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

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.

Motor Fuels

79. **Deputy Thomas P. Broughan** asked the Minister for Finance the amount of illegal diesel and petrol seized by Customs and Excise for the years 2008, 2009, 2010, 2011 and to date in 2012; the number of successful convictions secured in each of these years and to date in 2012; and if he will make a statement on the matter. [2852/12]

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 mineral oil products that they are acutely aware of the various illegal activities that lead to loss to the Exchequer of mineral oil tax. The most serious risk in this regard is the large scale laundering of markers from mineral oil (diesel), which is subject to a reduced rate of mineral oil tax on condition that it is not used in road vehicles. The Commissioners inform me that there is currently no evidence of any petrol-related activity posing a serious threat to the Exchequer. The following table lists the quantity of fuel seized from 2008 to date:

Year	Fuel seized (Litres)
2008	100,470
2009	283,817
2010	276,184
2011	1,045,181
2012 to date	4,200

In 2011 Revenue enforcement staff detected 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. The following table lists the number of convictions secured in the years from 2008 to date:

Year	Commercial mineral oil Offences	Illegal use of Marked Mineral Oil in motor vehicles
2008	11	248
2009	6	216
2010	4	233
2011	2	218
2012 to date	0	1

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; and prosecution of those involved in illegal activities in relation to mineral oils.

In the latter half of 2011, Revenue commenced 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 with mineral oil legislation. 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.

Banks Recapitalisation

80. **Deputy Thomas P. Broughan** asked the Minister for Finance the payments that will be made to bondholders in the former Anglo Irish Bank in January 2012; the promissory note payments that will be made throughout 2012; if he will report on any other payments that will be made by the covered institutions and State in 2012; and if he will make a statement on the matter. [2855/12]

Minister for Finance (Deputy Michael Noonan): The information requested by the Deputy is set out in the following table. I understand the question, in relation to payments that will be made by the covered institutions and State in 2012, to refer to payments to bondholders of the covered institutions, and payments by the State to relate to payments in respect of the provision of capital to the covered institutions.

Bond Maturity for Covered Institutions 2012

€m	IBRC	AIB/EBS	BOI	IL&P*
Guaranteed	1,778	1,030	1,500	Nil
Unguaranteed Secured		1,000	410	Nil
Unguaranteed Unsecured	2,477	3,539	866	288*

*Includes €170m which is assumed to be repaid as a result of investor calls rather than final maturity of the debt.

The capital repayment on the promissory notes is €3.085bn (IBRC €3.06 and EBS €0.025bn)

It is not envisaged, at this point, that the covered institutions will require further State capital investment.

Troika Staff

81. **Deputy Terence Flanagan** asked the Minister for Finance the position regarding the staffing of the troika (details supplied); and if he will make a statement on the matter. [2944/12]

Minister for Finance (Deputy Michael Noonan): The staffing of the quarterly reviews by the European Commission, the ECB and the IMF are entirely a matter for the bodies concerned.

Scéimeanna Scoláireachta

82. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna an bhfuil aon athrú curtha i bhfeidhm nó le cur i bhfeidhm ar scéimeanna scoláireachta 1916, agus ar na scéimeanna scoláireachta tríú leibhéal Gaeilge agus Gaeltachta; agus an ndéanfaidh sé ráiteas ina thaobh. [2669/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Mar a d'fhógair mé faoi Bhuiséad 2012, tá sé i gceist scéim aonair nua, stíl sparántachta agus bunaithe ar fhiúntas, a chur in ionad na cúig scéim scoláireachta don Ardoideachas atá ann cheana féin, lena n-áirítear Scoláireacht Sheachtain na Cásca 1916 agus na trí Scoláireacht Gaeilge. Beidh na dámhachtainí faoin scéim nua socraithe ag €2,000 an mac léinn. Beidh an sparántacht mar thacaíocht bhreise mar spreagadh agus chun ard-ghnóthachtáil a aithint do mhic léinn ó scoileanna DEIS. Beidh na mic léinn sin a mbronntar na dámhachtainí orthu i dteideal freisin iarratas a dhéanamh ar dheontais ard-oideachais.

Tá an t-athrú seo déanta agam d'fhonn an úsáid is fearr a bhaint as acmhainní gann chun díriú ar na mic léinn is fearr feidhmíthe sa chóhort dóibh siúd is mó a bhfuil cúnamh airgeadais

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ag teastáil uathu. Ní bheidh aon éifeacht ag na hathruithe seo orthu siúd a bhfuil scoláireachtaí acu cheana féin.

School Accommodation

83. **Deputy Brendan Ryan** asked the Minister for Education and Skills if he will remove the disused prefabs adjacent to the schools (details supplied) in County Dublin in view of the fact that they are falling into disrepair and becoming a centre for anti-social behaviour; and if he will make a statement on the matter. [2684/12]

Minister for Education and Skills (Deputy Ruairí Quinn): A nearby school has been authorised by my Department to explore the possibility of transferring the prefabs in question to its own site for continued use. It is anticipated that the prefabs will be removed from the current site in the very near future.

Schools Building Projects

84. **Deputy Derek Keating** asked the Minister for Education and Skills the position regarding an application made for the provision of the building of classrooms and renovation work in respect of a school (details supplied) in County Dublin; if this will be included in his building programme for 2012; and if he will make a statement on the matter. [2796/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on finalising the Stage 2(b) Submission (Detailed Design) which will then be submitted to my Department for review. The 2012 construction programme was published in December. Following on from this, my Department will shortly publish an outline five year programme on the projects to be constructed in that time. All school building projects currently in architectural planning, including the project referred to by the Deputy, will be considered in the context of that programme, taking into account the funding available, the building costs involved and the progression of other major projects required to meet demographic needs.

Site Acquisitions

85. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills further to Parliamentary Question No. 150 of 9 June 2011, the position regarding the regularisation of land at a location (details supplied) in County Limerick; and if he will make a statement on the matter. [2811/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Further to my previous reply to the Deputy on this matter, I can confirm that my Department has received legal advice with regard to the proposed land swap as referred to by the Deputy. My Department is agreeable to this land swap and will issue the necessary permissions through the Office the Chief State Solicitor.

Disadvantaged Status

86. **Deputy Clare Daly** asked the Minister for Education and Skills if a social impact assessment has been carried out on the effect of increased class sizes in DEIS band 2 schools from September. [2815/12]

87. **Deputy Clare Daly** asked the Minister for Education and Skills the criteria that will be used to determine the allocation of alleviation measures to DEIS band 2 schools that are deemed worthy of continued extra support; by judging on a case-by-case basis, is he inclined to continue top up allocations where they can be proven to have had a positive impact. [2816/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 86 and 87 together.

Conscious of the concerns of some schools that will be adversely affected by the budget measures in relation to the withdrawal of certain posts under previous disadvantage schemes, I announced in the house last Wednesday that I have asked my Department to report to me in four weeks on the impact of the withdrawal of posts under these older schemes on DEIS Band 1 and Band 2 primary schools. I will then consider their position in the context of the staffing allocations due to issue to all schools. However, it is important to note that any changes to this measure will require alternative compensatory savings measures within the primary schools budget. A very difficult situation exists in the Education sector to find savings and control the increase in public sector numbers considering that one third of all public sector employees work in the education sector and unlike other countries, our school going population is rising rapidly. It is important to note that a key aspect of the EU/IMF Programme of Support and Ireland's overall budgetary strategy is a requirement to reduce the public sector payroll and remain within the new climate of fixed ceilings on teacher numbers.

Appointments to State Boards

88. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the number of appointments made to State agencies and State boards under his remit for the years 2008, 2009, 2010, 2011 and to date in 2012. [2851/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested by the Deputy is provided in the following table:

Appointments made to Boards under the aegis of the Department of Education and Skills (by year)

Agency	2008	2009	2010	2011	2012 (To Date)
An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta	0	0	22	0	0
Commission into Child Abuse	0	0	0	0	0
Education Finance Board	1	9	0	0	0
Foras Áiseanna Saothair (See Note 1)	1	2	12	1	0
Further Education and Training Awards Council	4	1	1	11	0
Grangegorman Development Agency	0	13	16	0	0
Higher Education and Training Awards Council	2	1	1	10	0
Higher Education Authority	1	3	1	10	0
Irish Research Council for Science, Engineering and Technology	1	0	0	14	0
Irish Research Council for the Humanities and Social Sciences	5	2	5	0	0
Léargas — The Exchange Bureau	0	2	1	0	0
National Centre for Guidance in Education	0	0	12	0	0
National Council for Curriculum and Assessment	0	27	1	2	0

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Agency	2008	2009	2010	2011	2012 (To Date)
National Council for Special Education	0	2	13	2	0
National Qualifications Authority of Ireland	1	2	1	7	0
Residential Institutions Redress Board	1	11	10	10	0
Residential Institutions Review Committee	1	6	6	6	0
Skillnets Ltd (See Note 1)	3	0	1	3	0
State Examinations Commission	0	5	0	0	0
The Teaching Council	0	38	2	0	0
Total	21	124	105	76	0

Note 1: Both FÁS and Skillnets Ltd were under the aegis of the then Department of Enterprise, Trade and Employment until May 2010.

School Enrolments

89. **Deputy Robert Troy** asked the Minister for Education and Skills the details of all schools within counties Longford and Westmeath with fewer than 86 pupils. [2878/12]

Minister for Education and Skills (Deputy Ruairí Quinn): A full list of schools in county order with their enrolments can be found on my Department's website at the following link <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>.

School Inspection Reports

90. **Deputy Terence Flanagan** asked the Minister for Education and Skills further to Parliamentary Question No. 219 of 11 January 2012, if he will respond to the following (details supplied); and if he will make a statement on the matter. [2889/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I have previously clarified for the Deputy that the Board of Management of the school in question has advised that the recommendations of the HSE report have been implemented in full. My Department remains in regular contact with the school and is satisfied that significant progress has been made in this regard.

The Deputy refers to the further report which was compiled subsequent to the HSE report and following a visit to the centre in question by an inspector and a psychologist from my Department. The Board of Management of the school to which the Deputy refers has been informed that a follow-up visit by officials from my Department will take place in the coming weeks. Since this visit is not a whole school type inspection, formal engagement with parents is not envisaged.

I will await the outcome of the planned visit before a decision on any further follow-up action, including updating the parents, is taken.

Disadvantaged Status

91. **Deputy Terence Flanagan** asked the Minister for Education and Skills the name and address of all DEIS band 1 and band 2 schools in Dublin North East; and if he will make a statement on the matter. [2891/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information which the Deputy has requested is available on the Social Inclusion section of my Department's website at following link — <http://www.education.ie/servlet/blobServlet/deis—school—list.htm>.

Special Educational Needs

92. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of all-girl primary schools in the country which will be affected by the reduction in learning support provision to four hours per mainstream teacher; and if he will make a statement on the matter. [2943/12]

93. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the economic savings which will be achieved by allocating four hours learning support provision per mainstream teacher to an all-girls school compared to five hours learning support provision per mainstream teacher to a mixed or all-boys school; and if he will make a statement on the matter. [2945/12]

94. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if the reduced learning support provision for an all-girls primary school of four hours per mainstream teacher will apply to a DEIS Band 2 primary school in view of the fact that children in disadvantaged schools exhibit more learning difficulties than children who are not regardless of gender; and if he will make a statement on the matter. [2947/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 92 to 94, inclusive, together.

I wish to advise the Deputy that the revised arrangements, which will update schools' General Allocation Model (GAM) allocations, based on the number of class teaching posts in schools for the previous year, reflect existing arrangements whereby differing pupil teacher ratios are applied under the GAM in relation to boys, girls and mixed schools in order to account for differentials of prevalence of learning difficulty between boys and girls. The ratios which had previously applied are set out in my Department's Circular SP ED 02/05, which is available on www.education.ie.

There are no plans to reduce the overall number of learning support/resource teachers provided to schools under the General Allocation Model (GAM). There will therefore not be any economic savings arising from the revised arrangements. GAM allocations for primary schools will be updated from September 2012, through a redistribution of the existing GAM learning support resources, based on the number of classroom teaching posts in each school in the previous school year, which are themselves based on the preceding years enrolments.

The rationale for applying differing ratios for boys and girls schools is based on international literature on the incidence of disability as well as international and national surveys of literacy and numeracy which indicate that there is a greater incidence of disability/learning difficulty in boys than girls.

The NCSE Report on the Implementation of the Education for Persons with Special Educational Needs Act, of 2006, also examined a range of sources to establish prevalence rates, including national databases, local and international studies and expert estimates, which indicated significantly higher rates of Mild General Learning Difficulty and Specific Learning Disability prevailing in boys, in comparison to girls.

The revised arrangements will apply to all schools from September 2012, including DEIS Band 2 primary schools. DEIS schools will be provided with an allocation on the same rules applying to schools generally.

However, children attending schools in Band 2 of my Department's DEIS programme will continue to benefit from a range of additional supports including in school and out of schools

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supports which support their participation and engagement in school including enhanced provision of literacy and numeracy supports.

DEIS Band 2 primary schools are provided with various supports which include additional capitation funding based on level of disadvantage; allocation of administrative principal on lower figures than generally apply in primary schools in urban areas; additional funding for schools books; access to the School Meals Programme; access to numeracy/literacy supports and measures; access to Home School Community Liaison services; access to the School Completion Programme; and access to planning supports.

Higher Education Grants

95. **Deputy Richard Boyd Barrett** asked the Minister for Education and Skills his views on the possible impact of abolishing postgraduate grants on his areas of responsibility such as promoting innovation, research, enterprise, investment and job creation; and if he will make a statement on the matter. [36053/11]

Minister for Education and Skills (Deputy Ruairí Quinn): While the areas of responsibility referred to are a matter for my colleague the Minister for Jobs, Enterprise and Innovation, student supports come under my remit. I appreciate the Deputy's concerns. However, this Government has had to take difficult and unpalatable decisions under Budget 2012. For this reason, unfortunately, less support will be available to some students going to college from next September.

While we have had to scale back the support for postgraduates, we are prioritising funding for the most disadvantaged students in this cohort. In this regard, though maintenance support will not be available, new students on the lowest income entering postgraduate courses from the 2012/13 academic year who meet the qualifying conditions for the special rate of grant will be eligible to have tuition fees paid up to the maximum fee limit under the Student Grant Scheme.

A limited number of other low-income students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees.

In access terms, the requirement to pay postgraduate tuition fees would be likely to be a greater obstacle to entry than lack of maintenance support. The approach now being taken will continue to provide support for a relatively wide number of post-graduate students.

In addition to this, the Student Assistance Fund will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need. Tax relief is also available on postgraduate tuition fees and details in relation to this are available from the Revenue Commissioners.

FÁS Training Programmes

96. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills the position regarding the FÁS redundant apprentice placement scheme; and if he will confirm if it has, or will cease [36258/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): 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.

I understand that in 2011, over 2,300 redundant apprentices were placed on the scheme, with 1,600 completing their on-the-job phase. A further 700 are currently progressing.

I am informed that the Redundant Apprentice Placement Scheme re-commenced on 9th January, 2012, for new entrants to the scheme, which is expected to provide up to 2,000 places during the year based on the progression of apprentice through the apprenticeship programme.

Flood Relief

97. **Deputy Eric Byrne** asked the Minister for Public Expenditure and Reform the measures that will be taken to ensure that flooding in an area (details supplied) are minimised; and if he will make a statement on the matter. [2655/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works (OPW) is currently undertaking the Catchment Flood Risk Assessment and Management (CFRAM) Programme, which is designed to identify and assess areas, both coastal and inland, at risk of significant flooding.

The purpose of the Programme is to:

- To assess and map existing and potential future flood risk, through the identification of flood hazard areas and the associated impacts of flooding;
- To identify viable structural and non-structural measures and options for managing the flood risks for localised high-risk areas and within the catchment as a whole, and,
- To prepare a strategic Catchment Flood Risk Management Plan (CFRMP) and associated Strategic Environmental Assessment (SEA) that set out the measures and policies that should be pursued by the OPW, the Local Authorities and other stakeholders to achieve the most cost effective and sustainable management of flood risk within the catchment.

Engineering Consultants RPS have been engaged to undertake the Eastern CFRAM Study, this is currently under way and will cover the River Camac.

In advance of the Study being completed, the OPW has been liaising, and is continuing to liaise, with Dublin City Council with a view to identifying feasible measures to mitigate the flood risk from the River Camac in the short-term.

In this regard, it is open to the council to submit a funding application to this Office under the Minor Flood Mitigation Works Scheme. The purpose of the scheme is to provide funding to local authorities to undertake measures to address small scale localised flooding problems within their administrative areas, for which straightforward solutions can be identified and implemented within a short time frame. Any application received will be considered having regard to the scheme eligibility criteria and the overall availability of resources for flood risk management.

The Deputy should note that pluvial flooding due to blocked or under capacity urban storm water drains, is the responsibility of Dublin City Council.

Departmental Expenditure

98. **Deputy Eoghan Murphy** asked the Minister for Public Expenditure and Reform the amount the Oireachtas pays each year for prepaid envelopes provided for Deputies and Senators, in total and per individual Deputy and Senator; the price paid per envelope; if any savings are achieved from An Post for this bulk purchase; if the money is paid up front or

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when the envelope is used; and if he or the Commission have investigated the possibility of achieving greater savings through a different arrangement, as well as the possibility of moving to a system in which envelopes are paid for on an as-per-use basis. [2787/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Regulations in relation to free postal facilities for members of the Houses of the Oireachtas provide for monthly allocations of prepaid envelopes for both Deputies and Senators — currently 1,250 and 750 respectively — with additional allocations for party whips. The allocations were reduced in June 2011 from the previous levels as a means of achieving efficiencies. The administration of the free postal facilities is a matter for the Houses of the Oireachtas Commission. The Commission, therefore, is in the best position to provide to the Deputy the detailed information requested, and I understand that the Commission is currently reviewing the provision and use of Oireachtas envelopes.

Departmental Funding

99. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will introduce measures to ensure that the salaries of all CEOs, senior management and the board of any voluntary or other organisation that receives State funding are publicly available; if he will consider measures to cap the salaries of CEOs, senior management and the board of any voluntary or other organisation that receives State funding; and if he will make a statement on the matter. [2856/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Apart from instances where statutory rates of pay apply, pay rates in the private sector are generally a matter for negotiation between individual employers and employees. Voluntary bodies are by their nature independent entities, are not public service bodies, do not employ public service staff and are not subject to the specific pay restraint and reduction measures that currently prevail in the public service. Accordingly, I have no powers to introduce measures to cap or ensure salaries paid in such bodies are made publicly available. However, I believe from a governance viewpoint it is incumbent on each individual body to account clearly and transparently for its expenditure of all funds under its control.

My responsibilities in relation to pay extend to the public service where the Government has a direct role in the determination of pay rates as employer. Pay rates in the public service have already been reduced by up to 15% and a progressive pension related reduction applied through the Financial Emergency Measures in the Public Interest Acts of 2009. More recently, the Government accepted my proposals to introduce a general pay ceiling of €200,000 for future appointments to higher positions across the public service, a general pay ceiling of €250,000 for future appointments to CEO posts within Commercial State Companies and a voluntary waiver system of up to 15% for current post holders who have salaries in excess of the relevant pay ceiling.

Departmental Expenditure

100. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will provide a breakdown of the original projected cost for the reconstruction of Chesterfield Avenue in the Phoenix Park, including associated costs such as traffic management. [2879/12]

101. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the reason for the delay to the original 12 week construction period for reconstruction to the Phoenix

Park; and if he will outline any additional cost implications this delay may incur upon the Office of Public Works. [2880/12]

102. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the revised completion date for the reconstruction of Chesterfield Avenue in the Phoenix Park. [2881/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I propose to take Questions Nos. 100 to 102, inclusive, together.

An allocation of €3 million was provided by the Minister of Finance to the Office of Public Works in 2011 to fund reconstruction works to Chesterfield Avenue in the Phoenix Park. The scope of works for the project was developed in accordance with this level of available funding. The principal elements of cost that arise in this project relate to the main road works contract (contract award price — €1.63m ex VAT) and the waste disposal contract (subject to a separate tender to be undertaken shortly and accordingly the budget provision cannot be released at this point). Costs associated with Surveys, Consultant Civil Engineer Fees, Bord Gáis charges and VAT constitute the other elements of the project cost.

Following a formal tendering process, Clonmel Enterprises Ltd was appointed as the Main Contractor for these works, which included full responsibility for the Temporary Traffic Management Plan. The Contract Award Price of €1.63 million (excluding VAT) was the lowest and most economically advantageous of the tenders received. A Work Programme of 12 weeks duration was indicated at the commencement of these works with works confined to normal working day hours i.e. no late working or working at weekends. Works commenced on site on 3rd October 2011. Two main factors have impacted on this programme to date. Firstly, an archaeological area was encountered — two ponds on the site of the former Star Fort — which necessitated additional works to ensure compliance with all statutory requirements. As a result, the project did encounter a delay and cost arising from the additional works associated with this. A final determination of the amount of this cost has yet to be made.

The second factor is weather related. The contract for Chesterfield Avenue did not commence until the works on nearby Blackhorse Avenue were first completed. Accordingly, given the eventual later timing of these works, consideration of weather conditions and the avoidance of any potential risk to the desired road finish became a critical part of the management of the works. As a consequence, certain elements of work scheduled for December 2011 were deferred. Work on this major project is being completed as expeditiously as possible and, subject to weather conditions, it is expected that the road will fully re-open for traffic in mid February 2012. Every effort is being made to ensure that inconvenience for the residents of the Park, those living close to and also those using the Park is kept to a minimum.

Industrial Development

103. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation if the Industrial Development Agency has significantly increased its visitor numbers to the empty IDA park in Mullingar. [2715/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): In line with the National Spatial Strategy, IDA Ireland's strategy "Horizon 2020" places renewed emphasis on the "Gateway" regions. The gateways in Ireland are regarded as critical growth areas for the future. Successful enterprise development and the creation of an attractive location are interdependent. Regions/gateways that support strong and dynamic enterprise are crucial to Ireland's return to balanced economic growth. In that context, the Midlands Gateway of Mullingar, Tullamore and Athlone are a key focus of IDA.

[Deputy Richard Bruton.]

As well as marketing the region for new Greenfield investments, IDA continues to work with existing clients in encouraging them to broaden their mandate and to continue to re-invest in their sites within the region. IDA has informed me that it has invested significantly in developing the Business and Technology Park in Mullingar in order to make it attractive to overseas clients and that it will continue to promote this Park and other local private property solutions to secure new investments for Mullingar and its surrounding areas.

The table below sets out details on the number of site visits to Mullingar and to the broader Midlands Region in 2011:

First Time Site Visits to Midlands Region and Mullingar in 2011

Location	2011
Mullingar	3
Midlands Region in total	15

To date, in 2012, there has yet to be a site visit to Mullingar.

In seeking to attract FDI to Ireland, it must be acknowledged that the challenge in achieving an even spread of investment across the country is intensified as the sophistication of investments increase. These investments require a concentration of highly qualified and educated workers, supporting infrastructure and high level business services. Frequently, competition for FDI comes from city regions with populations in excess of one million people. Dublin is the only recognised city region of scale in Ireland.

In selecting locations to show companies, IDA Ireland seeks to include locations which have been affected by closures/job losses. Typically, a company is shown three or four selected towns, which can meet its requirements for skills, labour, site and/or buildings, infrastructure etc. While IDA Ireland seeks to influence the selection of location, the final decision on which location a company will visit and locate in is made by the promoting company.

104. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation if there has been any talks between the Industrial Development Agency and a company (details supplied) regarding its interest in locating to the IDA in Mullingar. [2716/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): IDA Ireland maintains close contact with all of its key strategic clients including this company. However, IDA must maintain the strictest confidence in relation to any potential projects, with non-disclosure agreements in many cases.

If a new investor or an existing client looking to expand requires assistance from IDA, typically, a company is shown a number of locations which can meet its requirements in terms of skills, labour, site and/or buildings, infrastructure, etc. IDA also seeks to include locations which have been affected by closures/job losses. While IDA seeks to influence the selection of location, the final decision on location is taken in all cases by the promoting company.

Job Losses

105. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation if he has been in contact with a company (details supplied) in relation to their plans to centralise operations at St. James's Gate in Dublin with the loss of in the region of 100 jobs in Dundalk and Kilkenny; and the steps he has taken to preserve the jobs. [2781/12]

107. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation the steps that have been taken by him or his predecessor to preserve a plant (details supplied) in Dundalk since the centralisation of operations was first proposed in 2008. [2802/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 105 and 107 together.

The intention to close the existing breweries in Dundalk and Kilkenny in 2013 was announced by the company concerned in May 2008. At the time the company intended to expand part of St James's Gate and open a Greenfield facility in the greater Dublin area. In early 2009, the company announced they were reviewing their decision to establish the new brewery and last week they announced they intend to invest further in St James's Gate and continue plans to close Kilkenny and Dundalk.

While the decision on plant closure is a matter for the company, Enterprise Ireland has been and is actively engaging with the company on an ongoing basis in seeking investments to protect and grow jobs in Ireland. A number of investments in R&D programmes in the company's operations have been secured in recent years including programmes for which Enterprise Ireland approved grant support in August 2010 and in June 2008.

In April, July and December 2011, Enterprise Ireland met with the company to discuss the developments in St James's Gate and plans for Kilkenny and Dundalk. In October 2011 at the request of the company, the agency made a presentation to the staff of the Dundalk brewery on the future skills needs of manufacturing sector in Ireland and on the outlook for the manufacturing sector in Ireland.

While the company's announcement of a major new investment in St James's Gate that secures its future in Ireland is to be welcomed, I was disappointed to hear about the confirmation of the 2008 decision of the closures in Dundalk and Kilkenny. I am conscious of the anxiety that the proposed closures will create for the workers involved and their families as well as the local communities. Nevertheless, the announcement by the company that it is to invest in St. James's Gate is a huge vote of confidence in Ireland. Enterprise Ireland is continuing to work proactively with the company to ensure that the maximum number of jobs are retained in Ireland.

Departmental Records

106. **Deputy Eoghan Murphy** asked the Minister for Jobs, Enterprise and Innovation if any electronic data is stored in a commercially operated data centre. [2789/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I understand that my Department does not store electronic data in a commercially operated data centre. Day to day electronic communications may be routed through various systems, including commercial data systems, while in transit. Specifically, my Department's email communications are routed through a commercial email filtering service which can block potential spam emails and retain them for a period of time until they are either released by the intended recipient or deleted.

In relation to the Offices under the aegis of my Department, I understand that while the majority of electronic data is held internally across my Department's ICT infrastructure, or in shared hosting centres provided by other Departments, some electronic data is held in commercially operated data centres.

The Companies Registration Office uses an external commercial hosting service, in Ireland, to temporarily hold data for their bulk-data customers to download. The data is deleted after a fortnight on an on-going basis.

[Deputy Richard Bruton.]

The Labour Court uses an external commercial hosting service, in Ireland, to host its website including information relating to recommendations in respect of cases referred to the Court under various types of employment legislation.

Both the Companies Registration Office and the Labour Court use ISO27001 certified hosting facilities.

The website of the Employment Appeals Tribunal is hosted in a secured hosting environment also in an Irish data centre. The data is used by the website to publicly list determinations issued by the Tribunal following completion of a hearing. The data is rendered anonymous by the Employment Appeals Tribunal prior to its transfer to the data centre.

Question No. 107 answered with Question No. 105.

Economic Migration Policy

108. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation if he has reviewed the new report from the UK Government's Migrant Advisory Council on the impact of job displacement on workers in the UK; if similar studies have been undertaken here; and if he will make a statement on the matter. [2863/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Irish economic migration policy is formulated in response to Irish circumstances and, therefore, differs from UK economic migration policy.

In Ireland, an employment permit, such as a Green Card, will only issue where a prospective employee has a job, and, in the case of an application for a Work Permit, the employer must also prove that the position cannot be filled from within the EEA. A key element of Irish economic migration policy has been to ensure that general labour and skills needs are met from indigenous labour and the wider workforce of the EEA.

I am aware that the UK Government's Migrant Advisory Council has produced a recent report analysing the impact of migration to the UK I have asked my officials to examine it.

The Employment Permits Act 2006 allows for regular review of Ireland's economic migration policies. My Department keeps these policies under review on an on-going basis having regard to the emerging needs of the labour market, drawing on the work of the Expert Group on Future Skills Needs and Forfás and in consultation with relevant Departments.

For example, in early 2009, the Department undertook a review of employment permit arrangements to ensure their on-going relevance to the needs of the Irish labour market.

As a result of this review, more stringent eligibility criteria were implemented for prospective new entrants to the work permit schemes from 1 June 2009 onwards. The main features of the new measures included:

- expanding the ineligible list of occupations for which permits can be issued;
- increasing by 50% the fees charged at renewal stage for new permits issued after 1st June 2009, and
- a reduction in the number of occupations for which Green Cards are issued.

More recently, the issue of economic migration and the current labour market has been reviewed in detail in the context of the Government's determination in December 2011 in respect of labour market access and the provisions of the Accession Treaties for Bulgaria and Romania.

Finally, it should be noted that, as our current employment permit arrangements are designed to be vacancy-driven, the number of permits issued over the last 3 years have been showing a consistent downward trend as evidenced by the Table below:

Permits Issued 2009-2011

Year	New	Renewal	Total
2011	3,178	2,010	5,188
2010	3,776	4,132	7,396
2009	4,134	3,976	7,502

I have also included a link to the UK report for information. <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/27-analysis-migration/01-analysis-report/analysis-of-the-impacts?view=Binary>

Job Losses

109. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to prevent job losses occurring in a company (details supplied) in County Meath. [2877/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The company in question has been in located in Navan, Co Meath for the past 40 years. The company employs approximately 100 people who operate the European shared services centre for the parent company.

Less than 8% of the work force is involved in the manufacture of four product lines. Two of these products are at end of life and the remaining two products are being outsourced to an existing Irish company (hence some of these jobs are remaining in Ireland). Staff currently employed in manufacturing are being offered redundancy by the company.

The company has confirmed that they are making a significant investment in their existing facility which they feel demonstrates a positive sign towards future company expansion and growth.

Employment Support Services

110. **Deputy Terence Flanagan** asked the Minister for Social Protection the position regarding supplement payments to employers (details supplied); and if she will make a statement on the matter. [2659/12]

Minister for Social Protection (Deputy Joan Burton): JobBridge is a National Internship Scheme that provides work experience placements for interns for a 6 or 9 month period. The aim of the National Internship Scheme is to assist in breaking the cycle where jobseekers are unable to get a job without experience, either as new entrants to the labour market after education or training or as unemployed workers wishing to learn new skills. The scheme also gives people a real opportunity to gain valuable experience to bridge the gap between study and the beginning of their working lives.

The scheme provides for up to 5,000 work experience placements in the private, public and voluntary sectors. Interns receive an allowance of €50 per week on top of their existing social welfare entitlement for the period of the internship.

A PRSI exemption scheme applied previously (June '10-Dec '11) for companies who offered employment to their JobBridge interns. PRSI exemption does not apply in 2012.

[Deputy Joan Burton.]

There are no supplement payments made to employers and there are no plans to make such payments.

Pension Provisions

111. **Deputy Robert Dowds** asked the Minister for Social Protection if she accepts that a loophole exists in that there are not pension provisions for community employment supervisors as, technically, they do not appear to be regarded as public servants; and if there are any moves afoot to bring community employment supervisors under the public service umbrella and therefore eligible for a public service pension. [2800/12]

Minister for Social Protection (Deputy Joan Burton): The Deputies will be aware of the position as set out in my reply to Questions Numbers 99, 89 & 102 on 1st December 2011. I do not accept that any loophole exists in the current arrangements with respect to this matter. Supervisors and assistant supervisors are employed by sponsor organisations in contract with FÁS (now the Department of Social Protection) for the operation of community employment (CE) and the delivery of the local services supported.

All sponsor organisations operated independently of FÁS in the discharge of their various functions in respect to the management of staff, participants, finance, and governance arrangements. These arrangements will not be changed with the integration of FÁS into my Department. Given the position of the majority of sponsor organisations as independent entities constituted under the Companies Acts, there can be no consideration that any of their employees could or should be employed as public servants. As such, the position regarding the making of pension provisions for CE supervisors and assistant supervisors remains unchanged.

Departmental Staff

112. **Deputy Eric Byrne** asked the Minister for Social Protection in view of the amalgamation of community welfare officer and FÁS with her Department, if she will outline the premises, locations, hierarchy and staff quota of each office in Dublin South Central; and if she will make a statement on the matter. [2662/12]

Minister for Social Protection (Deputy Joan Burton): The Community Welfare Service was transferred from the HSE to my Department on 1 October last and the Employment and Community Services were transferred from FÁS on 1 January last.

The offices in my Department in Dublin South Central are set out below. Staff numbers are set out in terms of full-time-equivalent units.

In the light of these recent transfers, an examination of all the premises and resources is currently being carried out within my Department with a view to reorganising these services and making them more efficient. Some realignment of services and reallocation of resources have already taken place in this regard, and additional immediate changes are expected in line with further integration, efficiency and suitability of premises.

Premises	Staffing						
	AP	HEO	EO	SO	CO	SVO	Total
Social Welfare Office, Rossmore Avenue, Ballyfermot, Dublin 10	0	5.5	6.3	5.5	16.4	1	34.7
Social Welfare Office, 126-128 Thomas Street, Dublin 8	1	6	7	4.8	14.8	1	34.6

Premises	Staffing						
	AP	HEO	EO	SO	CO	SVO	Total
Health Centre, Emmet Road, Dublin 8; Bluebell Community Centre, Dublin 12; 738 and 740 SCR, Kilmainham, Dublin 8	0	2	0	0	0	0	2
Village House, Dolphins Barn, Crumlin, Dublin 12	0	1	0	0	0	0	1
Employment Services Office, 45 Crumlin Road, Dublin 12	0	4	0	0	3	0	7
Employment Services Office, Training Centre, Ballyfermot, Dublin 10	2	8	1	0	7	0	18
Health Centre, 75 Terenure Rd North, Dublin 6W	0	3	0	0	0	0	3
Health Centre, Bride Street, Dublin 8	0	2	0	0	0	0	2
Health Centre, Parnell Road, Dublin 8	0	2	0	0	0	1	3
Health Centre, Cashel Road, Dublin 12	0	2	0	0	0	0	2
Health Centre, Curlew Road, Drimnagh, Dublin 12	0	1	0	0	0	0	1
Health Centre, Limekiln Lane, Walkinstown, Dublin 12	0	1	0	0	0	0	1
Health Centre, South Earl St., Dublin 8	0	3	0	0	0	0	3
Health Centre, Ballyfermot Road, Dublin 10	0	3	0	0	0	0	3
Health Centre, Blackditch Road, Dublin 10	0	1	0	0	0	0	1
Cherry Orchard Hospital, Dublin 10	1	0	0	0	1	0	2
The Maltings Business Park, Marrowbone Lane, Dublin 8	0	10	0	0	3	0	13

Community Employment Schemes

113. **Deputy Eric Byrne** asked the Minister for Social Protection the contractual arrangements between the sponsors of community employment schemes and their project workers; if the secondary benefits will be maintained by existing CE workers on the cancellations of their contracts; and the arrangements for new entrants. [2666/12]

Minister for Social Protection (Deputy Joan Burton): Participants on Community Employment (CE) schemes are contracted on temporary, fixed-term annual employment contracts with the relevant CE Sponsoring organisation.

Secondary benefits are generally retained by participants on CE, provided they continue to satisfy the qualifying conditions, depending on their individual circumstances. Expiration of their CE contracts has no effect on the secondary benefits as the Department links their claims from before and after their CE participation.

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

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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 retain their original social welfare payment (bar double child increases per child for lone parent-type payments, as detailed above) for as long as they are continuously employed on CE for a maximum period of three years, where applicable, based on their eligibility to continue participation.

Question No. 114 withdrawn.

115. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide the terms of reference of the current review of the FÁS community employment programme; the way the distinctive nature of the CE ring-fenced drugs rehabilitation projects which have a critical role in delivering the national rehabilitation strategy will be taken into account as part of this review; if she will give a commitment that no cuts will be implemented until after the reviews are completed and the agreed outcomes are finalised; if she will undertake to ensure that sponsoring projects including reps from CE drug rehabilitation projects are represented on the body responsible for the review; and that she provides details of the other members of the review group. [2756/12]

Minister for Social Protection (Deputy Joan Burton): There are currently 1,143 Community Employment Schemes (CE) in operation with 23,300 participants. Under the designated ring-fenced places for Community Employment Drugs Rehabilitation places, there are over 800 CE places activated in support and rehabilitation of participants referred with Drug addiction issues. These places provide much needed support for those in recovery and provide a path towards re-entry to working and community life.

Given the rehabilitation needs of participants, a key feature of the CE Drugs Rehabilitation Schemes is the focus on training and certified learning. The Department of Social Protection are aware of the special functions of the CE Rehabilitation Schemes and recognise the favourable progression outcomes from the Schemes. To date, the progression outcomes for participants on the Drug Rehabilitation Schemes continue to compare favourably with the standard CE Schemes, despite the down turn in the economy.

The current review of financial resources initiated by the Department of Social Protection, commenced in January, with a time frame for completion by the end of March 2012. The outcomes will inform the overall approach to be taken by Department of Social Protection in prioritising spending while addressing the need for budget reductions.

At this stage, the agreed terms of reference for the review have been circulated to regional management. To ensure consistency in approach by the Department of Social Protection, a template/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 for the Review is 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 com-

munity 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 is being undertaken in consultation with Sponsors and CE Supervisors at local level. In addition to this, the Department will meet with representative bodies and relevant state Agencies to gather views ways to lessen hardships given the requirements of the reductions. The outcomes will be incorporated into the Report for the Minister.

Staff are advised that Schemes who have committed expenditure to eligible costs and where this has been approved by the DSP under existing arrangements, this will be reimbursed.

Question No. 116 withdrawn.

Social Welfare Benefits

117. **Deputy John Lyons** asked the Minister for Social Protection if she will clarify the decision not to award domiciliary allowance to persons (details supplied) in Dublin 11; if a review of this decision took place in view of additional information; and if she will make a statement on the matter. [2776/12]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on 22nd September 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 24th November 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 in question in December 2011 and the Social Welfare Appeals Office has been requested to register an appeal in this case. The case will be reviewed by another medical assessor in advance of the appeal being heard.

Social Welfare Appeals

118. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when an oral hearing will take place in relation to a carer's allowance appeal in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [2783/12]

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

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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.

119. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the progress made to date in the determination of an appeal in respect of an application for invalidity pension in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [2797/12]

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 30th 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 Code

120. **Deputy Brendan Smith** asked the Minister for Social Protection in view of some commentary that some self-employed tradesmen may be claiming social welfare payments, the analysis that has taken place in relation to such commentary; if any pilot analysis has been examined covering any suburban or geographic area; if there is an ongoing analysis to ensure that persons working in this State from outside the jurisdiction are meeting with all the insurance contributions/taxation requirements; if she will outline the income a person is permitted to earn on a part-time basis while still claiming social welfare; and if she will make a statement on the matter. [2798/12]

Minister for Social Protection (Deputy Joan Burton): Self-employed people can apply for the means-tested Jobseeker's Allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services.

Legislation provides for the assessment of all income in cash and any non-cash benefits which the person or his/her spouse may reasonably expect to receive during the succeeding year. The means assessment guidelines state that where the income in the coming 12 months is not ascertainable, then the income for the last 12 months should be taken as a guide, allowing for any variable factors.

The means assessment for self-employment income varies across the Department's schemes. However, in general, where a person's means are in excess of the family rate applicable to the scheme, the payment is disallowed. For example, the family rate payable for a Jobseeker's Allowance claimant aged 25 or over with a partner and one child is €342.60, comprising the personal rate and increases for both a qualified adult and child.

Combating social welfare fraud and abuse is an integral part of my Department's day-to-day work and this includes ensuring that persons working in this State from outside the jurisdiction comply with all the relevant insurance contributions/taxation requirements.

The emphasis of the Department's control activities is on direct intervention and engagement. High visibility operations by the Special Investigation Unit are regularly and systematically undertaken. The effectiveness and cost-benefit of these operations and projects are continuously analysed and operational experience critically informs whether to continue, escalate or terminate specific projects. New control projects will be developed and introduced, where appropriate.

In the context of self-employed trades people who may be engaged in social welfare fraud, specific activities being undertaken include:

- the active policing of the hidden economy sector where there is a prevalence of social welfare and abuse. Investigations in this context are undertaken through Joint Investigation Units with the Revenue Commissioners;
- where intelligence or reliable reports are received about persons engaged in concurrent working and claiming, or under declaration of income, reviews of eligibility are immediately undertaken;
- a series of high visibility site visits and employer inspections are systematically conducted to detect incidences of social welfare fraud. These visits and inspections are undertaken in those sectors where the risk of fraud is most prevalent;
- multi-agency checkpoints are undertaken with the Garda Traffic Unit and the Revenue Commissioners. Persons driving commercially taxed vehicles are interviewed as part of these projects; and
- a number of high visibility operations are being jointly conducted by Special Investigation Unit and local authority environmental officers to identify environmental offences and simultaneously detect incidences of social welfare fraud.

As Minister, I am very conscious of the need to protect public money and I am determined to ensure that abuse of the system is prevented and is dealt with effectively when detected.

121. **Deputy Mattie McGrath** asked the Minister for Social Protection her views on the fact that a family of five have been left without any income whatsoever because a second property has been assessed as means against them and have subsequently been refused a social welfare payment; what she proposes this family does to put food on their table when both parents are unemployed and without any source of income; her plans to review the assessment of capital as means when no income is being derived from the capital; and if she will make a statement on the matter. [2801/12]

Minister for Social Protection (Deputy Joan Burton): Social welfare legislation provides that the yearly value of "property owned but not personally used or enjoyed" is assessable for means testing purposes. Such property includes houses and premises owned by a claimant which may or may not be put to commercial use. However, it does not include property such as the home or, for example, a premises used by the claimant in carrying out a business.

For assessment purposes, the current market value of the property is established as well as the amount of any outstanding mortgages on that property. The balance (market value less outstanding mortgage) is assessed by reference to a formula. Where the current market value

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is less than the outstanding mortgage, no assessment is made. Any changes to the current arrangements would have to be considered in a Budgetary context.

The current market value of a property is the best estimate of what would be achievable if the property was offered for sale. Such an estimate will have regard to reductions in prices over recent years.

In establishing the current market value of a property, the Department may make enquiry of the State Valuation Office. The market value may also be established through receipt

of a reasonable current valuation from a registered auctioneer, with reference to the purchase price and date of purchase of the property or, alternatively, the Department's inspector may agree a valuation with a customer having regard to the type and location of the individual property and prevailing market values in that area.

Where a claimant considers that a decision on his or her claim is based on a market value of a property which is too high, he or she may appeal that decision to the Social Welfare Appeals Office.

Finally, where a person is unable to meet essential costs from his or her own resources despite owning a substantial capital asset, an exceptional needs payment may be payable under the supplementary welfare allowance (SWA) scheme, and the affected person can, if they wish, contact the Department locally in this regard. Each application is determined by the person administering the SWA Scheme in the local area, based on the particular circumstances of the case.

Social Welfare Appeals

122. **Deputy Sandra McLellan** asked the Minister for Social Protection the reason it will take two weeks to notify a person (details supplied) in County Cork of a decision made on an appeal; and if she will make a statement on the matter. [2813/12]

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 on 9 January 2012. The person concerned was notified of the appeals officer's 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.

123. **Deputy Tom Hayes** asked the Minister for Social Protection when a decision on an incapacity supplement appeal will issue to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [2819/12]

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 25 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 they have been 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

124. **Deputy John McGuinness** asked the Minister for Social Protection the action she has taken to reduce the processing time for applications for carer's allowance; if her attention has been drawn to the act that applicants are being informed that April applications are now being dealt with; if extra staff are needed in this section; and if she will make a statement on the matter. [2848/12]

Minister for Social Protection (Deputy Joan Burton): The average time taken to award a claim for carer's allowance to the end of September 2011 was 14 weeks. The average time to award for the last quarter of 2011 is unavailable. Due to the phased introduction of a new claims processing system in the carer's allowance area, new claims are being processed on the new system while older claims are still being processed on the old system. A major service delivery modernisation project is under way to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process reorganisation. The first tranche of new carer's allowance claims began to be processed under the new system in August 2011. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This has had a short-term negative impact on claim processing times which is expected to continue until the completion of the modernisation project when all existing carer's allowance claims will be transferred onto the new processing system.

Some 7,660 applications are awaiting a decision at present, which represents a reduction on the figure of 8,540 at the beginning of September 2011. I acknowledge that the time taken to process carer's allowance claims at present is not satisfactory. I am satisfied that the Department is taking appropriate steps to resolve the situation. In addition to dealing with the approximately 330 new carer's allowance applications that are received each week, overtime working is being applied to help reduce backlogs that have built up chiefly as a result of the effort associated with the service delivery modernisation project. However, it is expected to be a significant number of months before the backlog is reduced to an acceptable level. While the new systems and processes will facilitate a significant improvement in overall processing times, it should be noted that the intake of new carer's allowance applications continues to increase and that individual claims may continue to take some time to process. Entitlement to carer's allowance is based on satisfying medical, means and residency conditions. In determining entitlement to the allowance, in certain cases unavoidable time lags are involved in making the necessary investigations and inquiries to enable accurate decisions to be made. Delays can also arise if those applying for the allowance are not in a position to supply all the necessary information in support of their claim. In the meantime, if a person's means are insufficient to meet his or her needs while awaiting a decision on a claim, he or she can apply for a means tested supplementary welfare allowance payment from their local community welfare officer.

125. **Deputy John McGuinness** asked the Minister for Social Protection if medical and or surgery benefit will be approved in respect of a person (details supplied) in County Kilkenny; and if she will expedite a response. [2849/12]

Minister for Social Protection (Deputy Joan Burton): This application was initially disallowed as the person concerned had insufficient contributions or credits recorded for the relevant tax year. However, following a review, credits in respect of carer's benefit for the 2009 tax year have been updated and the claim has been approved. A letter to this effect has now issued to the person concerned.

Community Employment Schemes

126. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if a new applicant for community employment after 16 January who is a lone parent with two children should be entitled to more than €208 per week when they commence community employment. [2871/12]

Minister for Social Protection (Deputy Joan Burton): As announced in budget 2012, 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 community employment participation bonus on top of their original payment amount. This measure affects those receiving one-parent family payment, deserted wife's benefit or allowance, widow(er)'s pension, illness benefit, invalidity pension, disability allowance and blind pension. Those already on community employment will retain their original social welfare payment (bar double child increases per child for lone parent-type payments, as detailed below) for as long as they are continuously employed on community employment for a maximum period of three years, where applicable, based on their eligibility to continue participation. The payment of two qualified child increases per child where the person is employed on a community employment scheme and in receipt of one-parent family payment, deserted wife's benefit or allowance or widow(er)'s pension, will be discontinued for existing participants and new entrants in January 2012. New entrants to community employment are defined as people who have not participated on the scheme in the last 12 months. A new participant to community employment who is a lone parent with two qualifying children will receive €208 for themselves and €29.80 per qualifying child, totalling €267.60 gross per week.

Social Welfare Appeals

127. **Deputy John Lyons** asked the Minister for Social Protection when an appeal for an invalidity pension will be decided in respect of a person (details supplied) in Dublin 9. [2883/12]

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 12 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.

128. **Deputy Sandra McLellan** asked the Minister for Social Protection if a decision will be made in the case of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2890/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an oral hearing of the child benefit, disability allowance and domiciliary care allowance appeals of the person concerned took place on 28 November 2011 and the Appeals Officer is now considering the appeals 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 carer's allowance appeal, by the person concerned, was registered in the Appeals Office on 28 September 2011. It is a statutory requirement of the appeals process that the relevant

Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Turbary Rights

129. **Deputy Patrick O'Donovan** asked the Minister for Arts, Heritage and the Gaeltacht if consideration was given to the option to participants in the turf cutters compensation scheme to access renewable fuels as opposed to peat or turf; and if he will make a statement on the matter. [2652/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The issue of improving the energy efficiency of turf-cutters homes and/or the provision of a source of alternative renewable fuel to replace turf for those affected by the cessation of cutting on raised bog SACs has been raised at the Peatlands Council. There may be some potential for such approaches to offer an alternative to the compensation schemes already put in place by my Department. Both my Department and the Peatlands Council are giving consideration to the issue and how it might be progressed. No final decisions have been made in this regard.

Arts Funding

130. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht if he will outline the supports and grants that exist for musicians; the way these schemes can be accessed by interested parties; and if he will make a statement on the matter. [2678/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Support for all music genres continues to fall within the remit of the Arts Council — the main channel through which State aid is provided to the arts. Under the Arts Act 2003, the Council is statutorily independent in the disbursement of its funds.

Insofar as my own Department is concerned, specific support to the music industry — and particularly to new and emerging artists — had been provided through the Business Expansion Scheme (BES), as extended to the music industry with effect from 6 April 1996 and for which my Department was the certifying authority. The BES for Music, under which investors could avail of tax relief in respect of music recordings, subject to certification by my Department, was specifically targeted to stimulate investment in the production, publication, marketing and promotion of new and emerging musical talent.

With effect from 1 January 2012, the BES has been replaced by the Employment and Investment Incentive (EII). Under the EII, the majority of trades qualify for relief, including that previously relating to musical recordings.

Under the EII, which is scheduled to operate until the end of 2013, applicants may now apply directly to the Revenue Commissioners, thus easing the demands on applicants and simplifying the procedures involved. Accordingly, any queries in relation to the EII should be directed to the Revenue Commissioners.

Departmental Staff

131. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht the number of senior heritage specialists in the public service who are expected to apply to retire

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in February 2012; the level of expertise of such staff; and if the embargo will be lifted to ensure that such personnel will be replaced. [2743/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): While 16 staff across my Department have, as of today, confirmed their intention to retire by end-February, I am advised that this does not include any senior heritage specialists.

Údarás na Gaeltachta

132. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreacht agus Gaeltachta cén uair dheireanach a bhí toghcháin ann d'Údarás na Gaeltachta agus an dáta deiridh de réir na reachtaíochta gur féidir toghcháin an Údaráis a ghairm; agus an ndéanfaidh sé ráiteas ina thaobh. [2812/12]

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): Reáchtáladh toghchán deiridh Údarás na Gaeltachta ar 2 Aibreán 2005. Faoi réir na reachtaíochta atá i bhfeidhm faoi láthair, ní mór an chéad toghchán eile a reáchtáil roimh 1 Deireadh Fómhair 2012.

Ní miste dom a mheabhú don Teachta, áfach, gur thóg an Rialtas cinntí sonracha polasaí ar 31 Bealtaine 2011 maidir le struchtúr agus feidhmeanna Údarás na Gaeltachta, lena n-áirítear cinntí chun bord an Údaráis a laghdú go substaintiúil agus chun deireadh a chur leis an riachtanas do thoghcháin. Tá na dréacht-Chinn don Bhille Gaeltachta, a thabharfaidh feidhm do na cinntí seo, de réir mar is cuí, dréachtaithe ag mo Roinn agus tá sé beartaithe iad a chur faoi bhráid an Rialtais go luath.

Appointments to State Boards

133. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources if he intends to appoint a third commissioner to the Commission for Energy Regulation; if so, the timetable and means of that appointment; and if he will make a statement on the matter. [2900/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I intend to appoint a third commissioner to the Commission for Energy Regulation (CER) following a competitive process as early as possible this year. The Electricity Regulation Act 1999, provides for the Commissioners to be appointed by the Minister for Communications, Energy and Natural Resources, with the consent of the Minister for Public Expenditure and Reform.

The process to fill the current Commissioner vacancy is underway. My Department is finalising the details of the recruitment process with the Department of Public Enterprise and Reform.

I can advise the House also that my colleague, the Minister for Environment, Community and Local Government, has published on 16 January a public consultation on the establishment of a Public Water Utility, which includes the proposal to confer responsibility on CER for the economic regulation of water.

The proposal to broaden the remit of CER to encompass the regulation of water has obvious implications for the technical expertise needs and staff complement of the CER and will be a very relevant consideration in the process of filling the third post of Commissioner. I should say however that the necessity for a third full time Commissioner in the CER stands on its own merits in any event because of the complexity and breadth of the energy regulation brief.

I am anxious that the selection of a new Commissioner to the CER gets under way as quickly as possible with the open competitive process to be organised and overseen by the Public Appointments Service in the next number of months.

Gas Exploration

134. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural Resources if he will report on his recent meeting on the LNG project; and if he will make a statement on the matter. [2942/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I have consistently welcomed the proposal by Shannon LNG to construct a LNG terminal near Ballylongford, County Kerry. Such a facility, together with the bringing onshore of Corrib Gas would provide important security of gas supply for Ireland. I met the promoters of the project soon after taking office last year and both my Department and the Commission for Energy Regulation (CER) are in regular contact with Shannon LNG.

Most recently, the Taoiseach, myself, Minister Deenihan and Deputy Spring met with Shannon LNG on 21 December last. The meeting was a timely opportunity to review the state of play in relation to the project and to underline the Government's very positive interest in the potential investment. The meeting also discussed the central concern of Shannon LNG which is to obtain regulatory certainty at the earliest opportunity in relation to the future pricing and treatment of Ireland's two gas interconnectors. Together with all players and potential players in Ireland's gas market, Shannon LNG has a key commercial interest in the outcome of CER's ultimate decision on this very complex regulatory question and given the complexities there are many differing perspectives on what the decision should be.

The CER itself has been engaged in an extensive consultation process on the matter over the last number of months and has had considerable interaction with Shannon LNG itself as well as with all key stakeholders. In line with the stated need for all interested parties, including Shannon LNG, to have clarity and certainty on the future regulatory regime as soon as possible, the CER had originally signalled that it would come to a decision last autumn. The process has been delayed, regrettably, by Shannon LNG's own decision to lodge a number of complaints with the European Commission. This further delay in the process was discussed with Shannon LNG at the meeting on 21 December as was Shannon LNG's own particular perspective on the regulatory issues for decision by CER.

I want to remind the House that decisions on the regulatory treatment of the gas interconnectors and tariffing are statutorily a matter for the CER under the enactment of the Gas (Interim) (Regulation) Act 2002. The CER, as the independent energy regulator has a remit to protect energy consumers, ensure security of supply and support competitiveness. The CER has a duty to ensure that new sources of gas for the Irish Market do not result in unwarranted increases in the price of gas to business and domestic consumers.

I fully acknowledge the complexity of the decision which CER has to make and the need for various difficult balances to be struck. I very much hope that CER will be in a position to come to its decision next month thus bringing the regulatory certainty which Shannon LNG has repeatedly sought. I understand that CER are actively considering one further public consultation forum of stakeholder parties in the coming weeks. Given the multiplicity of perspectives on the matter, I am sure all stakeholders including of course Shannon LNG would welcome such a forum.

Postal Services

135. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources if he intends to proceed with the introduction of a postcode system; if so, when does he intend to proceed with the necessary procurement process to allow for the introduction of such a scheme; and if he will make a statement on the matter. [2899/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): A procurement process for a national postcode system is under way. This process, which is being managed on a ring fenced basis by my Department, necessarily constrains the amount of information I can share with you at this time.

By way of background, Ireland is the only country in the EU and the OECD which does not have a national postcode. In July 2009 the then Government approved the launch of a procurement process for a national postcode based on the report of the National Postcode Project Board in 2006. In 2010, my Department established a Postcode Steering Group and appointed PA Consulting to assist it with project management and implementation.

The procurement process for postcodes began on 17th January 2011 with the publication of a pre qualification questionnaire on the e-tenders website *www.etenders.gov.ie* for the appointment of a postcode management licence holder. Since then intensive work has taken place on what is a complex project. I expect to be in a position to put the matter of procuring a Postcode System to Government later this year.

The final decision to proceed with the implementation of a national postcode will, of course, be one for Government and will be based on appropriate financial, technical and operational considerations.

Telecommunications Services

136. **Deputy Simon Harris** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the lack of mobile telephone coverage in an area (details supplied); the impact this has on the local community; the steps he will take to compel private mobile telephone operators to significantly improve mobile telephone coverage in the area; and if he will make a statement on the matter. [2665/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of mobile phone networks and services is undertaken by telecommunications service providers who operate in a fully liberalised market.

The regulation of telecommunications service providers, including regulatory issues surrounding mobile phone network coverage and quality, is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with its functions under the Communications Regulation Act 2002, as amended, and the EU Regulatory Framework for Electronic Communications.

ComReg is responsible for issuing licences to mobile phone operators and for monitoring compliance with the conditions attached to the licences. I am informed by ComReg that all of the operators have met their licence requirements in this regard and, indeed, that performance tends to exceed the minimum coverage requirements. However, it should be noted that as mobile telephony services are a radio based technology they are affected by several factors. For example, the local topography, including the surroundings, trees, terrain, buildings, etc. impacts on the quality of service. Additionally, the capacity of the network is impacted by the amount of subscribers using a particular base station at any given time. It is also the case that, from time to time, some residents from localities successfully oppose the construction of base

stations in their areas which, of course, impacts on the ability of network operators to provide services in such areas.

137. **Deputy Nicky McFadden** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on the progress of the rural broadband scheme; and if he will address the issue of cherrypicking in relation to broadband provision in rural areas. [2719/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Application Phase of the Rural Broadband Scheme (RBS) closed on 29 July 2011. The Department received 5,000 applications and it is expected that up to 4,000 of these will qualify under the terms of the scheme.

The Verification Phase of the Scheme has now commenced. In this phase of the Scheme, the details of applicants are being passed to Internet service providers to assess whether a service can be offered to them without intervention from the State. A total of 35 companies are participating in this phase of the Scheme. It is possible that a significant number of applicants could be served by these companies and a service will be procured for the remainder who cannot be served. It is hoped to have this service rolled out by the end of 2012.

The Department will be writing to all applicants in February to let them know the position in relation to their application.

With regard to the provision of broadband services generally, the electronic communications market in Ireland has been fully liberalised since 1999. Despite steady growth and development of well-regulated competition in the provision products and services since then, companies will only invest where there is a clear commercial case for doing so. Where it is necessary and appropriate the Government makes careful interventions aimed at addressing market failure, such as the National Broadband Scheme and the RBS.

The combination of private investment and State interventions such as the National and Rural Broadband Schemes means that Ireland is on target to meet the EU Digital Agenda milestone of having a basic broadband service available to all areas by 2013.

Sustainable Energy Grants

138. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources the economic implications of the cuts to energy grants per budget 2012 in view of the fact that industry sources suggest that the State receives €5 for every €1 spent on grants; and if he will make a statement on the matter. [2731/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I refer the Deputy to my reply to Question No. 493 from him of 11 January last.

Telecommunications Services

139. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which the standard quality and availability of high-speed broadband throughout this country compares to that available in other EU and non-EU jurisdictions; the degree to which this is fundamental to economic recovery; and if he will make a statement on the matter. [2822/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): There has been significant growth in the take up of broadband services and contracted speeds in Ireland in recent years. The Commission for Communications Regulation (ComReg) has

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reported that between Q3 2007 and Q3 2011 the number of broadband subscribers has more than doubled from 793,000 to more than 1.6 million.

It is also the case that, at the end of September 2011, 73.2% of domestic customers and 88.8% of business subscribers were contracted for services using speeds between 2Mbps — 10Mbps compared to 52.5% and 30.3% respectively at end 2007, when ComReg commenced reporting in the current format. Many subscribers are also migrating to higher speed products with 19.8% of residential subscribers using speeds in excess of 10Mbps, according to ComReg's latest Quarterly Report (Q3 2011), compared to 0.2% at end 2007.

International comparisons of broadband services are complex to measure and interpret. In many instances, surveys measure an average of retail broadband speeds published on service providers' websites only. These comparisons do not take account of higher speeds which are available in some countries (including Ireland) over leased lines to users of very high speeds and bandwidth. The international comparisons only consider retail services that are advertised. Big bandwidth leased line services are not advertised as retail services in Ireland.

It is also the case that the comparisons are not weighted to take account of the number and variety of speeds options advertised. Furthermore, broadband services that are advertised as part of a bundled package may not be included in such comparisons. Some commonly used high speed broadband services, available in Ireland, such as triple play products, may not be included in some international comparisons.

Notwithstanding the progress in broadband delivery, there is a recognition in the Programme for Government of a need to further improve the quality of broadband available nationwide. Under the NewERA proposals in the Programme for Government, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband customer access to every home and business in the State. The Next Generation Broadband Taskforce which I convened last summer has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

The Taskforce will conclude its deliberations shortly. It is my intention to consider the findings, conclusions and recommendations of the report of the Taskforce and to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

Postal Services

140. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has had any discussions with An Post with a view to ensuring the continuation of the full or enhanced scale of services throughout the country at local and regional level, the utilising of the existing network of post offices and sub-post offices, the continuation of next day delivery services in all areas, urban and rural and the identification of suitable complimentary services to those already undertaken which might in turn be economically beneficial to the service providers and helpful in the present economic situation; and if he will make a statement on the matter. [2823/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): It is Government policy that An Post remains a strong and viable company, in a position to provide a high quality, nationwide postal service and maintain a nationwide customer focused network of post offices.

The Communications Regulation (Postal Services) Act of 2011 guarantees the ongoing provision of a universal postal service, the essential element of which is the collection and delivery of mail to every address in the State on every working day. Under this Act, An Post is designated as the universal service provider.

My officials and I meet regularly with An Post management to discuss issues of importance to An Post. However, decisions regarding new products and services and the role of developing commercial strategies for the post office network is a matter for the Board and management of An Post and one in which I have no statutory function.

Energy Costs

141. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which gas and electricity prices here, both to the domestic and commercial market, are competitive with those throughout Europe; the extent to which it might be expected that the prices here can be brought into line with or become the lowest in Europe; and if he will make a statement on the matter. [2824/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I do not have a statutory function in the setting of energy prices, whether in the regulated or unregulated market. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation, CER, which is an independent statutory body. Prices in the retail electricity market are now fully deregulated and from 1 October 2011 gas residential consumers are the only segment of the electricity and gas markets where prices are regulated. Prices in the electricity market and unregulated part of the gas market are wholly a commercial and operational matter for the suppliers. Ireland's electricity and gas markets, both wholesale and retail, are characterised by vigorous competition regulated by the CER.

The Government recognises that the cost of energy in Ireland is a serious competitiveness issue facing energy consumers during this difficult period for the economy. The provision of secure, sustainable and competitive energy supplies is critical for the economy and is a challenge we are determined to meet.

Global gas and oil prices have risen sharply since the start of 2011 driven by events in North Africa and Japan and high demand from the emerging economies of China and India. There are clear indications that international oil and gas prices will rise further over the coming months. These trends are leading to higher domestic electricity and gas prices, as reflected by recent increases in domestic electricity prices announced by the suppliers competing in that market and by CER's decision to allow an increase in BGE's regulated gas tariff for the residential sector.

Given Ireland's heavy reliance on imported gas and oil and relatively small market size, it is a price taker in the global fossil fuel market. The economy is therefore vulnerable to fossil fuel price fluctuations and price rises. Competitor countries are in many instances facing the same prospect and the objective in the context of higher global prices must be that we retain or improve our competitive position.

Ireland's concerns about high oil and gas prices are shared at EU level and fellow Member Countries of the International Energy Agency (IEA). The EU and IEA agree that high fossil fuel prices which pose a threat to economic recovery underline the need to reduce dependence

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on fossil fuels by radically enhanced energy efficiency measures and the development of renewable energy.

EU energy Ministers have focused in recent years on bringing about change in Europe's electricity and gas supply and consumption by setting EU targets for 2020 in relation to both energy efficiency and renewable energy. These EU developments have at the same time allowed for Member State subsidiarity in these matters, especially in relation to their fuel mixes. The successful implementation of these policies should contribute to a lesser dependence on fossil fuels, and therefore a lower vulnerability to global price increases in such fuels.

At a national level, our competitive energy market helps put downward pressure on prices. In addition, we must focus on all possible additional actions to mitigate costs where possible for business and domestic customers. This is essential for competitiveness, employment and for economic recovery. I am committed to working with enterprise and with the energy sector to ensure that the costs of energy are as competitive as possible through those measures at our disposal including sustained focus on energy efficiency and renewables.

The latest analysis of data published by EUROSTAT for electricity and gas prices is published by the Sustainable Energy authority of Ireland and covers the period January to June 2011. The figures show Irish electricity and gas prices performing well by reference to the EU average for medium to large business customers (above 2,000 MWh/annum). The VAT-exclusive electricity price in Ireland for these business consumers ranged from 10% to 17% below the EU average and from 13% to 19% below the Eurozone average. These customers accounted for 48% of the business electricity market. Prices for gas customers were below the EU average by 4% to 25% for most business gas categories.

Larger domestic electricity consumers, representing 64% of the domestic electricity market (over 5,000 kWh/annum) experienced price reductions between 6.1% to 7.6% over the period. The prices for these consumers were between 7% and 19% below the EU average.

In the first half of 2011 natural gas prices for household consumers fell by 3.3%. The EU average for gas price reductions for the same period was 1.4%. For this period the price of gas for Irish householders was 10% below the EU average.

Offshore Exploration

142. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent if any to which oil, gas or other mineral exploration onshore and offshore have shown positive or commercially viable results in each of the past three years to date in 2012; the number of exploration projects activated in that period; and if he will make a statement on the matter. [2825/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): There have been no new commercial discoveries of oil and gas in the Irish on and offshore in the past three years. The only petroleum discovery in recent years that has been declared commercial but has yet to be developed is the Corrib Gas Field.

With regard to non-petroleum minerals there is a total of five hundred and fifty-eight active mineral Prospecting Licences. Details of these Licences can be found in the six-monthly report to the Oireachtas, which the Minister is obliged to lay before the House under the Minerals Development Acts, 1940 to 1999. These reports are also made available on my Department's website. While no new commercially viable deposits of minerals have been discovered in recent years, there have been some encouraging results.

The table sets out the position in relation to the number of mineral prospecting and petroleum exploration authorisations granted in each of the past three years to date.

Authorisations Granted during period 2009-2012

Year	Prospecting Licences (Minerals)	Petroleum Exploration Licences	Petroleum Licensing Options
2009	66	1	1
2010	93	0	2
2011	98	2	16
2012 (to date)	16	0	0

Energy Resources

143. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if all preparatory work in regard to making product available from the Corrib gas field has been complied with; if or when product is likely to become available to the consumer; and if he will make a statement on the matter. [2826/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Completion of the development works by the developer is the principal factor that will determine the date for first gas. Pending such completion, it is not possible to state a date for when gas from the Corrib gas field will become available.

The Corrib Project requires a number of statutory permissions in order for the developer to construct, operate and maintain the development.

In February of last year, the then Minister for Communications, Energy and Natural Resources granted consent to the Corrib Partners pursuant to Section 40 of the Gas Act, 1976 and Section 13 of the Petroleum and Other Minerals Development Act, 1960 to construct, but not commission, the Corrib Gas Pipeline, subject to 47 conditions.

The Deputy might also note that other licences and permissions beyond my statutory remit, including planning permission, Foreshore Licence and an Integrated Pollution Prevention Control Licence are also required with respect to the construction and operation of the Corrib Gas Pipeline. I understand that all of the relevant permits have now been granted.

Works on the development commenced last summer. It is estimated that construction of the onshore section of the pipeline, including the construction of a 5km tunnel, will take in the region of three years. First gas cannot therefore reasonably be anticipated before 2014.

Alternative Energy Projects

144. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the proportion of electricity now generated through wind or alternative energy resources; the extent to which targets in this regard can be revised and updated with particular reference to the need to reduce dependence on imports; and if he will make a statement on the matter. [2827/12]

147. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which the national grid has become less dependent on imported energy sources over the past five years; his future plans in this regard; and if he will make a statement on the matter. [2830/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I propose to take Questions Nos. 144 and 147 together.

EirGrid's latest data, which is available on their website, shows that at the end of 2011, there is 1900MW of renewable generation on the national grid. This includes 1630MW of connected wind, 234MW of hydro and 46MW of additional other renewable generation. Ireland's achievement in terms of the level of wind integrated on to a small island system is recognised as ground breaking.

In addition to what is already connected, there is around 1000MW from Gate 1 and Gate 2 which have contracted with the system operators and are scheduled to be built out and connected. Around 4,000MW of additional renewable capacity is provided for in the Gate 3 process.

The strategic focus will continue to be on achieving Ireland's legally binding targets for renewable energy by 2020. In that context 40% renewable electricity is challenging but achievable and I would not be countenancing revision upward at this juncture.

145. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the steps he can take to speed up access to the national grid for various wind energy projects in respect of which planning permission has been granted or is pending in all regions throughout the country; and if he will make a statement on the matter. [2828/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): EirGrid's data, available on their website *www.eirgrid.com*, indicates that at the end of 2011, there were 1630MW of wind generation connected to the grid, making up the bulk of our total of 1900MW of renewable generation connected.

The latest modelling undertaken by the Sustainable Energy Authority of Ireland (SEAI), ('Energy Forecasts for Ireland to 2020 [2011]), indicates that capacity of around 4000MW of renewable generation will be required on the system to deliver the 40% renewable electricity target by 2020.

In addition to the 1900MW already connected, there is around 1000MW from Gate 1 and Gate 2 which have contracted with the system operators and are scheduled to be built out and connected. Around 4,000MW of additional renewable capacity is provided for in the Gate 3 process.

All Gate 3 offers have now issued, however it is not yet known what the final level of take-up of offers is. This should become clear this year, when constraint reports are issued by EirGrid, following which those in receipt of offers will have a fixed period within which to accept offers. EirGrid's Incremental Capacity Transfer (ITC) programme links the Gate 3 process and Grid 25 investment and plans to deliver the required increase in annual construction.

Even allowing for a level of attrition in the planned connection rate (the 3 Gate processes to date), there is still a fair amount of leeway in the overall figures to allow for the national target to be delivered. There is also the scope to put in place at an appropriate time a follow on plan-led onshore connection programme in the event of any necessary further capacity being required to meet the 2020 target.

146. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of locations throughout the country currently producing bio-diesel or ethanol; the number of any such projects pending or awaiting approval; and if he will make a statement on the matter. [2829/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): According to the most recent Biofuels Obligation Scheme Annual Report, there were four entities producing biofuels participating in the Biofuel Obligation Scheme. Two of these companies were based in County Wexford, one was in County Kerry and one was in Galway.

Question No. 147 answered with Question No. 144.

Crime Prevention

148. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent, directly or through the regulator, he can obtain information relating to the number of burglar alarms or other alert systems that are reliant on wire or wireless systems in view of the vulnerability of any such system lacking GSM backup; and if he will make a statement on the matter. [2831/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of alarm or alert systems is a matter for the private marketplace. Neither my Department nor the Commission for Communications Regulation (ComReg) has any role in setting the standards for what alarm systems are used or in the monitoring of their performance.

Energy Conservation

149. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources when the warmer home scheme contracts will be renewed or awarded for 2012 to enable approved contractors to continue to carry out work for applicants approved under the scheme. [2861/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Sustainable Energy Authority of Ireland (SEAI), who administer the Better Energy programme on my behalf, are currently in the process of contract renewal with the network of Community Based Organisations (CBOs) with a view to concluding contract renewals at the earliest possible opportunity.

In addition, an Invitation to Tender will shortly be published by the SEAI to establish a new panel of private contractors to augment this network. The public procurement process through the Official Journal of the European Union will take a number of weeks to conclude and a panel should be in place by early in Quarter Two.

150. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 166 of 12 January 2012, the criteria used to determine the proposed new list of applications; and if he will make a statement on the matter. [2862/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In line with the Government's Affordable Energy Strategy, more focussed eligibility criteria be implemented in 2012 in order to ensure that those most at risk of extreme fuel poverty are prioritised.

Work will get underway shortly with the community-based organisations and other relevant parties to finalise new eligibility criteria which will ensure that Exchequer resources are directed where they can deliver the greatest good. It is the objective to have the criteria defined and published in Quarter 1 2012 and that these criteria will apply to all persons expressing an interest in receiving scheme services from January 1st, 2012. Those already on the waiting list

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as of 8th December 2011 will continue to be assessed on the basis of the current eligibility criteria (i.e. private ownership, receipt of fuel allowance, home pre 2002).

Electoral Divisions

151. **Deputy Michael McCarthy** asked the Minister for the Environment, Community and Local Government the date on which the proposed boundary changes to Dáil constituencies will be announced by the Constituency Commission; and if he will make a statement on the matter. [2664/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Section 9(1) of the Electoral Act 1997 requires a Constituency Commission to present its report to the Chairman of the Dáil no later than three months after the publication by the Central Statistics Office of the final results of the Census in respect of the total population of the State. I understand that the CSO intends to publish the final results of the 2011 Census at the end of March 2012.

Water Services

152. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if the EU Commission has laid down that there will be fines imposed on Ireland if the Water Services Bill 2010 is not enacted by the 3 of February 2012; the date from which these fines will be imposed; if he asked for more time to enable the democratic process in the Oireachtas run its full course; the response to any such requests; and if he will make a statement on the matter. [2667/12]

153. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when he became aware of the deadline laid down by the EU for the passing of the Water Services Amendment Bill 2010 if we wish to avoid incurring fines from the Union; when he conveyed this information to the Chairperson of the Environment Select Committee of the Dáil; and if he will make a statement on the matter. [2668/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 152 and 153 together.

On 12 July 2011 the European Commission formally requested that the European Court of Justice impose both a lump-sum fine and daily penalties on Ireland for having failed to take the necessary measures to comply with the Court's ruling of 29 October 2009. In its submission to the Court, the Commission stated that it considered the period which had elapsed since the Court's ruling to be sufficient for Ireland to have complied with the judgment of the Court. The Commission requested that the fines, including the daily penalty, should be calculated from the date of the ruling.

Ireland's defence to the Commission's application was submitted to the Court on 5 October 2011 and it requested that the Court should dismiss the Commission's application or, if the Court concluded that penalties are appropriate, that it should consider significantly reduced levels of penalties. The defence detailed the progress made since the ruling and stated that the drafting of the Bill required was then at an advanced stage.

Despite the priority given to the drafting of the legislation in order to comply with ECJ ruling, with the Bill being published on 3 November 2011, the Commission submitted an application to the Court on 23 November 2011 again seeking the imposition of a lump-sum penalty and daily fines against Ireland for failing to comply with the ruling. In its submission, the

Commission again argued that more than enough time had elapsed since the ruling and that the Irish authorities should have achieved compliance.

In accordance with ECJ procedures, Member States are given an opportunity to submit a rejoinder to the Commission's application, setting out the reasons why fines and penalties should not be imposed. The deadline for the submission of Ireland's rejoinder in this case is 3 February 2012. This will be the final opportunity for Ireland to communicate with the Court before it considers the Commission's application.

The central strand of Ireland's defence in this case will be that the necessary legislative measures have been put in place. It is for this reason that the deadline of 3 February for enactment of the legislation is so important. I am determined to ensure the necessary measures are in place by the time Ireland submits its rejoinder to the ECJ in order to support the defence being presented to the Commission's application.

Local Authority Charges

154. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he will clarify a matter (details supplied) regarding the household charge; and if he will make a statement on the matter. [2740/12]

156. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in Dublin 11 was not exempted from the household charge; and if he will make a statement on the matter. [2745/12]

157. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in Dublin 15 was not exempted from the household charge; and if he will make a statement on the matter. [2746/12]

158. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government the criteria for determining which unfinished estates were in poor enough condition to entitle their residents to household charge waivers; and the reason an estate (details supplied) in County Dublin was not included under these criteria. [2763/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I propose to take Questions Nos. 154, 156, 157 and 158 together.

As part of the process of preparing the National Housing Development Survey 2011, launched by my Department in October 2011, local authorities provided details of all unfinished housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- Category two, where a receiver has been appointed;
- Category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- Category four, where the development has been effectively abandoned and is posing serious problems for residents

Other relevant factors for the purposes of the categorization process include, *inter alia*:

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- the state of completion of roads, footpaths, public lighting facilities, piped water and sewerage facilities and open spaces or similar amenities within the development;
- the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned and
- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

This categorisation formed the basis for the list of those unfinished developments eligible for a waiver on the annual household charge.

Only households in developments in categories three and four are eligible for the waiver from payment of the household charge. This list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge) Regulations 2012. A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease significantly as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative.

155. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding the household charge; and if he will make a statement on the matter. [2744/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 provides for the household charge. Owners of residential property on the liability date of 1 January 2012, subject to a limited number of exemptions and waivers, are liable to pay the household charge. There is no exemption in the legislation for those persons paying management fees to management companies.

The revenue from the household charge will support the provision of essential local services. Internationally, local services are administered by local authorities and financed by local service charges. In Ireland, local authorities are responsible for, among other services, public parks, libraries, open spaces and leisure amenities, planning and development, fire and emergency services, maintenance and cleaning of streets and street lighting. These are essential local services which benefit all members of the public.

Questions Nos. 156 to 158, inclusive, answered with Question No. 154.

Waste Management

159. **Deputy Derek Keating** asked the Minister for the Environment, Community and Local Government the protocol in place with the print media for the recycling of old newspapers;

the arrangements in place for the storage of them; if he has any auditing arrangements to set up compliance; and if he will make a statement on the matter. [2768/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Government waste policy, in line with the internationally recognised waste hierarchy, is premised on the promotion of the sustainable use of natural resources and the reduction of negative environmental impacts. As an alternative to the imposition of statutory controls and obligations, the preferred approach is, in the first instance, to afford a relevant business sector an opportunity to formulate and implement proposals for an appropriate voluntary producer responsibility initiative.

In line with this policy my Department invited the Press industry to formulate a set of proposals for the voluntary management of the Irish newsprint supply chain. In response to this request the Green Press Partnership (GPP) was established in 2010, comprising key Irish press industry stakeholders. The main aim of the programme is to act as a platform for the environment initiatives specific to the requirements of newsprint waste.

To date this initiative has succeeded in introducing new reporting systems to measure performance and more efficiently manage the supply chain, also getting publishers to commit to using sustainable paper products in the production process. It has changed a long-established practice so that entire unsold newspapers and magazines are returned instead of being disposed of locally. In addition, two new sets of industry protocols — Environment Standards for the Press Industry and Code Of Practice for the Press Industry — have been agreed and published, both designed to ensure best environmental practice. The annual Newsprint Recycling Research conducted by GPP indicates that the recycling rate for newsprint has risen from 28% in 2002 to over 80% in 2010.

The GPP has also submitted further proposals which are currently being considered by my Department. These proposals cover four areas — policy, communication, efficiency and research — and include proposals on a carbon policy, green procurement policy, and an advertising space commitment to promote the culture of recycling. The Programme for Government makes a commitment to drive a waste reduction programme through the extension of Producer Responsibility initiatives and, in that context, my Department will shortly be conducting a review of all aspects of Producer Responsibility schemes. The results of this review will help determine whether the voluntary initiatives taken by the press industry to date are adequate or whether it would be more appropriate to require producers to take direct responsibility for the environmentally sound management of waste newsprint.

160. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government when a national waiver scheme for waste management will be introduced. [2779/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government contains a commitment to introduce competitive tendering for household waste collection, under which service providers will bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service.

A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. As one might expect, a consensus is not apparent and, on almost all of the relevant issues, a considerable breadth of opinion was expressed including in relation to the issue of waiver schemes. All of the responses received, in addition to a summary document, are available on my Department's website.

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I expect to be in a position to submit final proposals in relation to household waste collection to Government early this year. All policy proposals will be carefully considered by Government and will take account of the full range of issues and perspectives. The issue of waivers for low income households will be among the issues for consideration in this context.

Water Quality

161. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the measures required and the cost thereof to local authorities in Galway, his Department and central Exchequer to resolve the cryptosporidium outbreak in the public water supply of Galway City and county in 2007; and if he will provide similar information on any other outbreaks in any other part of the country which have been identified. [2795/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under the European Communities (Drinking Water) (No. 2) Regulations, 2007, it is the duty of suppliers of drinking water to take the necessary measures to ensure that water intended for human consumption is wholesome and clean and meets the requirements of the Regulations. The Regulations provide that the Environmental Protection Agency (EPA) is the supervisory authority for drinking water supplied by water services authorities (the 34 county and city councils). The Regulations also provide that the water services authorities are responsible for the supervision of group water and private water supplies in their functional areas.

While my Department has in the past issued guidance to local authorities in relation to cryptosporidium in water supplies, since the Regulations came into effect, the EPA is the supervisory authority for public water supplies including cryptosporidium outbreaks. I understand that, in that capacity, the Agency issued a Guidance Booklet Risk Screening Methodology for Cryptosporidium to each local authority in January 2008.

The Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, provides for the commencement of contracts with a value of over €800m in relation to water supply infrastructure. This includes contracts to address deficiencies in the quality of supply, to improve the overall capacity of the system and to provide an accelerated programme of mains rehabilitation. The Programme also provides for the advancement of a further range of schemes through planning, for progression to construction in future investment cycles. Where a significant capital works programme is required to respond to a cryptosporidium risk, funding is provided by my Department under the Water Services Investment Programme. In relation to Galway City and County, the Programme provides for the development of a comprehensive range of new water and sewerage services infrastructure, with contracts to commence in the period with an overall value of some €133 million.

A Boil Water Notice was issued on 15 March 2007 in Galway City following the discovery of the cryptosporidium parasite in the City supply. Galway City Council's "old" Terryland water treatment plant was identified as the location where the cryptosporidium parasite entered the water supply system. The Boil Water Notice was lifted on 20 August 2007 after the old Terryland plant was taken out of service.

The lifting of the Boil Water Notice became possible because of (1) the supply of additional water from Galway County Council's Water Treatment Plant at Luimnagh to the City. This increased supply from the County to the City eliminated the need to take water from the old Terryland plant and (2) the provision of additional (including Ultra Violet light disinfection) treatment at the "New" Terryland Plant.

The City Council's proposals for some advance works involving upgrading of the "New" Terryland Water Treatment Plant to cater for the city's medium term needs was approved by the Department in March 2008. The Department subsequently approved funding towards the Council's €3.9 million contract for these advance works in December 2008. These works, which have increased water treatment capacity at the plant by 20,000 cu. metres per day (from 35,000 cu. metres per day to 55,000 cu. metres per day) are now substantially complete.

Since 2007, it is understood that cryptosporidium has been detected and precautionary boil water notices were issued for short periods on some water supplies, but there has not been an outbreak of confirmed water-borne cryptosporidium infection of water requiring major Exchequer investment.

The risk of cryptosporidium is one of the factors taken into consideration by the Environmental Protection Agency (EPA) in compiling the "Remedial Action List" which identifies public water supplies which required detailed profiling to ensure that the supply is providing clean and wholesome water. EPA guidance, issued in 2008, identified the actions to be taken by local authorities when a supply is included on the Remedial Action List. These actions could include abandoning or replacing sources, upgrading treatment facilities or improving operational and maintenance arrangements.

Where an upgrade of facilities was identified as the appropriate solution, local authorities can seek grant aid through a special package of measures which my Department introduced in 2007. In addition to funding through the Water Services Investment Programme, this package included a new contingency funding arrangement under the Small Schemes Measure of the Rural Water Programme for schemes below the Water Services Investment Programme minimum cost threshold. Allocations of some €28 million has been approved for this purpose since 2008.

It is also open to local authorities to provide protection measures against cryptosporidium under the Small Schemes Measure of my Department's Rural Water Programme. Responsibility for the administration of this programme has been devolved to local authorities since 1997. The selection and approval of individual schemes for funding and advancement under the programme, within the overall priorities set by my Department and subject to the block grant allocation provided, is therefore a matter for the water services authorities.

Local Authority Charges

162. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding the household charge; and if he will make a statement on the matter. [2799/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009 and the Local Government (Household Charge) Act 2011 provide the legislative basis for the charge on non-principal private residences (NPPR) and the household charge respectively. Under the Acts (section 9 and section 12 respectively) collection of the charge is placed under the care and management of the relevant local authority. It is open to an individual who may be experiencing hardship in meeting their payment obligations under the Acts to make contact with the relevant local authority in the first instance to establish if there is a basis for addressing the matter.

Social and Affordable Housing

163. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 549 of 11 January 2012, if he will provide

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a breakdown of the 2,000 housing units by number of bedrooms; if the units involved have been inspected by the relevant local authority or any departmental staff to determine if they are suitable for use as social housing; if not, when such inspections will take place; and if he will make a statement on the matter. [2804/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): The information requested in the question is not currently available in my Department. In general, the suitability or otherwise of the units involved for social housing has not yet been determined. Inspections will be carried out for properties that are to become the subject of lease or purchase arrangements prior to the signing of the legal agreements.

164. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will provide a list of the total number of social housing tenancies provided under the social housing leasing initiative per year in 2009-11, inclusive; the average cost of these units by unit size in each year; the average length of the leases in each year; the local authority area in which these tenancies were created; and a breakdown of whether the tenancies were managed by the local authority or a voluntary housing association; and if he will make a statement on the matter. [2805/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): By the end of December, 2011 2,496 housing units were provided under the Social Housing Leasing Initiative as follows:

Leasing units operational

Year	2009	2010	2011	Total
Units	437	866	1,193	2,496

The current average annual cost of all units is €6,327. The average cost for units leased from the private or voluntary sector is €7,406. The cost of unsold affordable units is based in the interest paid by local authorities rather than the market rent and averages €5,725 per unit.

The cost per unit by unit size and year is set out in the following table:

Cost per year per unit type (excluding unsold affordable units)

Unit Type/ Year	1-bed €	2-Bed €	3-Bed and over €	Overall €
2010	6,605	7,231	7,359	7,040
2011	8,308	7,439	7,354	7,512

The current average length of the agreements, excluding unsold affordable units, is just under 11 years. All units in 2009 were unsold affordable units; in 2010 the average length of the agreements for all units except unsold affordables is just over 10 years, and in 2011 it is just over 11 years.

The breakdown by authority of the operational units is set out in the following table:

HA/Status	Operational
Athlone Town Council	17

HA/Status	Operational
Athy Town Council	21
Birr Town Council	4
Bray Town Council	1
Buncrana Town Council	26
Bundoran Town Council	1
Carlow County Council	17
Carlow Town Council	14
Cashel Town Council	1
Castlebar Town Council	20
Cavan County Council	3
Clare County Council	27
Clonmel Borough Council	14
Cork City Council	110
Cork County Council	314
DLR County Council	44
Donegal County Council	49
Drogheda Borough Council	4
Dublin City Council	470
Dundalk Town Council	66
Ennis Town Council	8
Fingal County Council	140
Galway City Council	123
Kildare County Council	88
Kilkenny County Council	28
Laois County Council	124
Letterkenny Town Council	32
Limerick County Council	13
Longford County Council	20
Louth County Council	24
Mayo County Council	16
Meath County Council	65
Monaghan County Council	1
Nenagh Town Council	24
North Tipperary County Council	7
Offaly County Council	37
Roscommon County Council	10
Sligo Borough Council	8
Sligo County Council	8
South Tipperary County Council	8
Sth Dublin County Council	276
Templemore Town Council	32
Thurles Town Council	6
Waterford City Council	13
Waterford County Council	48
Westmeath County Council	74
Westport Town Council	3
Wexford Borough Council	2
Wexford County Council	34

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HA/Status	Operational
Wicklow County Council	1
Grand Total	2,496

The management of all 1,546 unsold affordable units is by voluntary bodies as are the 197 voluntary operational units. 421 units are managed by the local authority and the remainder are managed by the property owner on behalf of the local authority.

Coroners Service

165. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government the amount of moneys set aside by each local authority for the provision of coroner services; if he will provide a breakdown of the figures per local authority; if he will indicate if this service is subject to tendering; and if so, how often. [2832/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I have no function in this matter. Issues concerning the Coroner Service are a matter for my colleague, the Minister for Justice and Equality.

Tax Code

166. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he will review a matter (details supplied) regarding the proposed property tax; and if he will make a statement on the matter. [2833/12]

170. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the consideration to date on the type of structure of the proposed property tax; if it will be based on house or site size or on the valuation of the house and or site; and if he will make a statement on the matter. [2867/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Question Nos. 166 and 170 together.

I intend to bring proposals to Government shortly on the establishment, and the membership and terms of reference, of an inter-Departmental expert group to be tasked with making recommendations on the design of a property tax. It will then be a matter for the Government to decide on the structure and modalities of the property tax in due course.

Social and Affordable Housing

167. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the number of applicants, individual or family, on local authority housing waiting lists by each local authority, county, city, borough and town council, and the required housing by size, one, two, three bed and so on, as of 31 December 2011. [2836/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): My Department does not hold information on the number of households on local authorities’ waiting lists. This figure continuously fluctuates as households are allocated housing and new households apply for housing support. Detailed information on the latest statutory assessment of housing need carried out in March 2011, including a breakdown by housing authority, is available on my Department’s website — *www.environ.ie* or on the Housing Agency’s website at *www.housing.ie*. It is a matter for individual housing authorities

to decide on the size of dwellings to be allocated to applicants on their waiting lists. This policy is decided in their Allocation Schemes, the making of which is a reserved function of the housing authority.

Local Authority Housing

168. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the numbers of local authority dwellings in the ownership of each individual local authority or county, city, borough and town council, broken down by size and the number of bedrooms, be it one, two or three, as of 31 December 2011. [2837/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): Data on Local Authority housing stock, broken down by county, city, borough and town council, are available on my Department’s website, *www.environ.ie* and the most recent data published in this regard relate to 2010.

A breakdown of the number of bedrooms in each unit is not available. 2011 data are not available yet.

Local Authority Charges

169. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the plans he has to direct local authorities to revise their development contribution schemes in view of the introduction of the household tax and imminent introduction of the septic tank charge, water charge and property tax; and if he will make a statement on the matter. [2866/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): The adoption of individual development contribution schemes is a reserved function of the elected members of each planning authority. It is a matter for the members to determine the level of contribution and the types of development to which they apply.

In addition to the legislative framework my Department has also issued policy guidance on development contributions. Further draft guidance which will reflect current economic conditions is currently being prepared for public consultation.

Question No. 170 answered with Question No. 166.

Pyrite Contamination

171. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government when he expects the expert panel on pyrite to make its report; when he expects to make a decision on housing estates that have confirmed pyrite issues and their liability for the household charge; and if he will make a statement on the matter. [2868/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I have asked the Chairperson of the Panel to complete its work as quickly as possible and submit a report to me early in 2012.

As regards the household charge, I will give further consideration to the position of home owners whose homes are affected by pyrite on receipt of the report of the independent Panel. The identification of dwellings affected by pyrite is quite complex and this issue will need careful consideration following receipt of the report.

Business Improvement Districts

172. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the number of business improvement districts operating here; the location of same; their annual budgets and the total amount raised by each individual BID. [2869/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The establishment of a business improvement district scheme is a matter for local authorities. I have no function in the matter.

Business Property Vacancies

173. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the overall business property vacancy rate here, broken down by each individual local authority. [2870/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested in the question is not available in my Department.

Local Authority Charges

174. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the position regarding the household charge (details supplied); and if he will make a statement on the matter. [2893/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 provides for the household charge. Owners of residential property on the liability date of 1 January 2012, subject to a limited number of exemptions and waivers set out below, are liable to pay 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. elderly 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.

I have no proposals to increase the number of people who are exempt from the charge.

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 a comprehensive suite of payment options is available to persons with a liability to pay the household charge.

Significant efforts will be made to ensure that property owners are aware of the household charge and the liability and payment dates. The LGMA and local authorities will shortly commence a national information campaign to advise people of the household charge and their responsibilities in relation to payment of the charge. A similar and successful advertising and information campaign was undertaken in the context of the €200 charge on non-principal private residences on its introduction in 2009 with further advertising taking place each year since. I am confident that those liable to the charge will be aware of their obligation to discharge their liability for the charge by 31 March 2012 and thereby avoid any late payment fees or late payment interest.

Water and Sewerage Schemes

175. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government if he will address health fears in County Kerry by immediately replacing all remaining lead pipe water supplies in the county; if he will make the necessary funding available; the length of time it will take to carry out the work; the total length of piping involved; the areas affected; the total cost of the project; and if he will make a statement on the matter. [2976/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Substantial funding towards local authorities' water conservation programmes, including replacement of lead pipes, is being provided under my Department's Water Services Investment Programme 2010-2012. Kerry County Council has completed its county-wide Watermains Rehabilitation Strategy required as part of its water conservation programme. This Strategy identifies specific defective water supply networks requiring rehabilitation and/or replacement. The Council is also identifying works to be included in the next phase of Countywide Watermains Rehabilitation.

Local authorities can seek funding for the replacement of lead water distribution mains under this programme, and in certain circumstances, the Department also allows for the funding of certain works that encroach onto private property from the public side in the decommissioning of common backyard services for water conservation purposes. No proposal in respect of a general countywide replacement of lead pipes in County Kerry has been received from Kerry County Council.

Courts Service

176. **Deputy Robert Dowds** asked the Minister for Justice and Equality his views on the situation in which the waiting time to get a full care order from the Family Court currently extends until April 2013; and if he will make a statement on the matter. [2751/12]

Minister for Justice and Equality (Deputy Alan Shatter): The management and administration of the courts, as the Deputy will be aware, is a matter for the Courts Service. The allocation of the business of the courts, scheduling of court cases and the management of court lists are matters for the judiciary and in particular the Presidents of the courts. The Deputy

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will also be aware that judges are, subject to the Constitution and the law, independent in the exercise of their judicial functions.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that all court cases are listed in such a way as to make optimum use of court time. The dates assigned to care order hearings depend on the anticipated duration of the case. Cases which are likely to require a longer hearing period are more difficult to accommodate in court lists and so later dates are assigned.

The Courts Service has stated that waiting times for hearing full care order applications vary and is dependent on the volume of cases before the court and the demand for such orders in an area. The Service has also informed me that it is not aware of a delay in the hearing of such applications of the level referred to by the Deputy. The Dublin Family Law Court is the only full-time Family Court and deals with the largest volume of full care order applications and the latest date to which the hearing of a full care order application has been assigned is currently 5 November 2012. The average waiting time (i.e., from the date the court is asked to set the case down for hearing) is 34 weeks but it has been possible to schedule cases of shorter duration within approximately 21 weeks.

While the Deputy's question relates to full care orders, it is important to mention that applications for Emergency Care Orders are heard either on the day of application or the following day. Furthermore, I am informed that where the parties to a case feel that there has been an undue delay in arranging the hearing of their case they should contact their local Family Law Office to establish whether an earlier date would be possible. As such proceedings take place *in camera* it is only open to the parties or their legal representatives to make such enquiries.

Services for People with Disabilities

177. **Deputy Nicky McFadden** asked the Minister for Justice and Equality the arrangements being made for People with Disabilities Ireland and the Longford-Westmeath networks, subsequent to the cessation of funding on 1 January 2012; the amount of money that will be channelled to these PwDI networks; and if he will make a statement on the matter. [2656/12]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): As I informed the Deputy previously, it was decided that funding to People with Disabilities in Ireland (PwDI) had to cease at the end of 2011. On the basis of a value for money review, it was clearly established that the vast majority of the money allocated to PwDI was being spent disproportionately. The largest proportion of PwDI's annual budget has been spent over the last number of years on the operation of its office headquarters and on administration rather than on the creation of projects which would directly benefit people with disabilities. This was an untenable situation that could not be allowed to continue as people with disabilities were benefiting very little from the allocation in real terms. However, there is no reason why the local PwDI networks around the country should not continue to be active as volunteer bodies and continue their work with people with disabilities.

It is my wish to ensure that people with disabilities directly benefit from any money allocated to this sector. With this in mind, I am currently overseeing the finalisation of a major Value for Money and Policy Review of Disability Services in the Department of Health to ensure that existing funding allocated for people with disabilities is spent to best effect. I am also interested in hearing what people with disabilities have to say on issues affecting them. I have established and am personally chairing a new National Disability Strategy Implementation Group to develop and progress disability strategy. The new group will include representation from a number of disability stakeholder organisations and also a number of people with dis-

abilities who will be able to bring their lived experience directly to bear on the very important work of this high level group. This will ensure the voice and perspective of people with disabilities will continue to be heard in a more focused and cost effective way.

The Government must ensure that in 2012, and continuing thereafter, funding is allocated for maximum provision of services for people with disabilities, having regard to overall resource constraints which affect all sectors at this time.

Court Accommodation

178. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the purchase price of the proposed court house site in Dungloe County Donegal; if an allocation been made to build the proposed courthouse; his views that this scheme will prove value for money, taking into account that the court sits once a month in Dungloe; and if he will make a statement on the matter. [2658/12]

Minister for Justice and Equality (Deputy Alan Shatter): Under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service. The Act provides that the Service is independent in the performance of its functions including the maintenance and provision of courthouse facilities.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that the proposed Courthouse site in An Clochan Liath (Dungloe), Co. Donegal was purchased in 2008 at a cost of €450,000, which represented the market value of the site at that time. Due to current economic conditions, there is no provision in the Courts Service budget in the current year to proceed to the construction phase of this significant capital investment project but the Service has indicated that it will seek planning permission, during 2012, for a new Courthouse at this site in the context of progressing certain existing projects to planning stage. The Courts Service has informed me that in the current economic context it is undertaking a review of venues around the country and the outcome of this review which includes costs and benefits may also have implications for any development in An Clochan Liath (Dungloe).

Citizenship Applications

179. **Deputy Denis Naughten** asked the Minister for Justice and Equality the current time-frame for processing citizenship applications; and if he will make a statement on the matter. [2733/12]

Minister for Justice and Equality (Deputy Alan Shatter): The nature of the naturalisation process is such that for a broad range of reasons some cases will take longer than others to process. Accordingly, the use of averages in such a situation can be very misleading. However, as the Deputy will be aware, the measures I introduced last year have resulted in a significant increase in the number of cases decided. Over 16,000 valid applications were decided last year (compared to 7,785 for the full year in 2010) and some 7,500 invalid applications were also dealt with.

By late spring/early summer of this year it is anticipated that all standard applications, i.e. non-complex cases accounting for 70% of all applications, will be completed within 6 months. By way of comparison, when I was appointed such cases were taking over 2 years to complete.

Residency Permits

180. **Deputy Denis Naughten** asked the Minister for Justice and Equality the current time-

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frame for processing stamp 4 residency applications; and if he will make a statement on the matter. [2734/12]

Minister for Justice and Equality (Deputy Alan Shatter): The grant of a stamp 4 permission to a non-national is a very significant immigration permission and enables the recipient to access the labour market and a whole range of other state services. In general, the conditions attaching to a stamp 4 permission are that the person concerned has permission to work or operate a business without the need for an employment permit or other specific authorisation; however additional conditions may be imposed on the person should circumstances require. Thus, a stamp 4 permission may be applied to a variety of immigration categories directly or where the person's circumstances may have otherwise changed, for example, through marriage to an Irish national or by the accrual of valid permission to remain in the State on another permission stamp such as to qualify them to seek to change their status to a stamp 4 permission.

The time taken to process a particular application for stamp 4 depends on the category or circumstances applicable to the person concerned and it would not be possible without this information to give any meaningful estimation of the processing time involved. However, all cases are dealt with as expeditiously as possible and in the more clear-cut cases this is a matter of weeks at the outside. It should be borne in mind though that, in addition to the particular circumstances of a case, the length of time taken to process an application is also subject to the time taken to carry out all necessary checks and to provide all necessary supporting documentation: in this regard, the cooperation of the applicant is crucial to helping the process along and eliminating undue delays.

If the Deputy has a particular case in mind I would point out that 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 Staff

181. **Deputy Jack Wall** asked the Minister for Justice and Equality the position regarding an application (details supplied); and if he will make a statement on the matter. [2754/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person referred to by the Deputy was appointed to the position of Prison Officer on 23 March, 1998. It was decided to terminate his probationary services in October, 1998 following a period of sick leave and a failure to recommence training.

Prior to this decision being taken, the person concerned was fully informed of the reasons for the termination of his probationary services and given an opportunity to make a case for his retention in the service. He was provided with all relevant documentation, including internal Departmental submissions, which formed the basis of the decision and invited to submit an appeal. Having considered the facts, the then Minister for Justice, Equality and Law Reform decided to terminate his probationary contract of employment. That decision is final.

The person concerned has been requested on a number of occasions to return his prison uniform and identification card to Mountjoy prison but has failed to do so. Those items remain the property of the Irish Prison Service and should be returned. Further contact will be made with a view to arranging the collection of these items.

Garda Compensation Claims

182. **Deputy Mattie McGrath** asked the Minister for Justice and Equality when a decision will be made by him on the authorisation of a garda compensation claim in respect of a person (details supplied) in County Tipperary; the reason for the delay in finalising this claim; if there is any accountability in terms of the length of time it has taken for the consultant psychiatrist to complete their report; his views that this delay is acceptable; and if he will make a statement on the matter. [2791/12]

Minister for Justice and Equality (Deputy Alan Shatter): The delay concerning this application arose because the Chief Medical Officer has been awaiting a specialist medical report in order to advise on this application under the Garda Síochána Compensation Acts 1941 and 1945. The Garda authorities have been in contact with the solicitor of the applicant to resolve the issues surrounding this requirement. My Department understands that the Chief Medical Officer will shortly be in a position to conclude his report, thus clearing the way for a decision to be made on this application.

Asylum Applications

183. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of persons in total, living here, who are covered by the Zambrano ruling, that is, non-EU citizen parents with EU citizen children; and if he will make a statement on the matter. [2839/12]

184. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of cases to date that have been processed under the Zambrano ruling; and if he will make a statement on the matter. [2840/12]

185. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of qualifying parents, who were deported, have been given leave to return as a result of the Zambrano ruling; and if he will make a statement on the matter. [2841/12]

186. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of Irish citizen children, who had to leave the State with parents who were deported who have returned with their parents; and if he will make a statement on the matter. [2842/12]

187. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of cases covered by the Zambrano ruling still to be processed; when he expects these pending cases covered by the Zambrano ruling to be completed; the reason there are such delays in processing these cases; and if he will make a statement on the matter. [2843/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 183 to 187, inclusive, together.

By way of background for the Deputy's information, the European Union Court of Justice Judgment in the Zambrano case, delivered on 8th March, 2011, precludes an EU Member State from refusing a non-EU national parent who has minor dependent children, who are EU citizens, the right to reside in the Member State of residence and nationality of those children. In an Irish context, the Zambrano Judgment relates to certain non-EU national parents of an Irish born minor citizen child who are residing in this State with their Irish born minor citizen child or children.

It is not possible to state categorically the number of third country national parents who are residing here who would be impacted by this Judgment. However, my Department has identified approximately 1,700 cases where the Judgment may apply and where the third country

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national parents involved had no separate right of residency in the State. This figure does not include the cases of third country national parents of an Irish born minor citizen child who had an existing right of residency in the State by virtue of being present here lawfully as a worker, spouse, student, etc, and, as such, were in a position to apply directly to the Garda National Immigration Bureau for a status upgrade. Some 135 of those 1,700 cases involved persons who had legal challenges before the courts at the time the Judgment was delivered.

All of these cases have to be individually considered before a decision is arrived at to grant or refuse a right of residency. To date, my Department has made decisions in just over 1,000 such cases with over 850 of those decisions having been favourable. These decisions have been taken in the best interests of the welfare of eligible minor Irish citizen children. Approximately 700 such cases remain to be finalised. The Deputy should note that in the context of approximately half of the outstanding cases, documentation or clarification has been requested from the persons involved and those cases cannot be considered further until the relevant documentation or clarification has been received. Some of the other outstanding cases involve persons who have only recently contacted my Department seeking to assert a right of residency in the State based on the principles of the Zambrano Judgment while some of the remaining cases remain to be considered, for example, in the light of information which has been established in respect of the persons in question.

In terms of the cases of parents of an Irish born minor citizen child who left the State on foot of a Deportation Order, the position is that, to date, six such persons have been granted a visa to re-enter the State. It is not possible to establish the number of Irish citizen children who will be returning to the State with such parents as my Department does not retain such records.

My Department is working on the outstanding cases referred to above and will continue to do so until a decision has been made in every individual case. The implementation of the Zambrano Judgment in this State has been founded on my pragmatic initiative to reflect what is in the best interests of the eligible minor Irish citizen children involved while ensuring that the Irish taxpayer is not exposed to any unnecessary additional legal costs.

Proposed Legislation

188. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will expedite the publication of the Coroners Bill; the reason there is a delay in producing this legislation; the main measures he envisages in the Bill; and if he will make a statement on the matter. [2858/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Coroners Bill 2007 is before the Seanad having been restored to the Order Paper on my initiative. The Bill is in the course of being reviewed in my Department with a view, among other matters, to making it as cost-effective as possible. The Bill, as published, provides for the comprehensive reform of the existing legislation and structures relating to coroners and provides for the establishment of a new Coroner Service. The Bill incorporates many of the recommendations made by the Coroners Review Group in 2000 and the Coroners Rules Committee in 2003 and it aims to fulfil various obligations placed on the State by the European Convention on Human Rights and, particularly, the Article 2 requirement in relation to the investigation of deaths of persons involving the State.

The Civil Law (Miscellaneous Provisions) Act 2011 provides for some early reforms in coronial matters, including an amalgamation of the Dublin County and City coronial districts.

It is my intention to progress the Coroners Bill as soon as possible this year.

Special Areas of Conservation

189. **Deputy Paudie Coffey** asked the Minister for Agriculture, Food and the Marine if the appropriate assessment works will be carried out in respect of aquaculture licensing in the Valentia-Caherciveen area of County Kerry; if he is satisfied that the programme of appropriate assessment is progressing at an acceptable rate; when he expects the granting of an aquaculture licence will be considered in respect of a company (details supplied) in County Kerry; and if he will make a statement on the matter. [2983/12]

192. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if the appropriate assessment works will be carried out in respect of aquaculture licensing in the Valentia-Caherciveen area of County Kerry; if he is satisfied that the programme of appropriate assessment is progressing at an acceptable rate; when he expects that the granting of an aquaculture licence will be considered in respect of a company (details supplied) in County Kerry; and if he will make a statement on the matter. [2792/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 189 and 192 together.

The application referred to is in respect of a site located in Valentia Harbour, which is designated as a Special Area of Conservation under the EU Habitats Directive (Natura 2000 site).

All applications in 'Natura' areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of 'Natura' areas. This data collection programme is substantially complete. Data analysis of the data, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications is being dealt with on a bay-by-bay basis. Appropriate Assessments can only be undertaken following the setting up of Conservation Objectives by NPWS. Conservation Objectives in respect of this bay have not yet been set by NPWS.

My Department continues to make every effort to expedite the determination of this aquaculture licence application having regard to the need to comply with all national and EU legislation.

Grant Payments

190. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine when a REP scheme payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2660/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in May 2008 and received payments for the first three years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU Regulations which require detailed administrative checks on all appli-

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cations to be completed before any payments can issue. The administration 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.

191. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when single payment entitlements will be made available to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2739/12]

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.

Question No. 192 answered with Question No. 189.

Special Areas of Conservation

193. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if farmers who have land in an environmentally designated area SAC, SPA, NHA may maintain existing drains and clean them when necessary without receiving permission from him or the local authority; and if he will make a statement on the matter. [2859/12]

194. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if farmers who have land in environmentally designated areas such as SAC, SPA and NHA require permission to clean and maintain existing drains; if permission is required, from whom must the permission be received; and if he will make a statement on the matter. [2860/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 193 and 194 together.

Drainage works that exceed 15 hectares on any type of farmland, irrespective of the location, require screening by my Department under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011. Proposed works below this threshold require screening if the works may have a significant effect on the environment. These Regulations were introduced to satisfy a European Court of Justice Judgement against Ireland.

Cleaning of existing open drains is exempt from the Regulations and does not require screening. Installing field drains where there were drains in the past may require screening, depending on the size or environmental impact of the works involved.

If the proposed land drainage work is an activity requiring the consent of, or is a notifiable action to, the National Parks and Wildlife Service under existing Regulations in relation to an SAC, SPA or NHA, then that body may refer the applicant to my Department for Environmental Impact Assessment (EIA) screening.

The reclamation, infill or drainage of wetlands is subject to Local Authority planning permission under the Planning and Development (Amendment) (No. 2) Regulations 2011 and the European Communities (Amendment to Planning and Development) Regulations 2011.

A comprehensive guidance document on the new EIA regulations is now available on my Department's website.

Agricultural Exports

195. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine the manner in which budget 2012 supported the agricultural export sector; the supports that are available in this context; and if he will make a statement on the matter. [2872/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Despite the ongoing serious constraints in the public finances, Budget 2012 was a strong statement of support for the agrifood sector and recognition of the contribution which this export sector can make to economic recovery and future growth in the Irish economy.

The taxation measures announced in Budget 2012 reflect this Government's commitment to the agrifood industry and in particular to the expansion planned in the Food Harvest 2020 strategy, which includes a target of €12 billion for agrifood exports in 2020, a 42% increase compared to the 2007-2009 average. Specifically Budget 2012 includes supports which will help agrifood businesses to innovate and export, including improvements to the Research and Development tax credit; and a Foreign Earnings Deduction to apply where an individual spends 60 days a year developing markets for Ireland in the BRICS countries (Brazil, Russia, India, China and South Africa).

In addition, the Budget includes a new tax incentive for farm partnerships; a reduction in the rate of stamp duty on agricultural land; and restructuring of Capital Gains Tax retirement relief. As these measures have been designed specifically to encourage farming as a career for young people and to incentivise farm partnerships and greater productivity at farm level, I feel confident that the recent budgetary measures will help ensure that the Food Harvest 2020 targets are achieved or indeed exceeded.

More generally, the Budget provides support for marketing of food, drink, seafood and horticulture through the Grant-in-Aid in for Bord Bia. On the trade fair side alone, Bord Bia will participate at a number of key trade fairs in 2012 including SIAL China, Gulf Food, SIAL Paris, Speciality and Fine Food Fair, London, European Seafood Exposition and Fruit Logistica. Bord Bia Marketplace International 2012 will give over 170 Irish branded and private label suppliers opportunities to have pre-scheduled meetings with over 300 international buyers and 100 local food and beverage buyers and to meet over 170 Irish branded and private label suppliers in 3,500 pre-scheduled meetings. Bord Bia will also operate a range of research, information and promotion services based on deep understanding of markets and buyer and consumer requirements, specialised services for small business and programmes involving graduates working with food companies together with working closely with food producers and companies on co-operation projects to help companies achieve advantages of scale.

The Budget also includes further Department funding for Bord Bia to demonstrate the sustainability credentials of our grassland production systems in and through Quality Assurance systems the sustainability credentials. This is a major strength and differentiating factor for Ireland.

In addition, funding for companies under the food competitiveness fund operated by Enterprise Ireland with funding from my Department will support companies in improving

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competitiveness through application of lean manufacturing techniques and leadership for growth programmes.

Departmental Schemes

196. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine in view of the decrease of €19 million to the REP scheme in recent times, the incentives that now exist to encourage farmers to use environmentally-friendly work practices; and if he will make a statement on the matter. [2873/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department continues to implement the Rural Environment Protection Scheme (REPS 4) and the Agri-environment Options Scheme (AEOS) as agri-environment measures under the current Rural Development Programme 2007-2013. The schemes are designed to encourage farmers to go beyond basic good farming practice and to farm in a way that benefits the landscape, biodiversity and water quality. Both schemes have proven to be very popular with Irish farmers and confirms their commitment to farming to the highest environmental standards, a commitment that fits very comfortably with the vision of smart, green, growth as set out in my Department's Food Harvest 2020 strategy statement. There are over 46,000 participating farmers in both schemes.

Although the REPS scheme closed to new applicants on 9 July 2009, it was replaced by the more targeted AEOS in 2010 and 2011. My Department's ongoing commitment to agri-environment schemes is highlighted by the fact that since they were introduced in 1994 over €3.5 billion has been paid through these schemes to Irish farmers.

Despite the cut of €19 million in funding for REPS 4 which I recently announced due to the financial pressures facing my Department, I have made provision in 2012 for €243 million under agri-environment schemes. I am also considering the possibility of re-opening AEOS on an amended basis or limited scale in 2012. This decision will be taken in the context of my Department's expenditure ceiling for 2013 as agreed by the Government, and in particular, on how a new scheme might be funded within the reduced funding and resulting pressures on the Vote. I will make an announcement on this matter in due course.

Milk Quota

197. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine the way he will ensure that the abolition of the milk quota in 2015 will not lead to an over-production of milk; the measures in place to deal with extra milk supply following the move; and if he will make a statement on the matter. [2874/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The decision to abolish milk quotas with effect from 1 April 2015 was made in the context of the CAP Health Check in 2008. Ireland strongly supported their abolition, on the basis that quotas were widely regarded by both the Irish dairy sector and market analysts as a brake on the potential of the Irish dairy sector to respond positively to market opportunities.

More than 85% of Irish dairy production is exported, and the price of milk in Ireland is ultimately determined by global demand and supply. Supply volumes are, in the final analysis, determined by market demand and ultimately by price considerations. Market prices are strong at present and the medium and long term prospects for the sector are good. Already we can see a strong supply response to these trends in Ireland, but of course milk quotas remain a significant constraint on Ireland's production until 2015, and I have been working hard at EU

level to seek further flexibility in the regime to permit Irish farmers to respond to market demand. However, there is no indication to date that the Commission will adjust the current regime, and therefore producers will have to remain within quota until then.

The supply management arrangements that currently exist will no longer apply after 2015, and it is a matter for the processing industry to work with the milk producers to ensure a coherent and thriving dairy industry post quotas that will exploit the undoubted potential in existing and new markets, maximize efficiency at production and processing levels and respond effectively to market demand. The Dairy Activation Group report sets out the specific measures needed to be taken in the lead up to quota abolition to enable the sector take advantage of the projected growth possibilities and, through the Food Harvest 2020 implementation committee, I will continue to support the industry in this task.

Rural Development

198. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine the way rural development was provided for in budget 2012; the way this compares to previous budget years; and if he will make a statement on the matter. [2875/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The rural development measures operated by my Department are funded through the Rural Development Programme 2007-2013 has a budget of €5.103 billion over a 7-year period of which €2.494 billion will be funded by the European Agricultural Fund for Rural Development (EAFRD) and €2.609 billion by the National Exchequer.

Under Axis 1 of the programme the main measures co-funded are the young farmers' installation aid scheme, early retirement, farm modernisation, TAMS and bio-energy. This Axis promotes competitiveness and innovation. A total of €483.5 million has been allocated to fund these measures.

Under Axis 2 of the programme, which contributes to climate change and the protection of biodiversity, support is given to the LFAs, Natura, REPs and AEOS schemes. An amount of €4.147 billion is allocated to these measures.

Axis 3 of the programme promotes the improvement of the quality of life in rural areas and encourages diversification of economic activity in rural areas including supports for non-agricultural activities. The Department of Environment, Community and Local Government administers and funds the Axis 3 and 4 measures which an amount to €448.6 million over the 7 years of the programme.

Given the difficulties in the public finances and the current budgetary constraints, it has been necessary to reduce the level of commitment resulting in €480 million being budgeted for in 2012 to support the various measures under the Rural Development Programme (RDP). This is down by €62.56 million on the actual expenditure of €542.813 million in 2011 and represents a reduction of €99.891 million when compared with the 2010 outcome of €580.141 million. Changes to schemes will be introduced, subject to Commission approval, to effect savings. Though there has been reductions in the budget allocations in recent years, good progress has been made in the implementation of the RDP. Expenditure under the Programme for the Axes 1 and 2 measures is close on €2.8 billion. This represents 55% of the total value of the Programme of €5.1 billion.

Training for REPs	2010 Actual	2011 Actual	2012 Estimate	Total
YFIS	2,522	397	150	3,069
Early Retirement	32,633	27,305	24,000	83,938

[Deputy Simon Coveney.]

Training for REPs	2010 Actual	2011 Actual	2012 Estimate	Total
FIS	12,402	3,512	1,250	17,164
TAMS	0	462	20,250	20,712
Biofuels	592	358	1,600	2,550
Axis 1	48,149	32,034	47,250	127,433
LFA	208,195	233,757	190,000	631,952
Natura	0	0	0	0
REPS	323,797	262,915	185,000	771,712
AEOS	0	14,107	58,000	72,107
Total Axis 2	531,992	510,779	433,000	1,475,771
Total	580,141	542,813	480,250	1,603,204

Common Agricultural Policy

199. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine the way Common Agriculture Policy reform encourages greater productivity in the food sector; and if he will make a statement on the matter. [2876/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My vision for the current reform of the CAP is for a regime that encourages sustainable intensification of production. This means that we need a strong and well resourced EU agriculture policy that supports the twin goals of competitiveness and sustainability. We should stabilise and support farm incomes through direct payments while addressing market volatility through a safety net of market support measures.

In my view the current system of farm payments, as applied in Ireland, supports productivity. It allows farmers to become more market-orientated in responding to consumer demand and to direct their production efforts to providing the products that meet the needs of customers and consumers, while also supporting sustainability.

In that regard, the current CAP reform proposals from the EU Commission for distribution of direct payments within Member States give rise to some difficulties for me. My main concern is that the move to uniform regional or national rates will cause substantial transfers of payments in Ireland from the more productive farms to more marginal and less productive land and much of this movement is proposed to be front-loaded. My priority is to seek as much flexibility as possible for Member States to determine the payment models best suited to their conditions and to the development of their farming systems. I also believe that a lengthy transitional period is needed if there are to be any changes.

In relation to Pillar 2/Rural Development, I am concerned to ensure that we will have sufficient scope to strongly support competitiveness and sustainability in our farming systems, in accordance with our Food Harvest 2020 goals.

Foreign Adoptions

200. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if she has received an update from the Adoption Association of Ireland and the Irish embassy in Ethiopia on the issue of establishing a bilateral agreement with that country as per her statement in Dáil Éireann on 1 December 2011; and if she will make a statement on the matter. [2663/12]

201. **Deputy Terence Flanagan** asked the Minister for Children and Youth Affairs if she will enter into an agreement (details supplied) regarding the adoption of children in view of the

fact that there has been very positive results from adoptions to date; and if she will make a statement on the matter. [2747/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 200 and 201 together.

Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2013. Adoptions from Ethiopia which are not covered by the transitional arrangements referred to above require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that “the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State.”

Before Christmas, I wrote to the AAI giving approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The AAI have confirmed that, with the assistance of the Irish embassy in Addis Ababa, they have sought an expert legal narrative and description of the current Ethiopian adoption law. This will be examined by the AAI to test for compatibility and compliance with the Adoption Act 2010.

As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the Adoption Authority of Ireland have indicated that their first priority is to reach agreements on arrangements with other Hague countries. 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 ongoing priority engagement with Vietnam.

In addition, the Authority and my officials held exploratory meetings with the Russian authorities in December. A delegation visited Russia in relation to preliminary discussions around the potential for a bilateral on intercountry adoption. This was a follow up to previous discussions which took place earlier in the year, on the initiative of the Russian authorities. 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.

The Authority must also prioritise checks of legal compatibility with a wide range of jurisdictions in order to process applications for the recognition of the adoptions of children already adopted from abroad by Irish citizens. These are desktop reviews requiring legal advices but are urgently required to regulate the status of children already adopted.

UN Committee on the Rights of the Child

202. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs when she intends to make the third and fourth reports to the UN Committee on the Rights of the Child, which were expected by 2009. [2750/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I can confirm that Ireland is to present a report to UN Committee on the Rights of the Child later this year. Ireland has already submitted two reports to the UN Committee on the Rights of the Child (CRC) in 1998 and 2005/6 respectively. The report to be submitted this year will be Ireland’s combined 3rd & 4th reports to the CRC covering the period from 2006-2011 (inclusive).

[Deputy Frances Fitzgerald.]

The preparation of the report is a complex process which will take some months to complete. An Inter-Departmental Liaison Group chaired by my Department has been established to prepare the report and this group met for the first time last month. My Department has also met with the Children's Rights Alliance (CRA) to brief them on the administrative arrangements for the new report.

Health Services

203. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs the progress that has been made toward assessing all section 36 carers, that is carers who are members of a child's biological family. [2752/12]

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.

Child Care Services

204. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs the steps she is taking to address the lack of services for young adults leaving State care at the age of 18 years. [2753/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Section 45 of the Child Care Act 1991 places a statutory duty on the HSE to form a view in relation to each person leaving care as to whether there is a "need for assistance" and if it forms such a view, to provide services in accordance with the legislation and subject to resources. All young people who have had a care history with the HSE, be it foster care, residential care, high support, or special care are entitled to an aftercare service based on their assessed needs. The core eligible age range for aftercare is 18 years and up to 21 years. This can be extended until the completion of a course of education in which he/she is engaged up to the age of 23 years of age.

Some 90% of children in care are in foster care and a large number of these remain living with their foster families, supported financially by the HSE, on reaching 18 years of age. These young people continue in education and training as planned. This remains a key component of aftercare for young people when they leave care. Children who have been in residential care, short term foster placements, multiple placements and those who have dropped out of education/training are most at risk and in need of support when they leave care. The most important requirements for young people leaving care are for secure, suitable accommodation as well as further education, employment or training and social support. Aftercare provision incorporates advice, guidance and practical support. An individual holistic needs assessment identifies a young person's need for accommodation, financial support, social network support and training and education in the months before their 18th birthday. The level of support required will vary for each individual.

There are approximately 45 dedicated Aftercare workers in the HSE and recruitment of 10 additional aftercare workers is currently underway. In addition, many social workers while not dedicated aftercare workers, provide aftercare as part of their workload. The HSE also provides funding and has agreements in place with a number of bodies including Focus Ireland, Clare Care and Simon, to provide full-time aftercare workers.

The National Aftercare Service is underpinned by a National Policy and Procedures Document which has been developed in cooperation with the key stakeholders including the voluntary sector agencies involved in Aftercare provision and my Department. The policy commits to promoting and achieving the best outcomes for young people leaving care and in ensuring consistency of support to these young people. The most vulnerable group of young people

leaving care are those that have dropped out of education and training and those that have left residential care. Some of these young people have mental health problems or a disability. The HSE is alert to this group and the implementation group is working together to improve their circumstances. The HSE has committed to monitor implementation of this policy in the 2012 National Service Plan.

Health Service Staff

205. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 477 of 8 November 2011, when a reply will issue from the Health Service Executive. [2894/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have asked the Health Service Executive to update the Deputy as a matter of urgency.

206. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Questions Nos. 478 to 480, inclusive, of 8 November 2011, when a reply will issue from the Health Service Executive. [2895/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have asked the Health Service Executive to update the Deputy as a matter of urgency.

Misuse of Drugs

207. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a tobacco product (details supplied) sold in head shops; and if he will make a statement on the matter. [2651/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I am informed that the legal high product known as “Mad Alice” usually contains a substance called RCS-4. RCS-4 is a cannabis-related substance which was first reported in the EU in 2010. The Garda National Drugs Unit has informed me that RCS-4 first came to its attention in April 2011, following a seizure of the substance.

On November 1st 2011 the Government declared a range of approximately 60 legal high substances to be controlled drugs under the Misuse of Drugs Acts. Under this Declaration Order, a number of cannabis-related substances, including RCS-4, were controlled. Since November 1st 2011 it is an offence for a person to manufacture, import, export, supply or possess RCS-4 or products such as “Mad Alice” containing RCS-4.

I am also informed that the Garda National Drug Unit continues to monitor the few remaining ‘headshop’ outlets closely and, at this time, there is no evidence of this product being available for sale in these outlets. My Department works closely with the Department of Justice and Equality, the Gardaí, the Customs Service, the Forensic Science Laboratory, the Irish Medicines Board, and others to monitor the emergence of new psychoactive substances.

Services for People with Disabilities

208. **Deputy Robert Dowds** asked the Minister for Health his plans for continuing therapeutic intervention for children with disabilities after the age of 6 years, which is the cut-off age for the early intervention programme. [2749/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Services have been developed by individual service providers or former Health Boards over time and reflect the individual experience and expertise of providers in meeting local needs. This has led to variations in the way services are configured and, in relation to the provision of therapy supports for children and young people with disabilities, the Health Service Executive (HSE) has recognised the need to enhance the level of consistency and standardisation in the way both early

[Deputy Kathleen Lynch.]

intervention services and services for school-aged children with disabilities are delivered. The reconfiguration of existing therapy resources to geographic based teams for children and young people with disabilities has been identified as a priority and is a 'Key Result Area' in the Executive's National Service Plan 2012. National, regional and local level structures are being put in place to progress this initiative, which will have a positive impact on the provision of appropriate clinical services and supports to all children with disabilities, including those aged 6 years and over.

Medical Cards

209. **Deputy Mattie McGrath** asked the Minister for Health his views on the fact that a medical card was issued to an applicant and was subsequently withdrawn six weeks later when the applicant was issued with a general practitioner visit card; his further views on the fact that this is the third such case of this happening that I have brought to his attention in recent weeks; his views that this type of error is unacceptable and that the medical card issued should remain with the recipient until it expires; and if he will make a statement on the matter. [2661/12]

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 Reports

210. **Deputy Pat Breen** asked the Minister for Health if he will provide an update on the status of a report (details supplied); and if he will make a statement on the matter. [2671/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Health Service Executive is carrying out a viability review of all its long stay nursing homes.

This is expected to be completed shortly and will inform the Department's review of the provision of public residential care in the light of the need to meet national standards, regulations, local demographic pressures and public and private provision.

Health Service Staff

211. **Deputy Joanna Tuffy** asked the Minister for Health if there is any curtailment on nurses' entitlement to parental leave due to staff shortages in public hospitals; and if he will make a statement on the matter. [2672/12]

Minister for Health (Deputy James Reilly): The Parental Leave Act, 1998 was introduced to implement Council Directive 96/34/EC of June 1996 on the framework agreement on parental leave. It came into effect on 3rd December, 1998 and provided for an entitlement for men and women to avail of 14 weeks' parental leave to enable them to take care of their young children. The Parental Leave (Amendment) Act, 2006 came into effect on 18th May, 2006 and made a number of improvements to the parental leave legislation.

Public hospitals are subject to the provisions of the Act as amended.

Hospital Services

212. **Deputy Sandra McLellan** asked the Minister for Health the number of beds and a breakdown of same at Youghal Community Hospital, County Cork. [2673/12]

213. **Deputy Sandra McLellan** asked the Minister for Health the number and grade of staff at Youghal Community Hospital, County Cork; if there is any plan to decrease this number and or the skillsmix; and if he will make a statement on the matter. [2674/12]

214. **Deputy Sandra McLellan** asked the Minister for Health if he will confirm that the current number of beds will be maintained at Youghal Community Hospital, County Cork; and if he will make a statement on the matter. [2675/12]

215. **Deputy Sandra McLellan** asked the Minister for Health if there are plans to close beds in Youghal Community Hospital County Cork; and if he will make a statement on the matter. [2676/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 212 to 215, inclusive, together.

As these are service matters they have been referred to the Health Service Executive for direct reply.

Medical Cards

216. **Deputy Dominic Hannigan** asked the Minister for Health the number of medical card applications received in the years 2007, 2008, 2009, 2010 and 2011; the number of medical card applications received in each month of 2011 in tabular form; the current time from when a medical card application is received to when a decision is made; the average time from when an appeal is received to when a decision is taken; and if he will make a statement on the matter. [2717/12]

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 Staff

217. **Deputy Martin Ferris** asked the Minister for Health if funding is still available for the post of consultant rheumatologist at Kerry General Hospital; and when the position will be filled. [2718/12]

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

218. **Deputy John Browne** asked the Minister for Health when a medical card will be approved in respect of a person (details supplied) in County Wexford. [2722/12]

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.

219. **Deputy Tom Fleming** asked the Minister for Health if he will issue a decision on a medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2732/12]

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

220. **Deputy Billy Kelleher** asked the Minister for Health if private health care providers have recently expressed interest in the provision of primary health care; the names of the providers; the amount of investment proposed; and if he will make a statement on the matter. [2741/12]

Minister for Health (Deputy James Reilly): The management and delivery of the health capital programme is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

Departmental Bodies

221. **Deputy Patrick O'Donovan** asked the Minister for Health if he will consider the appointment of a national figure to lead the implementation of a national campaign and strategy on obesity, in a similar way to the effective campaign that has been conducted by the Road Safety Authority; and if he will make a statement on the matter. [2742/12]

Minister for Health (Deputy James Reilly): In order to combat the health risks posed by obesity, the Minister for Health, in 2011, established a Special Action Group on Obesity which is a cross Departmental group chaired by the Department of Health and comprising representatives from the Department of Education and Skills, the Department of Children and Youth Affairs, the Health Service Executive, the Food Safety Authority of Ireland & Safe Food to examine and progress a number of issues to address the complex and multifactoral problem obesity. A range of measures relating to healthier eating and the promotion of physical activity are being progressed.

Medical Cards

222. **Deputy John O'Mahony** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [2758/12]

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.

223. **Deputy John O'Mahony** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [2759/12]

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.

224. **Deputy John O'Mahony** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [2761/12]

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.

225. **Deputy John O'Mahony** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [2762/12]

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.

226. **Deputy John O'Mahony** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [2764/12]

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.

227. **Deputy John O'Mahony** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [2766/12]

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.

228. **Deputy John O'Mahony** asked the Minister for Health the reason a person (details supplied) in County Dublin has not been issue a medical card; and if he will make a statement on the matter. [2769/12]

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

229. **Deputy Charlie McConalogue** asked the Minister for Health the capital investments made at Letterkenny General Hospital, County Donegal since the year 2000; the details and purpose of each separate capital investment made in this period; and if he will make a statement on the matter. [2770/12]

232. **Deputy Charlie McConalogue** asked the Minister for Health if he will provide the details of any capital investments made at Carndonagh Community Hospital, County Donegal since the year 2000; and if he will make a statement on the matter. [2773/12]

233. **Deputy Charlie McConalogue** asked the Minister for Health if he will provide details of any capital investments made at Buncrana Nursing Unit, County Donegal since the year 2000; and if he will make a statement on the matter. [2774/12]

234. **Deputy Charlie McConalogue** asked the Minister for Health if he will provide details of any capital investments made at Ramelton Community Hospital, County Donegal since the year 2000; and if he will make a statement on the matter. [2775/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 229 and 232 to 234, inclusive, together.

The management and delivery of the health capital programme is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

230. **Deputy Charlie McConalogue** asked the Minister for Health if he will list the any new services developed at Letterkenny General Hospital since the year 2000; and if he will make a statement on the matter. [2771/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Mental Health Services

231. **Deputy Charlie McConalogue** asked the Minister for Health the total cost of the new mental health unit opened at Letterkenny General Hospital in 2011; and if he will make a statement on the matter. [2772/12]

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.

Questions Nos. 232 to 234, inclusive, answered with Question No. 229.

Medical Cards

235. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Dublin; when the card will be approved and when it will issue; the reason for the delay; and if he will make a statement on the matter. [2782/12]

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.

236. **Deputy Sandra McLellan** asked the Minister for Health if he will approve and expedite a medical card claim in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [2817/12]

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.

237. **Deputy Niall Collins** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Limerick. [2838/12]

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 Facilities

238. **Deputy Thomas P. Broughan** asked the Minister for Health his plans to reduce the parking charges at Beaumont Hospital, Dublin 9; and if he will make a statement on the matter. [2850/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

General Medical Services Scheme

239. **Deputy Simon Harris** asked the Minister for Health if his attention has been drawn to the difficulties facing medical card holders in obtaining prescribed mental health medications (details supplied); his plans to introduce measures to address this issue; and if he will make a statement on the matter. [2864/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): Medical card holders who are given a prescription by a hospital or clinic must request a general practitioner participating in the GMS to transcribe the details onto a GMS prescription form in order for them to receive their medication free of charge, subject to any applicable prescription charges, under the GMS scheme.

It is considered worthwhile that patients have contact with their GP, establishing a valuable link between primary and secondary care services that might otherwise be less frequent. As GPs receive an annual capitation fee per GMS patient, no extra costs are incurred by such patients.

Medicinal Products

240. **Deputy Simon Harris** asked the Minister for Health if he is engaged in negotiations to reduce the cost of medications here; his views that such a measure will produce savings for the taxpayer; and if he will make a statement on the matter. [2865/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Department of Health and the Health Service Executive have taken a number of steps in recent years to

reduce the State's medicines bill. Measures have included multi-million euro price reductions and substantial reductions in pharmacists fees and other supply chain costs. The current pricing mechanism agreement between the HSE and Irish Pharmaceutical Healthcare Association expires on 1st March 2012. Officials from the HSE and the Department are engaged in meetings with IPHA with a view to agreeing a further agreement.

Medical Cards

241. **Deputy James Bannon** asked the Minister for Health the reason the primary care reimbursement service does not inform medical card holders of a change of status, for example, if 16 year olds have been taken off cover from the time of their birthday, their cards state validity, yet have been withdrawn unilaterally; and if he will make a statement on the matter. [2886/12]

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.

Care of the Elderly

242. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health, further to Parliamentary Questions Nos. 487-488 of 13 December 2011, when a reply will issue from the Health Service Executive. [2896/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The HSE has advised that it issued a reply to the Deputy on 9th December 2011 in relation to future residential services for Older People in the Cavan and Monaghan area. While the reply specifically refers to Lisdarn Unit the same position applies to St Mary's, Castleblayney.

Surgical Procedures

243. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the Statute of Limitations (Amendment) Act 2012; and if he will make a statement on the matter. [2946/12]

Minister for Health (Deputy James Reilly): I currently have no plans to seek a change in the law in this area. I intend to consider the evidence from research in relation to this matter before giving any detailed consideration to the need for a change in the law to the statute of limitations in relation to women who may have suffered following symphysiotomy and pubiotomy procedures in the past.

Railway Stations

244. **Deputy Joe Higgins** asked the Minister for Transport, Tourism and Sport if he will make provisions to improve facilities at Broombridge train station, Dublin in view of the conditions that are currently present. [2736/12]

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 at individual railway stations are day-to-day operational issues for Iarnród Éireann in the first instance and I have no function in such matters. In the Greater Dublin Area (GDA), funding for Public transport infrastructure projects, such as the upgrading of rail stations referred to by the Deputy, is provided by my Department to the National Transport Authority (NTA) for allocation to projects and programmes. Noting this I have referred the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Sports Capital Programme

245. **Deputy Seamus Kirk** asked the Minister for Transport, Tourism and Sport if he will advise of the financial provisions under the capital sports programme for 2012; and if he will make a statement on the matter. [2755/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): A sum of €21.2m has been provided in 2012 for the D3 subhead, out of which sports capital grant payments are made. In addition, there is carryover of €3.6m into this subhead in 2012. I recently announced that the Department of Transport, Tourism and Sport will be advertising two new rounds of the Sports Capital Programme between now and 2016. Officials in my Department are currently making the necessary arrangements with a view to launching a new round of the Sports Capital Programme early this year.

Integrated Ticketing

246. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport the reason Leap cards are not being sold through DART or Irish Rail stations at present; and if there are plans to change that. [2793/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): 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. I understand from the NTA, however, that Irish Rail's equipment supplier is close to completing the software and hardware enhancements necessary to sell and top-up Leap Cards from Irish Rail's ticket vending machines. This work will be completed and deployed by the end March, after which Leap Cards will be made available for sale via these ticket vending machines. In the same way as with the sale of Irish Rail smart cards, Leap Cards will not be sold in booking offices.

Taxi Regulations

247. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport when the taxi review is likely to be published. [2794/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): I announced the Taxi Regulation Review on the 8th of June last in line with the commitment in the Programme for Government. The Review Group under my chairmanship completed its report in December last and I have circulated the report to relevant Ministers and their Departments with a view to early consideration of the outcome of the review by the Government. Once the Government has had an opportunity to consider the review, I expect to be in a position to publish it on my Department's website and to outline the Government's response to it.

Sports Capital Programme

248. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport his plans to reopen the sports capital programme; and if he will make a statement on the matter. [2854/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): Officials in my Department are currently making the necessary arrangements with a view to launching a new round of the Sports Capital Programme early this year.