DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaíthe
(OFFICIAL REPORT—Unrevised)

Déardaoin, 19 Eanáir 2012.

Leaders’ Questions .................................................. 229
Order of Business .................................................... 236
Message from Select Sub-Committee ......................... 240
Veterinary Practice (Amendment) Bill 2011:
  Order for Report Stage ..................................... 240
  Report and Final Stages ..................................... 240
Protection of Employees (Temporary Agency Work) Bill 2011:
  Second Stage (resumed) ................................... 242
  Referral to Select Sub-Committee ....................... 255
Industrial Relations (Amendment) (No.3) Bill 2011:
  Second Stage (resumed) ................................... 255
  Referral to Select Committee ............................. 263
Topical Issue Matters ............................................ 263
Topical Issue Debate
  Bond Redemption .............................................. 264
  Mortgage Arrears ............................................. 266
  Army Barracks ............................................... 268
  Gas Explosion ................................................ 271
Ceisteanna — Questions
  Minister for Education and Skills
    Priority Questions ........................................ 273
    Other Questions .......................................... 281
Questions: Written Answers .................................. 293
Deputy Éamon Ó Cuív: Before the election last year, the Labour Party and the Fine Gael Party made promises to distressed mortgage holders. We have had a number of reports but limited action. The Government also stated after the election that it would act decisively, forcefully and effectively with the banks and others in the interest of those who have difficulty paying their mortgages. We are all aware that the European Central Bank reduced its interest rate in November and December. While some banks took longer than others to do so, most of them reduced the interest rate they are charging mortgage holders. Permanent TSB has 115,000 mortgage holders, approximately 40,000 of whom are on variable mortgages or fixed rate mortgages that will come to an end in the near future. It is charging a rate of 5.19% on a variable mortgage, whereas Allied Irish Banks is charging 3.04%, Bank of Ireland is charging 3.55% and even the rate charged by Ulster Bank, which is not a covered institution, is cheaper at 4.9%. I understand Permanent TSB charges the highest interest rate on a variable mortgage not only in Ireland, but in Europe.

Let us consider the effect this has on people. If a person has a mortgage of €200,000, the interest due on a rate of 5.19% is €200 per week. On an interest rate of 4%, the interest due falls to €154 per week. Charging the AIB rate of 3.04% would reduce the weekly interest to €116. Imagine the difference between €116 per week and €200 per week for a hard pressed mortgage holder. Permanent TSB, one of the covered institutions, is 99% State owned. People are trapped with this mortgage provider because they cannot move to other lenders which will not lend to people in negative equity. It is despicable behaviour on the part of Permanent TSB to charge this rate.

I give credit to the Minister for Finance, Deputy Noonan, for using his powers of persuasion with Allied Irish Banks which reduced its interest rate to 3%. What will the Government do to reduce the Permanent TSB mortgage rate? Imagine the relief it would give a large number of people if the rate could be reduced to the level charged by AIB. The most effective relief one can give to mortgage holders is to reduce their repayments permanently by reducing the interest rate.

The Tánaiste: I thank Deputy Ó Cuív for raising this issue. The Government very much shares the concern he expressed about the difficulties mortgage holders are having, both in respect of the interest rates that are being charged by some institutions and also the difficulties they are having in respect of arrears and the pressure on them, and has acted in this area. Last
month, in the budget, it introduced an expanded mortgage interest relief scheme for first-time buyers who purchased their home in the boom years between 2004 and 2008, many of whom are in mortgage arrears at present.

The European Central Bank cut its interest rate by 0.5% in the past two months, which immediately reduced the rates charged on tracker mortgages and some banks have announced that reductions will be passed on to other categories of mortgage holders. The Financial Regulator will engage intensively with the banks to ensure certain mortgage customers are not unfairly discriminated against when savings are being passed on.

The Government is taking urgent action on mortgage arrears. We will propose new schemes for the banks and will immediately introduce pilot schemes in local authorities which will allow people to stay in their own homes, if it is feasible to do so. The focus of the Government is to develop and implement schemes to assist those who cannot afford to pay their mortgages while allowing as many people as possible to remain in their homes. We are progressing personal insolvency legislation, which was one of the recommendations contained in the Keane report. Proposals on personal insolvency which will address the difficulties people are experiencing in repaying mortgages are to be circulated to government in the near future.

In addition, to progress the proposals that were made in the Keane report we have established a steering group, effectively a project team, within the Department of Finance. The group is composed of officials from a number of Departments which have responsibility for dealing with mortgage issues, including the Departments of Social Protection and the Environment, Community and Local Government in respect of the housing side of the local authority areas. We are pursuing a number of options which will provide relief for people with mortgage difficulties, including trade-down mortgages, split mortgages, mortgage-to-rent arrangements and a number of other pilot schemes that are being progressed through the Department of the Environment, Community and Local Government.

I assure the Deputy that the difficulties people are having with mortgages, either in respect of the interest rates being charged or the difficulties they are having in repaying them, are being addressed as a priority by the Government. I would be happy to discuss the detail of the different measures we are taking at any time in the House.

Deputy Éamon Ó Cuív: The Tánaiste mentioned many things I would like to debate with him in detail but I will focus on the proposition that the Government, which is 99% owner of Permanent TSB, ensures its interest rates are no longer sub-prime or usury rates and that they are reduced to the level of the other banks, which is 3% to 3.5%. That would be a huge saving for people. If the Government did that, it might be the resolution to its customers problem and it might not need all of these other rather complicated solutions proposed.

If the Government wants to keep people in their homes, the first thing to do is to ensure the market reacts to what the ECB does. The reason the ECB brought down the interest rate was to make it cheaper to borrow money. What has happened here is that one major lender in the mortgage market has refused to reduce its rate even though it is owned by the Government.

Will the Minister for Finance ensure that Permanent TSB reduces its interest rate from the punitive 5.19% to, for example, the AIB rate of 3%? If he did that, he would ensure huge relief for very many people who find it impossible to pay the €200 per week on €200,000 but who could pay €116 per week. That would resolve their problems. The irony of this is that if the Minister did that, the Government would save money because the interest relief being given is proportionate to the interest being paid. The Government would make a saving by forcing Permanent TSB to reduce the rate.
There are many things I would like to discuss today and the Tánaiste made many interesting debating points but will the Government ensure Permanent TSB brings down the rate as it did with AIB? I compliment the Government on what it did with AIB. It is a job half done but it should finish the job.

**The Tánaiste:** In the earlier part of my response, I was responding to the allegation Deputy Ó Cuív made that the Government was not dealing with the mortgage issue. I believe he is now satisfied that the Government is dealing comprehensively with the mortgage issue in respect of interest rates and mortgage arrears.

In regard to the specific issue he raised, as he is aware, the Government has spoken to, and is in contact with, the financial institutions. There is a role for the Financial Regulator in dealing with the individual institutions in respect of their interest rates. As I said earlier, the Financial Regulator will engage intensively with the financial institutions to ensure certain mortgage customers are not treated in a discriminatory manner and that there is fairness in respect of the levels of interest applied across the board and that the reductions in the interest rate applied by the European Central Bank are passed on to customers. The way in which different institutions do so varies. Some institutions have already passed on some reductions while others have not. It varies from institution to institution but we are anxious to ensure there are not discriminatory practices between one institution and another or between one customer and another. The job of the Financial Regulator is to deal with the institutions in that respect.

I would be happy, as I am sure the Minister for Finance would be, to return to the House at a suitable point to address that again.

**Deputy Mary Lou McDonald:** Today the troika will give its verdict on the first full year of implementing the so-called “bailout”. I for one have no doubt it will place a big gold star on the Government’s copybook in recognition of its policy of cutbacks and the ongoing assault on the livelihoods of low and middle income earners. I have no doubt the troika will say we are getting there, we are ticking the boxes and we are meeting our targets.

Where exactly are we going? What kind of society will we be left with when we get there? The Tánaiste knows as well as I do that the domestic economy is in a heap, growth forecasts are routinely revised downwards, unemployment is higher than when his Government came into office and thousands of young people emigrate. Now the Government is casting its beady eye on valuable State assets. It even sabre rattles in respect of the increments of low paid public and civil servants.

What is the Tánaiste’s assessment of the first full year of the bailout and the austerity as his Government approaches its first anniversary in office? As Tánaiste and leader of the Labour Party, is it his view that we are heading in the right direction?

**The Tánaiste:** I am very happy to answer those questions. My assessment of the situation is that we inherited the biggest economic mess any incoming Government ever inherited. When we came into office last March, the banking system and the economy were broken and, as my colleague, the Minister for Education and Skills often says, the country had effectively been put into receivership by the previous Government as a result of the arrangements made with the troika.

This Government is taking the country to recovery and we are making progress on that. I do not want to exaggerate the progress we are making because the path we must travel is a very painful one for people, in particular for those who have lost jobs, have difficulty paying their mortgages and have difficulty making ends meet. There is no easy passage here but we are on the way to recovery.
Whatever assessment the troika makes of the Government’s performance — I expect it will be a positive one — as far as the Government is concerned, it is not about gold stars in copy books or anything like that. As far as we are concerned, it is another milestone on the way to recovery.

I refer to some of the things we have managed to achieve to date. For the first time in four years, the economy is growing again. It is very modest growth but it is growing. The figures published yesterday in respect of our trade performance — our exports — show that we have the biggest trade surplus in the history of the State. That is progress which has been made by the Government through the strategy it has pursued in expanding our exports and trade abroad in order that businesses here can grow.

I refer to the performance of the IDA in terms of inward investment. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, published a report a couple of weeks ago which showed significant progress on inward investment and the creation of jobs.

I refer to the budget we introduced. Even in difficult times, we have been able to take 330,000 people out of the universal social charge net introduced by the previous Government. Some 1.8 million workers will not pay additional income tax in 2012 as against what they paid in 2011. The basic rates for 1 million people in receipt of social welfare payments have not been reduced in 2012 as against 2011. That is real progress in very difficult times. We will continue that progress.

Deputy McDonald and other colleagues in the House spoke to the troika during its visit here. It would be helpful if on this occasion she put on the green jersey and assisted the Government in dealing with the negotiations we must have with the troika.

Deputy Dara Calleary: Like the Tánaiste did.

The Tánaiste: I did that——

A Deputy: The country is banjaxed.

Deputy Dara Calleary: Where is Joan?

The Tánaiste: ——and I am helping the Government to achieve the objective of getting the country’s economy to recover——

Deputy Dara Calleary: Joan is banjaxed.

The Tánaiste: ——to get us out of the bailout, to say goodbye to the IMF and the ECB and to recover our economic independence.

Deputy Mary Lou McDonald: I am certain I am not alone in the sheer boredom and tedium I feel when I hear the Tánaiste talk yet again about his inheritance. He is in government now. This is his gig and all of this is happening on his watch.

(Interruptions).

An Ceann Comhairle: A bit of order please.

Deputy Mary Lou McDonald: It is utterly perversive for the Tánaiste to ask people to pull on the green jersey in order to bring about cutbacks in our schools and in the health system, and to take half a million home help hours out of the system. That is not the stuff of the green jersey, it is the stuff of seeking a gold star on a copybook from the Tánaiste’s friends in the
troika. He says it is all about recovery and that we are marking milestones, but let us look at the stated objectives of this bailout. They were deficit reduction on the one hand and re-entering money markets on the other. On both counts the bailout is failing. The deficit remains at €8.7 billion and the interest rate on ten-year Government bonds remains at 7.5%.

**Deputy Brian Hayes:** Where was it last July?

**Deputy Mary Lou McDonald:** Without even rehearsing, yet again, all of the utter misery that the cutbacks agenda, which the Tánaiste so enthusiastically pursues, is bringing to people’s lives — even by those objective measures, the bailout strategy is failing. It defies logic that a person who bemoans their inheritance and urges others to put on the green jersey, does not have the simple wit to realise that when one is in a hole one should stop digging. When a course of action is clearly not working, one should change tack. That is the stuff of wearing the green jersey, good government, protecting our national interest and, above all, protecting our citizens.

**Deputy Paudie Coffey:** You wanted to cut €20 billion in one shot.

**The Tánaiste:** All of us, whether in Government or Opposition, owe it to the people we represent to be straight with them. When Deputy McDonald talks about the reduction in the 7.5% interest rate that now attaches to Irish bonds, she might also tell people that that is, in fact, now about half what it was last year.

**Deputies:** Hear, hear.

**The Tánaiste:** It is down and is going in the right direction. It is not where we want it to be but it is going in the right direction and the Deputy might at least acknowledge progress. Nobody on this side of the House is enthusiastic about cutting any service to the public, but we are in an economic and financial hole. We are short of money and the gap is made up by borrowing. That is the Government’s approach, but Deputy McDonald and her party have offered no realistic solution. Unlike her colleagues north of the Border, she is refusing to face up to the reality of the economic situation here. The policies she would pursue would not just have the cuts that must now be implemented in our services, but would be far deeper. Her approach, for example, in refusing to repay——

**Deputy Mary Lou McDonald:** Our policies would have people back at work.

**The Tánaiste:** That is the policy of us all, but one does not get people back to work simply by making a declaration about it in Leinster House. It has to be worked upon and one must restore international confidence in the country. In order to get people back to work we have to persuade people, outside this country first of all, to invest here to create jobs. We are doing so and the proof of the pudding was the IDA’s performance last year. Second, we have to restore confidence within the country so that we can grow our domestic economy. Dumping down on the country and dumping down on what we are doing to bring about recovery does not do an awful lot to bring that about.

**Deputy Dara Calleary:** Tell that to Joan Burton.

**The Tánaiste:** In respect of the money we must borrow in order to keep the State services going, what would Deputy McDonald do if we were not in a position to borrow that money? How much would she have to cut wages by? Is she going to go down to the Mater Hospital or any other hospital and tell the nurses that she is going to cut 30% of their wages?
Deputy Mary Lou McDonald: No, but you might.

The Tánaiste: Is she going to tell old age pensioners that she will have to cut maybe up to €100 per week from their pensions? It is time that Deputy McDonald grew up and accepted the economic reality we are facing. If she does not like what the Government is doing — and that is fair enough, it is the privilege of Opposition — then instead of coming in here every Thursday morning and bellyaching about it, she might offer a few positive suggestions.

(Interruptions).

An Ceann Comhairle: Could we have some order for Deputy Ross please?

A Deputy: Let Gerry back in on a Thursday.

Deputy Shane Ross: I was privileged to be on a delegation of the Technical Group to the troika this week and I have absolutely no doubt that they will give a very good report to the Government today. The question is whether the Government should be looking for, or welcoming, such a good report from the troika. We do not seem to get any payback from this extraordinarily good behaviour on behalf of the Government. The news that broke this morning, that Sarkozy and Merkel are once again seeking to launch an attack on our corporate tax rate — admittedly in a concealed way — is alarming. This time they have presented it in the guise of talking about tax co-ordination, but it is basically the same thing. As the Taoiseach said, a hurrying up of the corporate tax base rate changes, which they are looking for, is in fact a back-door to changing the corporate tax rate.

I would like to ask the Tánaiste about a more alarming and immediate problem. It is a serious matter and I would like a serious answer and not necessarily a political one. There is a serious proposal for a financial transactions tax which is coming down the line on Monday week. Ireland’s reaction to that is important. The Tánaiste will be aware that it poses a real threat, again from Sarkozy and Merkel, to the IFSC which employs 30,000 people. The financial services sector, which accounts for about 20% of the corporate tax gathered in this country, is an absolutely vital part of the economy. If the British stand away from the fiscal treaty which is being negotiated, as they have done, and we go in, which it looks like we are intent on doing, the threat to the IFSC is serious and should not be underestimated. The threat to those jobs is there. Is the financial transaction tax a deal breaker? The Taoiseach has said it would not be welcome, but is it a deal breaker? Will we stand aside from the proposed fiscal treaty if a financial transaction tax is imposed?

The Tánaiste: There are a couple of elements to the question. First, I do not accept what the Deputy says — that there has not been payback for the country delivering on targets in the agreement we have with the EU, ECB and IMF. Last year, there was a practical and tangible payback when we secured a reduction in the interest rate. The value of that payback in terms of our overall debt is approximately €10 billion, which is very tangible.

Second, we are continuing to have technical discussions with the ECB in respect of a number of matters relating to our overall financial situation.

With regard to the issue of corporation tax, the Government’s position has been absolutely clear from day one: we are not going to change our rate of corporation tax because of the significant importance it has in providing security and certainty to investors and potential investors whom we need to create jobs. I believe that position is more clearly understood now among other European states and in the European institutions than it has been heretofore. Over the course of last year, we have done quite an amount of work in explaining the import-
ance of that rate of corporation tax, not just for Ireland but in respect of investment in Europe, and the importance to Europe of Ireland’s economic recovery.

When the financial transactions tax was originally proposed as a Tobin tax, it was conceived as a tax that would apply on a global basis. Our view is that that has merit. Applying it to a limited number of countries, however, is difficult. There was a proposal that it might apply only to the eurozone countries, which I think is what Deputy Ross is referring to. That would cause difficulties here in respect of the Financial Services Centre and the financial services industry here. It would put us at a competitive disadvantage, for example, with respect to London.

For that reason, we said the proposal was not acceptable to us. Whether it could be applied to the 27 member states of the EU, which is part of the discussions on the multi-annual financial framework for the European budget under way at the moment, is another question.

In assessing the issue, we must look at how it would leave EU states in respect of states outside the EU, such as Switzerland, and the competitive disadvantage that would apply. The other issue that must be taken into account is financial transactions, which is not just a regional or European issue. This is a global business. Within Europe, we must be careful about progressing the proposal in a way that would leave Europe generally at a competitive disadvantage in respect of its financial services industry. Particularly, the Irish Government is very conscious of not reaching any agreement that would put Ireland at a competitive disadvantage.

Deputy Shane Ross: I thank the Tánaiste for his reply, which I take to mean that we will not put ourselves in a situation where the British are not imposing this tax and we are. That is how I understand it and if that is what it means, it is encouraging. Perhaps the Tánaiste does not want to say it in such blunt terms but I presume that is what he means when he makes the distinction between eurozone countries and others.

How long are we going to put up with the extremely unhelpful and hostile attitude from Chancellor Merkel and President Sarkozy? Since the Government came into power, we have been suffering under their electoral designs. The whole House knows that this attack on our corporate tax base and the financial transaction tax is to some extent an electoral gimmick by two powerful nations. Is it not time that we said that we have had enough, that we are not going to be victims of the Franco-German political domestic agenda for any longer? We are an independent country and our interest is putting Ireland first and not dancing to the Merkel and Sarkozy duet.

The Tánaiste: Let us look at our record on this. When the issue of 12.5% corporation tax was put forcibly on the agenda by other member states when the Government came into office in March of this year, we vigorously and effectively rebutted and refuted the argument. We made it clear that there was an attempt to get us to trade the position in respect of reducing the interest rate for concessions on the corporate tax rate. We said we were not going there and were defending our corporate tax rate and explained patiently why it was important in order to encourage investment into the country. We have won that argument. I am not surprised to see the proposal re-emerging from time to time and we must look at the re-emergence of the proposal in the case of some countries having regard to their electoral cycles but our position will not be dictated by the electoral cycles in other member states. Our position is soundly based, we are determined to defend that position and we believe the 12.5% rate of corporation tax is important in order to attract investment.

More important than the rate is the certainty it gives to potential investors. People looking to invest in Europe and, in particular investing in Ireland and creating jobs here need certainty about our corporation tax rate and the position of the Government in respect of that rate. We
have communicated that at European Union level, bilaterally to other European Union states and globally to investors and potential investors. It remains the case that 12.5% is our corporation tax rate and we are not in the business of changing it.

**Order of Business**

**The Tánaiste:** It is proposed to take No. 14, Veterinary Practice (Amendment) Bill 2011 — Order for Report, Report and Final Stages; No. 15, Protection of Employees (Temporary Agency Work) Bill 2011 — Second Stage (resumed); and No. 4, Industrial Relations (Amendment) (No. 3) Bill 2011 — Second Stage (resumed).

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

**Deputy Éamon Ó Cuív:** Can the Tánaiste confirm how many of the 32 Bills in section A of the Government legislative programme have been published and how many of those that have not been published now constitute Bills in the new A list of 26 Bills, which is a much smaller list? Is he confident that the Bills on the new A list promised for publication this session will be published or will the A list too be eligible for nomination for the Booker prize for fiction?

**Deputy James Reilly:** Like Deputy Ó Cuív’s Government.

**Deputy Bernard J. Durkan:** Deputy Ó Cuív should take it easy.

**The Tánaiste:** The Booker prize is awarded following a competition.

**Deputy Dara Calleary:** The Labour Party manifesto got it.

**The Tánaiste:** I will happily produce the record in respect of the A list the Government published in the past session and compare it against all of the A lists produced by Deputy Ó Cuív’s party during 14 years in office and see where the prize for fiction goes. Of the 32 Bills committed to on the A list for the past session, 21 have been published and there are four or five of the remaining Bills on the A list. Of the items of legislation on the list for this session, it is the Government’s intention to publish them this session.

**Deputy Éamon Ó Cuív:** Does that mean that six or seven Bills dropped off the A list?

**The Tánaiste:** There are different reasons for that. Some, in respect of their prioritisation with the troika, have been moved back and some have been replaced with other items of legislation.

**Deputy Mary Lou McDonald:** The Tánaiste committed to publishing the residential institutions statutory fund Bill during this Dáil session. This will be a difficult and controversial item of legislation, particularly for survivors of institutional abuse who still await State recognition and redress. The interdepartmental committee on the Magdalene laundries has not reported back to the Dáil and I am disappointed that the Minister refuses to acknowledge State responsibility for the survivors of Bethany Home. When will the statutory fund legislation be published? When will the Magdalene laundries committee report to the Dáil? Will the Tánaiste give a commitment to revisit the very bad decision to exclude Bethany Home survivors from any redress scheme?

**The Tánaiste:** The intention is that the legislation will be published this session. I do not have a date for the report of the group looking at the Magdalene situation but I know progress is being made. The question of the detail of the legislation can be debated when the legislation comes into the House.
Deputy John Deasy: Will there be a detailing or itemising of the kind of debt being forgiven by State-controlled, State-owned or part State-owned financial institutions in the Finance Bill, the fiscal responsibility Bill or any Bill or report to the Dáil? Will the Dáil be informed of the policies of these institutions as pertains to the forgiveness of all debt of individuals, companies or otherwise? People who are paying their debt and their mortgages need to understand and know what is being forgiven and why by State-owned or part State-owned financial institutions.

The Tánaiste: There will be a finance Bill in the normal way this session and it is intended that the Government will bring forward the fiscal responsibility Bill. It is not normal to comment on the content of legislation until it has been published, and it has not yet been published. The fiscal responsibility Bill has not yet been approved by Government. On mortgage debt, the legislation which will be most relevant will be the personal insolvency Bill and it is intended to have it before Government in the very near future.

Deputy Richard Boyd Barrett: I refer to promised legislation on whistleblowers. This morning a very brave young woman who is a mental health advocate in the HSE in St. Brendan's in Grangegorman and blew the whistle on the appalling treatment and conditions of mental health patients before and during Christmas — which received widespread coverage, was discussed in the House and shone a light on the conditions faced by mental health patients — was sacked by the HSE in what is clearly an act of retaliation. When will whistleblowers legislation that is supposed to prevent this sort of disgraceful treatment of people who are doing their jobs as mental health advocates be brought forward? Such people are blowing the whistle on the mistreatment of patients. I ask the Tánaiste to take action on this matter.

The Tánaiste: The whistleblowers legislation is due to be published later this year.

Deputy Brian Stanley: Four out of ten local authority housing loans are in serious arrears, that is more than 90 days in arrears. Based on Government figures, this compares to one in 12 in private financial institutions. There is a crisis and the evidence is in a reply I received to a parliamentary question. The actual figure is 38.9%, based on figures from last September——

An Ceann Comhairle: What legislation are we talking about?

Deputy Brian Stanley: —for local authority housing loans. I raised this issue twice last October. On 6 October a Minister told me “There is no evidence to suggest——

An Ceann Comhairle: Do not quote on the Order of Business.

Deputy Brian Stanley: —that the economic circumstances were creating problems regarding local authority borrowers” but the evidence is in the reply. When will something be done about local authority loans that are in serious distress? I have received complaints from constituents——

An Ceann Comhairle: What legislation are you talking about, Deputy?

Deputy Brian Stanley: —and local authority officials. We were promised legislation and that the issue would be dealt with as part of——

An Ceann Comhairle: Deputy, you are not listening to me. What legislation are you talking about?
Deputy Brian Stanley: My understanding is that the issue was to be dealt with under legislation dealing with mortgage arrears. It is contained in a commitment on page 44 of the programme for Government. Perhaps the Tánaiste can tell me when it will be dealt with.

The Tánaiste: It is intended that personal insolvency legislation will come before Government very shortly. It will contain measures to address mortgage difficulties. The Deputy could raise the particular difficulties in respect of local authority loans with the Minister of State with responsibility for housing. The terms of those loans very often vary from what is available on the commercial side.

Deputy Bernard J. Durkan: In respect of promised and past legislation, I wish to raise the degree to which the Data Protection Act is now being used by State and semi-State agencies to withhold——

An Ceann Comhairle: We are drifting a bit.

Deputy Bernard J. Durkan: There is promised legislation. It is being used to withhold legitimately sought information from people by public representatives. It is being used as a shelter to ensure that no information is given or that the elected Members of Parliament do not get information. There is a vehicle before the House in which context this might now be treated. The confidential communications with Oireachtas Members Bill is promised legislation, No. 109, and is expected to be published in 2012. Alongside that, an amendment to the Data Protection Act, which is now causing a serious problem for public representatives——

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

Deputy Bernard J. Durkan: ——in carrying out their daily work should be introduced.

The Tánaiste: Data protection legislation is in place to protect the interests——

An Ceann Comhairle: What about the other Bill?

The Tánaiste: We do not have a date for the publication of the data sharing Bill but it is promised legislation.

An Ceann Comhairle: Was that the Bill the Deputy was talking about?

Deputy Bernard J. Durkan: No, I referred to No. 109. It is a Bill to enhance the protections available to citizens to communicate in confidence with Members of the Oireachtas. The promised legislation is at cross purposes if——

An Ceann Comhairle: We will not discuss that.

Deputy Bernard J. Durkan: It affects the Ceann Comhairle’s job.

An Ceann Comhairle: I am sure it does.

Deputy Bernard J. Durkan: I know he would not like it to affect his job.

An Ceann Comhairle: Lots of things affect my job. You are affecting my job at the moment.

Deputy Bernard J. Durkan: I know. I like to be helpful.

An Ceann Comhairle: You are not.
Deputy Bernard J. Durkan: The critical issue I see, as a Member of this House for some time—-

An Ceann Comhairle: I appreciate that.

Deputy Bernard J. Durkan: ——is that the legislation is at cross purposes if we continue to allow the Data Protection Act to be interpreted the way it is.

An Ceann Comhairle: Maybe you could table a parliamentary question and will have a good debate about it.

The Tánaiste: Deputy Durkan is referring to the confidential communication with Oireachtas Members Bill. It is in section C and the heads of the Bill have not been approved by Government.

Deputy Dessie Ellis: Yesterday in the United States and other countries there was a shut-down of websites such as Google, Tumblr, Mozilla and Wikipedia.

An Ceann Comhairle: Oh my God.

Deputy Dessie Ellis: They shut down all day in protest at the Stop Online Piracy Act, SOPA. Under our criminal justice Bill, the cyber crime Bill is due to come into force. When will it be published? There are huge ramifications for the sharing of and access to information on the Internet and freedom of speech.

The Tánaiste: I understand the Minister of State, Deputy Sherlock, will introduce a statutory instrument shortly to deal with that issue. There are some international issues relating to Internet freedoms and access to websites. I am convening an international conference on the issue in June which will involve states and representatives of the IT industry dealing with some of the definitions and issues that are giving rise to restrictions in access to the Internet in some countries.

Deputy Peter Mathews: On personal insolvency legislation that will be published very soon, I ask the Tánaiste to confirm that the bankruptcy or insolvency of an individual will not be allowed to last longer than two years. Furthermore, I ask that mortgage debt be included in the comprehensive assessment of an individual’s financial situation.

The Tánaiste: The Deputy is well aware I cannot comment on the content of legislation. As I said earlier, the heads of that Bill have not been approved by Government. The legislation is being circulated to Government. There will be plenty of time to discuss its contents when it comes before the House.

Deputy Peter Mathews: I encourage the Cabinet to make every effort to include it at that level.

An Ceann Comhairle: The Deputy can always table a parliamentary question.

Deputy Terence Flanagan: Following the references to personal insolvency, is there any date on which the Tánaiste expects legislation to come before Cabinet? There are close to 100 residents in my constituency who face the real prospect of insolvency through no fault of their own. There is huge anxiety and stress as a consequence. I refer to the situation in Priory Hall. I asked the Tánaiste to follow up on that with other members of the Cabinet.
An Ceann Comhairle: That is a separate issue that is being dealt with by way of parliamentary question.

The Tánaiste: The personal insolvency Bill has been before Government. It is an important piece of legislation and a considerable amount of work has been done on it. I expect it to be considered by the Government in the very near future.

Deputy Brendan Griffin: Will there be any measures brought before the House to help deal with cigarette smuggling and the illicit tobacco trade in light of the considerable revenue lost to the State every year as a consequence and in light of the criminal networks that are being built on foot of this illegal trade?

An Ceann Comhairle: Is legislation promised in this area?

The Tánaiste: I do not believe there is health legislation. The issues in respect of taxation and so on may be part of the Finance Bill but I am subject to correction.

Message from Select Sub-Committee

An Ceann Comhairle: The Select Sub-Committee on the Environment, Community and Local Government has completed its consideration of the Water Services (Amendment) Bill 2011 and has made amendments thereto.

Veterinary Practice (Amendment) Bill 2011: Order for Report Stage

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I move: “That Report Stage be taken now.”

Question put and agreed to.

Veterinary Practice (Amendment) Bill 2011: Report and Final Stages

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I move amendment No. 1:

In page 12, line 45, to delete “this section—” and substitute “this section and section 126A—”.

This is not contentious legislation and this is reflected in the small number of amendments on Committee Stage. On Report Stage there is only one amendment, tabled on the basis of legal advice. It concerns the powers of entry allowing authorised officers to make inspections of veterinary practices. On Committee Stage, I stated an issue arose over authorised officers entering premises without a warrant. There were two exemptions concerning the premises they could enter without a warrant. One concerned people’s homes and the other concerned public buildings, in other words, premises linked to my Department which have a veterinary or veterinary practice connection. On legal advice, we also want to exclude public buildings in respect of entry by authorised officers from the Veterinary Council of Ireland with a warrant. We are clarifying the matter on the basis of legal advice. The amendment is not overly contentious and I appeal to the Opposition to support us in that regard.

There will be an opportunity to discuss all these issues again in the Seanad when the Bill is considered there. If further clarification is necessary at that stage, I will be in a position to answer questions.
**Deputy Michael Moynihan:** I do not have a difficulty with the amendment. It was discussed on Committee Stage. We do not have a difficulty with the overall thrust of the Bill either. It tidies up some legislative faults regarding the legislation on veterinary practices and veterinary nurses. I do not have an issue with the Bill.

**Deputy Michael Colreavy:** Will the Minister clarify whether the Bill will lead to different protocols and sets of rules for private and public buildings?

**Deputy Simon Coveney:** No. That is a very fair question. There will be authorised officers who will be able to enter premises to conduct investigations if there has been a complaint. The idea that we would be authorising officers to enter a public premises would legally mean we would be authorising officers to enter our own premises. The advice was that there would be an unnecessary legal conflict considering that all the codes of practice and obligations for inspection and obeying the rules are in place in public buildings and my Department in any case. One could have taken the contrary view and stated authorised officers should also be able to investigate departmental offices or departmental veterinary offices. However, given that all the legal obligations that exist have to be enforced by my Department and our inspectors in any case, having a double inspection process did not seem to make much sense. If Deputies have concerns about this, I can deal with them when discussing the legislation in the Seanad in a few weeks.

**Deputy Michael Colreavy:** Based on that clarification, we will support the amendment.

Bill reported with amendment and received for final consideration.

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

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I thank the Deputies opposite for helping to facilitate the passage of this Bill. The Bill is not particularly controversial. We have tried to take on board some of the comments and observations of the sector, namely the Veterinary Council of Ireland and a number of farming organisations. This is not contentious; it is about taking a pragmatic approach to ensuring farmers and owners of animals can do certain tasks without having to have veterinary supervision or meet the cost of bringing in a veterinarian to do those tasks. The tasks include farrier activity, the microchipping of companion animals, which are predominantly pets, the scanning of cattle and sheep and bovine hoof trimming. These jobs are traditionally done by farmers and, in some cases, others working in the animal husbandry business.

There are jobs that need to be done by qualified practitioners and others that do not necessitate the presence of a veterinarian. We are trying to make that distinction so we will not have legal challenges seeking clarification. That is the main thrust of the Bill.

Other aspects of the Bill cover the recognition of veterinary nurses, for example, and the improvement of standards and enforcement capability and codes of conduct within veterinary practice to ensure that we raise standards to the desired level. I am happy to support the Bill and I thank the Deputies for their co-operation. I look forward to taking the Bill to the Seanad so it can be made law as soon as possible.

**Deputy Michael Moynihan:** This is a common sense Bill in many ways. Practising farmers have built up expertise in animal husbandry and dealing with hoof care and scanning over generations. They have become experts at farm-gate level. This Bill is worthwhile in that it will
remove some of the bureaucracy that exists. I am happy to support it and have it pass through the Dáil.

**Deputy Michael Colreavy:** My party is happy to support the Bill. We said at the outset that we would support its passage through the House. We will work with the Minister in ensuring it is implemented.

Question put and agreed to.

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

**Protection of Employees (Temporary Agency Work) Bill 2011: Second Stage (Resumed)**

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

**Deputy Patrick Nulty:** I am delighted to continue the debate on this very important Bill and to put forward some ideas. One of the things I noticed both in the debate around this legislation and yesterday in the discussion around the Industrial Relations (Amendment) Bill was the very lukewarm response it has received from some elements within Fianna Fáil and Fine Gael, although there have been positive comments. In particular, I want to take up one point made yesterday, I believe, by Deputy Harris — the record will correct me if I am wrong — when he described trade unions as a vested interest. Trade unions are not a vested interest. They are the expression of workers coming together to organise in their workplace to secure decent pay, conditions and safety at work. They are the most clear example of civil society coming together to protect their interests within the workplace. They are not a vested interest; they are an essential part of our democracy and an essential element of the labour movement, of which I am a member. That must be put on the record.

The lukewarm response from some elements within the conservative parties in this House shows a failure to recognise that the economic model pursued in this country over the past decade has failed — by that, I mean the completely deregulated markets, privatisation and the approach to taxation which focuses entirely on property based developments and property tax breaks. We need to move away from that model and towards a model which focuses on strong regulation, decent pay at work, good parental leave and other supports for workers, and on giving employees a strong input into their workplace through co-operatives and positions on boards of directors and so on. That is the correct way to go. In Scandinavian countries like Finland and Denmark as well as in Germany, there are movements towards this. We must recognise that if we want a productive workforce we need one that is secure and able to plan for the future and contribute to their place of employment.

The improved measures for agency workers contained in the Bill are a tremendous credit to the work of what I would say is the broad European left. In that context, it is important to remember the work of our outgoing member of the European Parliament for Dublin, Mr. Proinsias De Rossa MEP, whom I hope everyone in the House will acknowledge has been an outstanding parliamentarian over many years both in this House and also within the European Parliament. He strived to see this agency workers legislation being enacted in Europe but he also led the campaign here in Ireland to have the legislation brought into Irish law when the Fianna Fáil Government at the time was very reticent about doing so. I wish him well in his retirement. He has been an outstanding advocate for working people over many years.

The Bill is a response to the changes taking place within the workplace, not just in Ireland but more broadly, and that reflects its European dimension. There are some 35,000 to 40,000 agency workers in this State, 2,000 of whom work in the health service. While we can have a
very different debate about why we have so many agency workers and why, in my view, we need to lift the moratorium on public sector recruitment to allow us to hire front line staff, at the least where we do have agency workers in employment we have to ensure they get appropriate pay and conditions and are protected under the legislation. This is why I am supporting the Bill, although, in the broader context, I raise the issue of the need for more secure employment.

The Bill ensures that agency workers will be treated the same as contract and permanent workers. I welcome the fact there are no derogations in respect of the qualifying period in terms of the provision of equal pay. While this has been criticised by IBEC, it is wrong on this issue. It is absolutely correct that the Minister has held his ground in this respect and the analysis of Deputies on the Government and Opposition benches who objected to this derogation not being in place is not correct. This legislation should hit the ground running.

Somewhat misleading comparisons to pay in the UK emerged during yesterday's debate. In the UK agency workers may find themselves on inferior pay and conditions for up to 12 weeks. I am glad Ireland is taking a step forward in that regard and that, although we do this in many other respects, we are not allowing ourselves to get caught up in a race to the bottom which suggests that what one has to do to get economic growth and investment is to drive down the pay and conditions of workers.

What is happening in the global economy at present is that there is a shift from manufacturing from European economies towards developing economies. However, the large manufacturing industries and companies will encounter a huge problem if that continues because workers in developed economies, because of the credit crunch and because access to credit cards and easy capital has been shut down, will find it harder to purchase the products that are being produced. Their purchasing power is being diminished all the time within the global economy, which will eventually have a huge impact on that economy because people simply cannot buy the goods that are being produced. Companies need to take a mature approach and recognise that short-term profits, often based on the exploitation of workers in other parts of the world, are not a sustainable model and not a desired way to develop and grow a business.

It is one of the great ironies and unfortunate aspects of neoliberal, right wing economics that its exponents seems to fail to understand how their own economic model works and that one can produce as much as one wants of a product, but if there are not people to buy it, one will inevitably be caught in a spiral of economic downturn. That is a huge challenge for the global economy. I am glad we are not getting tied up in that and that we are protecting agency workers.

It is also important to remember that having this in legislation recognises the fact it is particularly difficult to organise agency workers within trade unions, which is why we need a legislative base to protect them. Where there are agency workers, due to the seasonal and temporary nature of that work it can be very difficult to integrate people into the workplace. Having this strong protective legislative base for agency workers ameliorates that.

There are some 340 employment agencies in Ireland at present. There is a need for the Department of Jobs, Enterprise and Innovation to co-operate with other State agencies and the trade unions to conduct research on the implementation of this Bill and to make sure it is implemented fully and correctly. We remember the case of Irish Ferries and there have been other examples where people were not getting what they were entitled to. We need strong regulatory protocols in place when this Bill passes to ensure agency workers get what they deserve and need.

Given the nature of agency work, it can be difficult for people who are not getting their entitlements to speak out and speak up because they are not organised and are often in a very
transient position in regard to their own careers and the labour market. We need the law to be an asset to those people and to ensure the regulations are in place and are being delivered on properly. There is no future for this country as a low wage economy. We need to ensure the jobs we are attracting are secure, permanent, regulated and give added value. That is how we will get out of the economic recession.

With regard to employment policy over many decades, in some ways it could be said the Celtic tiger period was an anomaly because of the temporary boom in construction work. What we have seen all along in employment policy, from the Telesis report to the Culliton report and others, is the failure to provide secure jobs, particularly for people in urban areas such as Cork and Dublin. When it comes to attracting investment, those areas have often been let down. We need to ensure that protections are in place and educational opportunities are provided to people so that we can attract high-tech secure jobs that are based on the knowledge economy, about which the Minister of State has spoken. That is why it is important that we continue to invest in education. If we do not do that and do not protect our most vulnerable young people by ensuring that access to third level education is maintained and there is no glass ceiling, the regulations we are putting in place in regard to employment will not be matched by opportunities provided in terms of education. We must take a holistic approach to employment and education policy and I hope we do that in the future.

I am glad to see that strong supports for agency work are being put in place. I also want to see this being tied to the restoration of the JLC legislation, on which debate began yesterday. It is a moderate piece of legislation. I would have preferred to see Sunday premiums being protected in the Bill. We need to see that the commitment in the programme for Government to legislate for collective bargaining rights is brought before this House. I have not seen it in the legislation programme for this session. I remind the Minister of State and the Government of the commitment within the programme for Government to legislate for collective bargaining rights. I put it to the Minister of State that we need such a package of measures. I wonder when that legislation will be introduced. Perhaps these comments can be taken on board and we can be given some indication as to when we can see that legislation.

We need a competitive economy, innovation and investment, and we need to attract and create jobs locally. However, to do that, we need a workforce that is protected, able to plan for the future and able to buy the products being produced. Workers can do so if they can demand fair pay, decent conditions and equal rights at work. This legislation is a small step forward in that respect.

*An Ceann Comhairle:* I call on Deputy Dara Murphy, who is sharing time with Deputies Paudie Coffey and Paul Connaughton. He has ten minutes and they have five each. Is that correct?

*Deputy Dara Murphy:* It is not fair having to share.

*An Ceann Comhairle:* I am only reading out what I have in front of me.

*Deputy Dara Murphy:* That is fine. I welcome the opportunity to speak on this very important Bill.

The EU directive on temporary agency workers, which was adopted almost four years ago, has as its objective the protection of such workers. It is important to note that they represent 2% of the workforce in our country, some 35,000 workers, which, by any definition, is a significant number of people. It is correct to say they have not been properly organised due to the large number, up to 400, of different employment agencies in the country. This legislation goes
a long way, therefore, towards assisting a group that, to date, has not had the potential or the opportunity to organise. In effect, this legislation will apply the same basic working and employment conditions to temporary and agency workers as apply to other employees in the same businesses.

The transposition date of 5 December for the directive means that the new rules will apply since that date, assuming the enactment of the Bill we are debating today. As defined in section 2, the basic working and employment conditions cover the areas of pay, duration of working time, rest periods and breaks, night work, annual leave and public holidays. It is an extensive and exhaustive list of categories. The people concerned will find they are now on the same terms and conditions as other employees.

In addition to covering those aspects, the Bill is in line with the European directive requirements. It includes other working and employment conditions to which agency workers will have an entitlement, in the same way as if they were directly recruited by a hirer. These include basic pay, shift premium, piece rates, overtime premiums and an unsocial hours premium. It also includes a Sunday premium where a Sunday is worked and a premium is normally paid to agency workers — in other words, not by exception.

There has been some discussion. Sometimes it seems a Minister may have achieved his objective when there is criticism from both unions and employers. In this instance, the social partnership model has not managed to achieve agreement. That model has served us in a mixed fashion throughout the country. There was a time when social partnership allowed for a national spirit of togetherness and an acceptance of where we are as a people. If social partnership is to continue, not only in a meaningful fashion but at all, there must be a broader acceptance on both sides that if they take trenchant and polarised views they will effectively be marginalised.

When John Bruton was Taoiseach I had the pleasure of serving on the National Economic and Social Council, which at the time was involved in the PESP, PCWs and other competitive agreements. The initial period of social partnership served the country exceptionally well but partnership evolved into a group of people who came to know each other quite well, perhaps personally as well. Put simply, the objective in later years of the partnership meetings was that everybody could walk out of the room with something in their pockets. The reality now is that we are living in completely different times. Everybody involved in partnership should perhaps return to the original concept, namely, that everybody may have to take a little bit out of their pockets to allow something to remain there. There is a great future for partnership when both groups can come together. I compliment the Minister of State on having the decisiveness to drive ahead with this important legislation.

There has been much comment about our competitiveness, with some sections suggesting that it may be undermined by this legislation. There are important points to address in that regard. In the first instance, most of our trade and our competition takes place with our European partners who are bound by the very same legislation. Therefore, the argument on competitiveness does not really apply with respect to our dealings with the intra-EU sector. It is also important to note there have been very significant and rapid reductions in the cost of doing business in this country, and in comparison with our European partners. We often talk about countries such as Britain, or others in Europe and the rest of the world in terms of their potential to buy our goods and products but they are also competing with us in how we export within other countries and into the broader world. In the past 12 to 14 months we have seen our competitiveness and the cost of doing business in our country rapidly decline. There can be a simplistic “Workers of the world, unite”, or socialist-Communist view of how the world of economics might apply, in a fairytale world.
The reality is that only having 1% of the European population means Ireland is bound to remain as competitive as it possibly can to continue to attract foreign direct investment. It is a ridiculous argument to suggest, as Deputy Nulty did, that the continued reduction in the cost of doing business in Europe is not the reason we are losing competitiveness to BRIC countries. It must be remembered 30 years ago one quarter of the world’s gross domestic product came from Europe with slightly more than a quarter coming from the United States. That meant half of the engine of the world’s economy came from the two main trading blocs. Europe is now down to 20% of world gross domestic product as the BRIC and other countries grow. Europe’s percentage of the world’s economy is continuing to contract, which is one reason Europe has seen a net deterioration in its balance of payments. It also puts Europe in a difficult position when it comes to the amounts of money flowing into and out of its economy. It is important to note, however, that Europe is in a better position than the United States.

It is crucial this legislation acknowledges the importance of finding people who move from temporary and agency employment into full-time employment. This Bill does not seek to undermine that progression. It is another important step brought by the Government in reducing red tape in industry and business. The House’s previous business, the Veterinary Practice (Amendment) Bill 2011, will reduce the amount of red tape in the agricultural sector. I encourage the Minister of State, Deputy Sherlock, and the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, to continue to reduce the amount of red tape in our business and agricultural sectors as they are another cost businesses have to bear.

Deputy Paudie Coffey: This important debate gives us an opportunity to reflect on the employment needs of a modern society and economy. We have been well-served by existing legislation protecting workers and their conditions and terms. Legislation is already in place to deal with issues such as workers’ leave, work environments and health and safety, pay and work time, safety obligations and access to facilities and canteens. The Protection of Employees (Temporary Agency Work) Bill 2011 will introduce equality for temporary agency workers who work along with permanent colleagues and eliminate exploitation. We often criticise the EU for the many directives with which we have to comply. It must be acknowledged, however, the EU has led the way, setting high standards in areas such as health and safety and workers’ rights which this country has followed. This legislation in the best interests of workers is an example of that.

I am no cheerleader for the unions but I acknowledge their work over the years on workers’ rights, terms and employment conditions. These are important areas in a competitive economy. One need only look at the negative publicity surrounding the terrible working conditions in China’s factories that produce Apple computers and iPhones. We will never experience that in Ireland because of legislation such as this.

The role of the Government must also be acknowledged, as well as its commitment to improving pay for low-paid workers. Already in the short time served by the Government, it has increased the minimum wage and the recent budget raised the universal social charge threshold from €4,000 to €10,000 which will have a positive and direct impact on over 330,000 low-paid workers.

I have, however, some concerns, about this legislation, particularly that some social partners have not taken advantage of the derogations provided by it. A modern economy must have competitiveness and flexibility in the workplace so as to win foreign direct investment, which is essential to our economic recovery. November 2011 saw the highest figure for exports ever, €8.2 billion, an increase of 9% on the same period in 2010. Imports at the same time amounted to €3.7 billion resulting in a trade surplus of €4.5 billion. This shows the importance of a small economy like Ireland’s trading with her international partners. In that period exports in organic
chemicals increased by 11%, dairy products by 28% and medical and pharmaceutical products by 8%. This is serious growth in a small economy that must not be sniffed at.

Many companies in these sectors need to have the flexibility to respond to seasonal and peak demands by using temporary agency workers. They budget for this in their business models. Their concern with some of the entitlements this Bill provides for temporary agency workers is that it may force them not to take on the same number of temporary workers in future. Instead, existing permanent workers may just do overtime which has a direct impact on job creation.

The social partners in the UK managed to agree on a derogation whereby temporary workers would have to have 12 weeks’ continuous work before getting the same full-time pay as their permanent colleagues. Those same unions are represented in this country. I urge them and the employers’ agencies to agree on a similar derogation as it will lead to cost effectiveness and assist in attracting further foreign direct investment.

I acknowledge the Minister of State’s work with the universities and colleges in research and innovation. It is an area with great potential which will assist innovation and expand new revenue streams.

Over 200,000 small and medium-sized enterprises employ over 700,000 employees. It is a sector that cannot and will not be ignored by the Government. We must support them in every way possible.

Deputy Paul J. Connaughton: The protection this Bill will give to temporary agency workers to ensure they receive equal treatment in basic working and employment conditions is most welcome. It covers a range of conditions including pay, duration of working time, rest periods, rest breaks, night work, annual leave and public holidays. The Bill’s provisions will affect 2% of the workforce, some 35,000 individuals, as well as their employers. Accordingly, it is imperative that it in no way hinders the effective running of businesses and in the current economic climate, no barriers to employment should be put in the way of business owners or operators.

However, this Bill contains no elements that place an unfair burden on employers. Essentially, agency work is no substitute for whole-time work in any business but it does provide a flexibility in solving a problem for a particular period. It is important those workers are fairly treated.

It is crucial this Bill, which stems from a 2008 European directive on temporary agency workers, must be implemented in a common sense manner. How is it intended to communicate these legislative changes, especially to small enterprises around the country? For example, small business owners may not be aware that a temporary agency worker replacing a full-time employee is now entitled to the same pay, duration and annual leave as a full-time employee. In fact, in many businesses ad hoc arrangements have built up over several years between employers and employees in cases where there are only one or two employees, in, for example, basic pay, shift premium, piece rates and the Sunday premium.

Such employers need to be made aware of the legislative changes, whether this be through workshops at a local level or through notifications issuing to small businesses. Equal access to canteen facilities, workplace crèches and transport services are other issues that must be made clear to employers in terms of treating workers equally.

Complaints, liability and redress in the context of these issues are other crucial provisions in this Bill. An agency worker may refer a dispute to an entitlement under the Act to a Rights Commissioner of the Labour Relations Commission for adjudication and a decision of the commissioner can be appealed to the Labour Court for a legally binding determination. The commissioner will then find that the complaint was not well founded, require the employer to
take a specified course of action or require the employer to pay the employee compensation of an amount not exceeding two years remuneration. This compensation appears to be very much at the higher end of the scale and I believe that having the upper level of remuneration in such instances at one year would be more than sufficient.

The information exchange provision in section 14 puts further obligations on the hirer in terms of making the new temporary agency worker aware of the basic terms and conditions. The legislation could have the unintended effect of putting obstacles in the way of employers seeking to fill employment vacancies through agency workers and further incentivise black market activity. Proper communication of these new measures is, therefore, essential.

The issue of communication is also pertinent when it comes to the fact that the provisions of the Bill came into effect on 5 December, which may mean that employers are unwittingly breaking the law in the context of these new provisions. The failure of discussions last autumn about instituting a waiting period for the implementation of the legislation is regrettable and means that the provisions take effect from 5 December last, at a time many sectors were experiencing their busiest trading period. The EU directive on temporary agency work took effect across the European Union on that date. It was not open to the Government to determine a course of action in terms of a waiting period. This was a matter for the social partners and the breakdown of those talks has resulted in a situation where there is no lead-in period for the new measures.

Employers, big or small, have nothing to fear from the new measures but effective communication of the changes is key to ensuring both employers and the 35,000 employees affected fully understand the measures contained in this Bill.

Deputy Seamus Healy: I am grateful for the opportunity to contribute to the debate. Agency work is a form of casualisation of employment and it has been used traditionally as a method to undermine wages and conditions of employment for full-time and permanent employees. My preference would be for agency work to be outlawed and normal employment practices and procedures to be used. However, we have what we have and, in the circumstances, we have to ensure proper protection of workers. In that respect I welcome the Bill as a small step in the right direction. It will require significant amendment during the legislative process, particularly on Committee Stage.

The Bill will affect between 30,000 and 40,000 agency workers. The health service, for example, employs more than 2,000 of these workers. While the legislation is welcome, it needs to be amended and strengthened and I look forward to Committee Stage when the United Left Alliance will table various amendments. I welcome the fact that the Government and the Minister abandoned previous attempts to secure a derogation from the directive. Comments by various employer organisations opposed to the legislation have been unhelpful. It is shameful that groups such as Chambers Ireland and IBEC believe that even the minimal protections provided for in the legislation should not be available to workers. The protection of employees is an important issue, which has been highlighted in recent high profile cases such as Vita Cortex and La Senza. While they did involve agency workers, they highlight that the protection of workers’ rights and entitlements is paramount and must be pursued vigorously.

Agency workers are currently used to undermine the wages and conditions of full-time and permanent employees, particularly in the health service, and this raises the question of the need for the recruitment moratorium to be lifted urgently. The effect of the moratorium and significant reductions in budgets, including €750 million in the recent budget, means the service provided by the HSE has been significantly reduced and will result in the closure of hospital.
beds, 550 beds in public nursing homes, 500,000 home help hours and a decrease of 23,500 in the number of day cases. Agency workers are used by the HSE and, therefore, the moratorium should be lifted and full-time employees recruited to fill vacancies that have arisen. The cost of agency workers is greater than the cost of employing full-time workers and replacing workers in the normal fashion.

I welcome the protections in the legislation for core pay, workplace facilities, transport, crèches and so on but significant exemptions need to be addressed and amended in regard to sick pay, pensions, benefits in kind, bonuses and so on. The use of comparators in the legislation are vague and they differ from the concept in equality legislation. Why are the same methods not provided for in this Bill? Equality legislation provides for three definitions of comparators and to make a case, one requires a comparison under one definition but, under this legislation, one must make a comparison under all three definitions. Effectively, that would undermine the legislation. Of course, IBEC has highlighted this issue already and has indicated that this is an area which it will advise employers to use as a loophole in this legislation. This is an area which will need to be amended in the course of the legislative process.

Sick pay is an area that needs to be addressed. Whether a person is working a day, a week, two weeks or ten weeks, he or she can become ill. I believe these workers should have an entitlement to the normal sick pay.

Bonuses is another area that is exempt in this legislation. Bonuses have got a bad name in recent times. When one mentions bonuses, one thinks of the significant bonuses payable to senior civil servants, senior local authority officials and senior bankers, which have been a complete rip-off of the country over the past number of years. However, there are significant bonus schemes available as part of the employment pay and conditions of shop-floor workers and workers generally. There may be a Christmas bonus or there may be piece-work bonuses. This is an area in which this legislation is deficient. I believe that bonuses should come under the remit of the legislation.

Maternity leave is an area that needs to be looked at because many of the agency workers are women. It is not clear, at least to me, how the legislation affects maternity leave and top-up maternity pay. There is also the question of a derogation from the legislation in respect of workers who have a form of payment between employments. That would need to be addressed as well. Those are some of the areas that need to be seriously and significantly addressed by way of amendment in this legislative process.

The final area on which I want to touch is enforcement. This is an area that applies to this legislation, but it is a general point on all legislation. Enforcement is crucial to workers getting their entitlement under any legislation. There are a number of different agencies dealing in this area, including the Labour Court, the Labour Relations Commission and the NERA. Unfortunately, the Labour Relations Commission and the Labour Court are inundated with problem cases and there are considerable delays in that regard. Justice delayed is justice denied. Additional resources must be made available to ensure the enforcement of this legislation.

The NERA’s most recent report, published in the middle of last year, indicates that it carried out approximately 2,300 inspections in the year previously. That was a reduction on the number of inspections the previous year, when there were approximately 3,000 inspections.

It is notable that the NERA found breaches in many of the areas covered by this legislation. In agriculture, the compliance rate was 42%, in catering 26%, in retail 28% and in hotels 26%. The general compliance rate was barely over 50%. I understand that there has been an increase in the number of inspectors in this area but it is increase from approximately 30 to perhaps 45. That level of resource is not adequate to deal with not only this legislation but the general body of legislation affecting workers’ rights and entitlements.
While I welcome the legislation and the confirmation and protection that it grants to agency workers on core pay and some workplace facilities, there are a number of other areas, particularly those that I have outlined, that require significant improvement and amendment during the course of the progress of this legislation through the House.

**Deputy Marcella Corcoran Kennedy:** I welcome the opportunity to speak on this Bill, which is long overdue. As in much of our equality legislation, it is as a result of an EU directive. It has been well documented that agency workers are typically paid less than directly employed colleagues and possibly taken advantage of in other ways.

Protections already exist for agency workers in the areas of health and safety, payment of wages and unfair dismissals. However, that does not mean that they have a guaranteed right to equal treatment on a par with the directly employed workforce. We must provide for equal treatment of workers under the relevant EU directive.

Equal treatment of workers extends to the basic working and employment conditions, which are provided for workers here and which have been well covered already by previous speakers. These include basic pay, overtime premium, work time, rest periods, access to amenities etc. I will not repeat them all here.

I understand that agency workers are an important element of the economy giving employers flexibility when they need it. However, this should not override our responsibility to protect temporary agency workers from exploitation. Considering that the figure of temporary agency workers varies between 35,000 and 42,000 depending on to whom one listens and that there are 340 employment agencies in Ireland, there is clearly money to be made in this sector. It is the worker who is the link between the agency and the hirer. It is a symbiotic relationship. I believe the worker is not merely a cog in the wheel of the economy but the oil that makes the wheels of the economy turn.

I have received representations from persons doing agency work who felt that they were being treated unfairly by not receiving the same remuneration as the person sitting beside them while performing exactly the same job, simply because they were agency staff. This inequity can lead to discontent and contribute to poor outcomes in the workplace. The other extreme was the dispute at Irish Ferries in 2005, where the company threatened to replace directly employed seafarers with low paid non-Irish national agency workers who I understand were eastern Europeans and who were paid less than the Irish minimum wage.

I particularly welcome the whistle-blowing provisions in sections 20 to 22, inclusive. There is not a tradition of whistle-blowing in this country but it is welcome that workers will have recourse to dispute resolution mechanisms if an employer penalises them for highlighting wrongdoing in the workplace.

I have a concern around the occupational pensions issue and I would hope the Minister could reconsider this. This particularly affects women as many of the agency workers are women, many of whom return to the workplace following child-rearing years via agency work. They would have had no opportunity during child-rearing to pay into a pension and this would be an opportunity for them to do so. I hope the Minister will reconsider this. Many temporary agency workers would be glad to pay into an occupational pension fund.

There has been some negative comment from employers and their representative organisations on the Bill but I see no reason Ireland should be any different from the majority of
other European countries in our response to the EU directive. Our responsibility to workers, be they Irish or not, should ensure that they are all treated equally.

**Deputy Patrick O'Donovan:** This is a first, for me anyway. It is the first time that I have spoken in the Dáil where there is not a single person on the Opposition benches. On Friday last, there were Members complaining that the cost of running the Dáil was €90,000 a day and stating that it was a charade, and here we have a situation on a regular Thursday morning where there is not a single Front Bench spokesperson from the Opposition present for such important legislation. That says much about what the Opposition thinks about it.

I agree with Deputy Corcoran Kennedy that much of the equality legislation enacted in Ireland comes from the EU. We have often been dragged kicking and screaming into change. This Bill demonstrates the subtle difference between a directive and a regulation. Deputy Coffey spoke about how the directive was implemented differently in the UK and Ireland. We have come through a period when social partnership was the be all and end all but we found afterwards that it was a contributing factor to the erosion of our competitiveness. The UK has an important derogation under the directive for the first 12 weeks of employment but we do not have the same advantage.

Deputy Healy lashed out at employers before he left the Chamber but without employers there is no employment. Only in Cuba does everybody work for the State but I am sure the Deputy does not advocate that a cigar rolling industry be established in Ireland. Two relationships should be borne in mind, that between the State and the employer and that between the State and the employee. There is a risk that employers will be run down or described as a dirty group of people but our position would be much worse without them. A previous speaker noted that 200,000 small and medium enterprises operate in Ireland. If each of these enterprises hired an additional two people we would have no unemployment. If they took on one person the unemployment rate would be reduced by half overnight. The days are gone when 100 jobs fall off the back of an aeroplane in Shannon Airport. Foreign direct investment is coming into Ireland at a much slower rate than heretofore. If we are going to get out of this economic mire, we will need to rely on small and medium enterprises.

I understand the reasons for this legislation in terms of equality of opportunity and other issues but we should not forget that employers are festooned with inspectors of one ilk or another. As a representative of a rural constituency, I have seen the implication of inspectors for the farming sector. We do not need more layers of inspection when it comes to the regulation of employment. I worry this Bill will become another stick with which to beat employers.

Deputy Corcoran Kennedy is correct on the issue of exploitation. The reintroduction of a basic minimum wage and the Government’s decision to exempt a large cohort from the universal social charge are examples of our commitment to those on low and middle incomes and demonstrate that we are serious about getting people back to work. However, we have to engage with employers because they are facing major increases in costs, whether in duties, charges or regulations.

The trade union movement can also play an important role but the days are gone when we can sit around the table in Government Buildings to carve up the cake where the first to get in the trough gets the most. Social partnership has to be reinvented and we will have to do more with less.

I see the benefit of this Bill in terms of dealing with the undeniable danger of exploitation. I agree with Deputy Healy on the issues he raised in respect of the moratorium in the HSE. Leaving aside the pension entitlements and long-term benefits that accrue to permanent staff, the costs associated with agency nurses are much higher than with nurses actually employed
by the HSE. However, there are major anomalies in the way the hourly rate is divided between the agency nurse and the agent. The same applies in respect of home care packages. This issue will have to be investigated because people are doing a day’s work and the middleman is taking a fair skelp out of their wages. The legislation brings these individuals into focus.

As someone who worked in the area of health and safety for a considerable length of time, I recognise that we have made huge strides on health and safety regulations protecting employees, whether permanent or agency. However, we did so only because we were dragged kicking and screaming by the EU. What some of the Members opposite will not have to say about the European Union between now and the intergovernmental conference will not be worth hearing. They will never admit that an EU directive or regulation may be worth implementing. They are also notable by their absence from this debate.

Over the coming months we will hear a litany about what the bold and mean EU is trying to do to the country. The reality is that we would not be able to keep the doors of the country open without the EU. We would not be able to pay the agency nurses to which Deputy Healy referred or any nurses or teachers. A dangerous tendency to blame the EU for everything is sneaking into Ireland. Euroscepticism has been brewing for the past several years. That is a dangerous development which needs to be carefully considered by all Departments.

I wish to raise the issue of competitiveness and the BRIC countries — Brazil, Russia, India and China — with the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Sherlock. How many schools in Ireland offer Portuguese, Chinese or Russian classes? In how many universities can one study for a degree in far eastern economics and Portuguese? I doubt any college in the country offers courses directed at the new and emerging economies. If we are to be competitive as a small open economy, we need to look at different models. At the end of the day, is a second level student better served by studying Russian instead of French given that Russia is one of the main emerging markets for Irish products?

As I noted previously, without employers there will be no employment. We need to be vigilant in this regard. I accept nobody likes change or having to deal with additional regulations. This legislation is important in terms of equality of opportunity and treating people as equals but a dangerous attitude is sneaking in that regards employers as a sort of mobile ATM which can fork out money to the State and everybody else. Employers do not have a bottomless pit of money and we need to engage with them with a view taking 200,000 people off the live register by creating one additional job in every SME during the lifetime of this Government. While I commend the Bill to the House I look forward to discussing amendments on Committee Stage because we are being put at a disadvantage compared to our closest geographical neighbour and largest trading partner.

Deputy Patrick O’Donovan: No, I will wait. This will be a good one.

Deputy Sean Sherlock: Students can study Russian on the leaving certificate curriculum. There are a number of Confucius Institutes throughout the State where Chinese languages may be learned, as well as at University College Cork and quite a number of secondary schools. As to Portuguese, I may revert to the Deputy on that one. I note the point he is making; we are conscious of that.
In his introductory speech, the Minister set out the rationale for the proposed Protection of Employees (Temporary Agency Work) Bill 2011, which is necessary to meet our obligation to transpose the EU directive on temporary and agency workers. In the contributions by Deputies on the Bill, it has been evident that there is, in general, an overall welcome for the Bill in this House, with most Deputies expressing their support in recognition of the fact that it is a fair and balanced measure to improve the level of protection for agency workers under employment law. While Deputies have indicated broad support for the thrust of the Bill, I note the intention on the part of a number of Deputies to table amendments on Committee Stage in order to achieve greater clarity in some aspects of the Bill.

In several interventions on the Bill, there has been a strong emphasis on the need for balance in the manner in which the EU directive is transposed, so that the necessary protections for agency workers do not act as a deterrent to our ability to sustain existing jobs and increase employment. Given the current challenges that face the Government in the domestic labour market and the economy generally, the Bill has been drafted with a view to achieving this necessary balance. It provides that agency workers are afforded equal treatment, in respect of their basic working and employment conditions, with directly recruited employees who occupy the same job. This marks a further important step forward in workers’ rights and builds on the already considerable baseline of rights afforded to agency workers in this country who are protected under the existing suite of employment legislation.

The Government is fully committed to decent standards of employment across the spectrum of work. It is clear that agency workers have, on an incremental basis, been brought within the scope of employment rights legislation over many years, including legislation on the payment of wages and unfair dismissals. In addition, agency workers in Ireland, unlike in some other jurisdictions, also enjoy entitlements under redundancy payment legislation. In terms of minimum standards of pay, temporary agency workers are already covered in legislation governing the national minimum wage; as Deputies will be aware, the Government has, true to the commitment given in the pre-election period last year, reversed the reduction in the minimum wage rate. This Bill therefore builds on existing standards of protection that are conferred on agency workers and reflects the Government’s willingness to fully support the principle of fairer treatment for agency workers.

The Government must have regard to other equally valid concerns that have been expressed about the need to create a positive environment for businesses to grow and develop. A number of Deputies referred to the importance of agency workers in the multinational sector as well as in the domestic economy. A fully functioning labour market that contributes to the retention of jobs, and indeed future growth, is important in these challenging times. We must maintain labour market flexibility in all areas, including the area of agency work, which provides flexibility for workers and employers alike.

Deputies raised a number of issues during the course of the debate. With regard to the failure of the national social partners to reach agreement on a qualifying period before equal treatment would apply, this is, as the Minister outlined in his introductory speech on the Bill, a matter of regret, as it would at least mean that recruitment agencies that operate both north and south of the Border would be operating under similar arrangements in both jurisdictions to allow an all-of-Ireland approach. While there is still time for the national social partners to negotiate agreement on this issue should the basis for such an agreement become apparent before the deliberations of the Oireachtas on this Bill are complete and the Bill is enacted, the basis for such agreement is not currently in evidence and, as Deputies will be aware, the Legislature cannot unilaterally provide for this derogation.
The legislation is, with the exception of the offence provisions, being made retrospective to 5 December 2011 — that is, the date of transposition of the directive. This is because the State is obligated by virtue of its EU commitments under the treaties to have the transposing measure in place as and from the transposition date, and the advice available to the Government indicates that this course of action is required. I appreciate the difficulties associated with retrospective application, and that is why, in the interest of providing the greatest possible level of clarity to all parties affected by this legislation, my Department moved quickly, following the breakdown of negotiations on the qualifying period with the national social partners on 30 November 2011, to communicate with the various stakeholders. Advertisements were taken out in the national newspapers and the Department produced a guidance document and placed it on its website to cover the issues of greatest interest to all parties.

A number of Deputies referred to the importance of agency working in the multinational and domestic sector and pointed out that, contrary to common perception, agency workers are in some instances very well remunerated. It is important to note that the directive and this Bill aim to provide a new minimum floor of basic entitlements and pay. For this reason, there is no intention to include other elements that are not required by the directive, such as pensions, sick pay, maternity top-up and benefits-in-kind. The latter are discretionary elements that are not, in the words of the directive, binding and generally applicable. Given the current economic circumstances, now is not the time to try to provide gilt-edged conditions of employment when the creation of employment on a fair and equitable basis is what is required.

Under this Bill, agency workers are entitled to be treated, in their basic working and employment conditions, including pay, as if they were directly recruited by the hiring organisation to occupy the same job. I am conscious that a number of interventions have focused on the need for a comparator in this situation, and have referred to the tests under section 2 of the Bill in which any such comparable employee might be identified. I am conscious that the Bill needs to be as clear as possible to ensure delivery of the fundamental principle enshrined in Article 5.1 of the directive. In this regard, it is not necessary for the purposes of this legislation and the entitlement of agency workers to equal treatment to have a real — what might be termed flesh-and-blood — comparator; section 6 of the Bill provides for this. Of course, where there is such a comparator, that makes it easier to establish that equal treatment applies, and this is provided for in section 6(1)(a) of the Bill. Where there is no such comparator, section 6(2)(b) effectively places the onus of responsibility on the hirer to notify the employment agency of the relevant terms and conditions, including pay rates, that would apply if a comparable employee were to be hired by the hirer.

A number of Deputies referred to the fact that the outworking of the legislation gives rise to intricate and complex issues at an operational level. For this reason, they considered that the Bill would benefit from further clarification in some instances. In legislation of this nature, which is designed to embrace the main principles and policies at issue, it is difficult to encompass all of the outworking of the legislation that follows on from the Bill. While I agree that the Bill will need to be perfected in certain aspects to provide some necessary clarifications — in that context, it is intended to table some amendments on Committee Stage — many of the issues raised by Deputies will be clarified by the development of further guidance. It has been the practice of the Department in introducing new employment legislation to prepare a guidance publication that is better geared to deal in greater depth with the detail required, and that is also the intention in this instance.

Finally, there was some discussion about section 7 of the Bill. Deputy Boyd Barrett, in particular, had concerns about this section in case it was intended as some type of escape hatch from the provisions of the Bill. It is important to clarify that this is not the intention behind
section 7, which is a provision that is welcomed by all stakeholders in that it will recognise existing collective arrangements in place such as under registered employment agreements in some sectors. It will also allow for the conclusion, in the future, of collective arrangements at workplace or sectoral level and provides a mechanism for the registration, subject to approval, of these agreements by the Labour Court. This type of flexibility in the labour market is very much welcomed by all parties that have an interest in this legislation.

As I mentioned earlier, it is intended to bring forward a number of amendments on Committee Stage with a view to clarifying certain aspects that have been already mentioned. I thank the Deputies for their considered interventions on this important Bill.

Question put and agreed to.

Protection of Employees (Temporary Agency Work) Bill 2011: Referral to Select Sub-committee

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): I move:

That the Bill be referred to the Select Sub-committee on Jobs, Enterprise and Innovation pursuant to Standing Order 82A(3)(a)(6)(a).

Question put and agreed to.

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

Deputy Seamus Healy: I welcome the opportunity to speak on the Bill. The Bill arises from the striking down of the joint labour committee, JLC, and employment regulation order, ERO, legislation by the courts. It had been hoped that the Bill would have been introduced earlier than this but it is before the House now and I intend to oppose it.

The effect of the Bill is a decision by the Government to cut the wages of the lowest paid workers in this country. The exclusion of the Sunday premium is a direct cut in wages for the lowest paid workers. More than 200,000 low paid workers are affected by this legislation. This comes at a time when everybody, particularly the low paid, is under significant pressure due to the recession. The Government is ensuring that people such as these workers, who had no hand, act or part in the creation of the recession, are being made to pay for it and is piling more misery on them by effectively cutting their wages.

It is all very fine for Members of the Dáil and the Seanad who have healthy incomes and are effectively immune from the recession. However, we are introducing a Bill the effect of which will be to reduce the income of people on the lowest rungs of the ladder. In doing that we are increasing inequality in the country. There is already clear evidence that the gap between rich and poor has been widened in the past number of years and this Bill will widen that gap further. It piles further misery on a group of workers who are being hit left, right and centre to pay for a recession they did not create.

At the same time, very wealthy individuals are not paying their fair share of tax. Figures from the Central Statistics Office in October last year showed conclusively that the net financial assets of the wealthiest people in this country had increased by €46 billion in 2009 and 2010. In the teeth of the recession very wealthy people in this country have increased their wealth by enormous amounts. These people pay no wealth tax, even though a wealth tax is a normal method of taxation in other countries, including in the United States of America. They have
Deputy Seamus Healy.

huge incomes and assets but no wealth tax, yet this Bill will reduce the weekly income of the lowest paid people in the country. That is unacceptable. It is an insult to those people and it should and must be reversed.

The reduction in income of these workers will also have an effect on the economy by reducing demand, which will have a knock-on effect on every high street in every town and city in the country. We already have seen the closure of retail businesses in towns and cities. This Bill will mean there will be less money circulating and fewer people going into the shops, which will lead directly to further closures and further reductions in employment.

As bad as that scenario is, the stakeholders on the employers’ side are opposing this legislation. The Irish Business and Employers Confederation, IBEC, has said that the legislation is misguided and unnecessary, and that the entire JLC system should have been consigned to history. It also said, which I consider to be a threat, that the JLC system will be fraught with constitutional uncertainty and will be open to further legal challenge. That is the type of comment we get from the employers’ side on this legislation.

There are no economic studies or statistics and there is no economic evidence to show that cutting the wages of the low paid will create employment. All the indications point in the other direction, namely, that reductions in wages reduce demand and deepen the recession.

Irish labour costs are significantly lower than the European Union average. The most recent figures available show labour costs were 6% below the EU average in 2008 and since then labour costs have declined further. Not only are Irish labour costs not out of line, if anything the figures show they are significantly below the EU average.

The Bill refers to comparisons between wages here and wages in “other relevant jurisdictions”. This is a flawed approach because when making such comparisons, one cannot focus solely on wages. One must take account of purchasing power and various social supports that are available in other jurisdictions. The Bill will effectively abolishes the Sunday premium which amounts to a reduction in wages for the low paid.

The inability to pay clause undermines the joint labour committee system. The Duffy Walsh report recommended that inability to pay periods should not exceed 12 months whereas the Bill provides for a two year period. This is a significant departure from the report and one which undermines the JLC system. In addition, the legislation does not provide workers affected by an inability to pay provision with a right to examine the books of their employer. Such a right should be included in the Bill.

The Bill includes an unusual reference to unemployment as a factor which may be taken into consideration. Does this mean that the higher the unemployment rate, the lower the wage rate?

It is contended that the legislation will not affect existing contracts. Anyone who lives in the real world will be aware that while this may the case on paper, the outworking of the legislation on the ground and conditions in the workplace will ensure that, far from not having an effect on existing contracts, the Bill will make it easier for employers to force employees into changing contracts. They will give staff the impression that contracts must be changed as a consequence of the introduction of this legislation.

As I noted in respect of the Protection of Employees (Temporary Agency Work) Bill, enforcement is an important issue. The labour relations machinery of the State is in turmoil, with those seeking to avail of it facing long delays. As we all know, justice delayed is justice denied. Despite the significant problems being experienced in the area of labour relations, the legislation does not provide for additional resources to ensure enforcement is carried out properly and expeditiously.
The National Employment Rights Authority, NERA, is under-resourced. According to its most report, it carried out 2,350 inspections in 2011, a significant reduction on the previous year when it carried out 3,000 inspections. The authority also found a low rate of compliance with employment law. For example, the rate of compliance in agriculture, catering, retail and hotels was 42%, 26%, 28% and 26%, respectively. Compliance in the area of contract cleaning, which was among the better performing sectors, was above 50% and the general compliance rate was around 55%.

The enforcement of employment legislation, including this Bill and the Protection of Employees (Temporary Agency Work) Bill, both of which fall under the remit of the labour relations machinery and NERA, is insufficient because inadequate resources are available to ensure proper compliance. While I understand NERA has increased the number of its inspectors by approximately 15, these additional staff will not be sufficient to properly resource the authority.

The main problem with the Bill is that it effectively introduces a wage cut for the lowest paid workers in the State at time when very wealthy people are not paying their fair share. This is not good enough. The legislation must be amended to provide for a legal entitlement to a Sunday premium, as was the case in the past. Failing that, I will oppose the Bill because it is unthinkable that Deputies and Senators, who live comfortably and are effectively immune from the recession, would introduce legislation that would cut the wages of low paid workers.

Deputy Andrew Doyle: I welcome the progression of this Bill through the House. Some people say one should never waste a crisis to create an opportunity. Last year when John Grace challenged the constitutionality of the JLCs and REAs in the High Court, it proved what we suspected, that is, that they were not fit for purpose in today's environment and for employees, employers and the economic position which the country is in. The opportunity arose to bring in more pragmatic, relevant and up-to-date legislation which reflected the needs of employers and allowed them to create and maintain employment and maintain a viable business while at the same time being fair to workers.

In regard to what Deputy Seamus Healy said, those subject to a JLC or a registered employment agreement are not the lowest paid people.

Deputy Seamus Healy: They are in low paid employment.

Deputy Andrew Doyle: Every JLC rate is set higher than the minimum wage which was increased by €1, as per the jobs initiative last year. Anyone employed under the terms of a JLC or a registered employment agreement is in receipt of a payment in excess of the minimum wage, so he or she is not the lowest paid.

Sunday working time is recognised as having a special position. Under the Organisation of Working Time Act 1997, a special code of practice is to be devised. Already, it must be recognised by extra payment, time off in lieu or a special rate of overtime. There is already legislation in place to protect the Sunday premium.

This is about trying to maintain employment and protect workers. It is meant to be fair. Generally speaking, if one tries to be fair to everybody, one will probably please nobody. That is a general rule of thumb. That this legislation has not exactly enthused everybody is significant and shows it is being fair to everybody.

We had 13 JLCs which reflected a different time and a different employment structure. Some of the positions and sectors covered no longer exist. There are new sectors which were not even considered when JLCs, REAs and EROs were devised. A minimum wage was not in place nor were other employment and employee protection rights. The High Court ruling was
that they were no longer constitutionally valid. In 1976 or 1977 when a constitutional challenge was about to be taken in regard to poor law valuation rates, we know what happened. A preemptive decision was taken to abolish rates because poor law valuations reflected a different era when canals and railways were more important than roads and other sorts of infrastructure. If it was to apply today, it would probably include access to broadband, etc. Things move on and it is necessary that legislation reflects that.

The number of JLCs will be reduced from 13 to six and those that remain will have to be confirmed by the Labour Court which will monitor them. It will also have the ability to review them from time to time. This is very important in the context of trying to ensure JLCs reflect the time in which they function.

Deputy Seamus Healy said NERA had increased its inspectorate by 15. We have been told, with some justification, that regulation has a stranglehold on many businesses. One will know from talking to those in the hotel business that there are probably in excess of 30 different pieces of employment law to which they must adhere, especially if dealing with food. Between employment law and compliance, it is almost a full-time administrative job for one person in a modest sized business. None of us wants to add to that. We want to make it easier to create a job and to take a job, and for both sides to be incentivised.

This is not about trying to reduce the disposable income of low paid workers but about trying to be fair to them. It will be a little while before the effect of these measures, which are all incremental, becomes tangible.

If we get more people working, we will get more people spending, more businesses paying commercial rates and more PAYE income. Each time we transfer one person from jobseeker’s benefit to employment, the State gains at least €20,000. Conversely, anyone who goes on the live register probably costs the State that amount. That is the financial aspect. The social aspect is for another discussion.

This legislation is being introduced to provide a fair system for employers and employees and to protect their rights using existing legislation. It will ensure the JLCs, REAs and EROs which follow are not too cumbersome and bureaucratic. That is the key and is what the Government is setting out to achieve. I commend the Minister on bringing in this legislation so swiftly, as he promised.

Deputy Mary Mitchell O'Connor: I broadly welcome the provisions of the Industrial Relations (Amendment) (No. 3) Bill 2011. This legislation will strengthen the constitutionality and the legal framework of EROs and REAs in light of deficiencies in the original legislation. It will ease the concerns of some of our most vulnerable workers by reinstating protection for workers in the relevant sectors. A balance needs to be struck between the interests of employees and employers. The previous legislation in this area was outdated and inflexible.

Evidence has proved that the sectors covered by the JLC and the ERO system have been hit hardest by this recession. There has been a 60% loss of employment in construction and 15% in the retail-wholesale sector. Retail and catering have seen a 20% loss in employment in the past three years. I understand the lack of demand in these sectors is clearly a key factor but labour costs represent a relatively high proportion of total costs.

However, in this environment, it is necessary to ensure that structures are flexible and adaptable in changing circumstances and that they reflect the realities of our modern economy. Future wage rates must be tailored to the specific circumstances and the needs of the Irish economy. The focus of reform should be on the process and procedures relating to JLCs and REAs. The suggestion that reform is designed to penalise is simply wrong. If the process and
procedures are right, sustainable long-term wage rates will be established and the boom-bust cycle of the past decade broken.

The State, businesses and workers and their families are now experiencing the painful unwinding of previously unsustainable wage agreements which were out of sync with real growth rates in the economy and which pushed up costs elsewhere in the economy to the detriment of people’s purchasing power. Reforming the process and procedures is of two-way benefit to workers and employers. The provision in the legislation allowing companies to derogate from the EROs and REAs in cases of financial difficulty will provide essential support to viable companies that are struggling due to the economic climate. I am aware of cafes, restaurants and family businesses in the Dún Laoghaire-Rathdown area that close their doors on Sunday due to high staff costs imposed by the Sunday premium rate. This will streamline work in this area and make it more accessible. My recommendation is that agreements should have a defined lifetime to prevent sectors becoming stranded with uncompetitive rates as economic circumstances change. Unions and employers would be forced to engage in realistic negotiations if they realised the existing agreement was due to wither within a defined timescale. Variation procedures for both sides are cumbersome and need to be streamlined.

**Deputy Terence Flanagan:** I also support this Bill, the main purpose of which is to implement and reform the proposals in line with the Government’s commitment in the national recovery plan and to reform the JLCs and provide for a stronger legal framework under the Industrial Relations Acts 1946 to 2004. Until 7 July, the Labour Court made EROs, confirming proposals submitted by JLCs. The orders were legally binding until 7 July, when the High Court ruled that legislation delegating powers concerning pay and conditions to JLCs was unconstitutional. The High Court came to the conclusion based on the fact that the 1946 Industrial Relations Act provided for JLCs to make orders on wages but the Act did not contain any principles to guide them in doing so. Furthermore, they were empowered to act without any supervision from the Executive or the Parliament. Infringement of the 1946 Act was a criminal offence, making the employer liable for conviction or payment of compensation to an aggrieved worker. Therefore, a committee with delegated powers was enabled to make an order, the breaking of which was a criminal offence without any accountability. Mr. Justice Feeney considered that the lack of principles in guiding JLCs to make a decision could lead to arbitrary and unreasonable orders, which is why that case on 7 July effectively served to remove the protection of workers after the section of the Act setting up JLCs were deemed to be invalid. The Government was keen to act as a consequence of this and new legislation is necessary in order to reinstate a robust system of protection for workers in sectors covered by such arrangements affected by the High Court decision.

The objectives of the Bill are to put the JLC system on a more secure legal and constitutional footing, to take full account of the judgment by the High Court and to ensure certain provisions of the Industrial Relations Acts are no longer contrary to the Constitution. A further objective is to meet the State’s requirements to carry out labour market structural reforms under the EU-IMF programme of financial support for Ireland.

Regarding the main provisions of the Bill, JLCs will have the power to set adult rates and two additional higher rates based on the length of service in the sector or enterprise concerned and the standards or skills applicable for that sector. The new system will set the hourly rate of pay for 200,000 workers. The introduction of one main wage level will eradicate the major variance in hourly rates present under the old system. There were 300 different hourly rates under the old system, which is excessive. JLCs will be required to take into account economic and industrial relations factors and must be more aware of pay rates in comparable sectors at home and in other jurisdictions, benchmarking rates against other countries. JLCs will no
longer set Sunday premium rates or other conditions of employment covered by universal standards that are already provided for in legislation. However, special recognition will be given to the status of Sunday working and will be achieved mainly through adherence to the Organisation of Working Time Act, which sets provisions such as time off in lieu. This will be a flexible measure for employers and gives them the opportunity to give employees more time off as opposed to having to pay workers extra. We know about the lack of competitiveness and the major costs for employers at present, making this a welcome development for both sides.

In order to ensure the legislation does not stifle competition and hamper new opportunities for employment, companies will be entitled to delegate from EROs in cases of financial difficulty. This will be policed strictly by the Labour Court, which must be satisfied that the criteria have been met before the employer is entitled to claim inability to pay. The derogation will be granted for a limited period where it is proven that there is economic difficulty on the part of the employer. The employees must be consulted about this. The Minister for Jobs, Enterprise and Innovation is also providing for civil remedies in the Bill as opposed to criminal sanction. The burden of compliance in small companies, which must employ one person to keep up to date with the current system, will be reduced and record-keeping requirements will be reduced. Consequently, hiring costs should be reduced. Overall, this is a positive development and will improve our competitiveness.

The Minister also wants to reduce the number of JLCs from 13 to six. Overtime will be agreed through a nationally agreed protocol and code of practice, in consultation with employers and trade unions. The Bill is a necessary measure following the High Court decision to strike down a decades old law setting wages for low paid workers. It is necessary to ensure there is protection in place for low paid workers and the last thing the Government wants to see is vulnerable and low paid workers being exploited by employers. By reinstating such protection for low paid workers in this country, the Minister, Deputy Bruton, has taken the opportunity to overhaul the old system and ensure the new system strikes a balance between protecting vulnerable workers and ensuring employers are not tied to an onerous and overly restrictive agreement with employees. The new legislation is a groundbreaking and comprehensive item of industrial relations legislation. It is probably the best in a long time. The Minister has strived to allow for new employment opportunities to be created, while protecting existing employees. The fact that companies can derogate from the terms of EROs in cases of financial difficulty is important and allows flexibility. The legitimate interests of employers and employees will be protected through this legislation.

Minister of State at the Department of Education and Skills (Deputy Ciara Cannon): Most of the contributions to the debate on both sides of the House have welcomed the publication of this Bill. It would be helpful if there were Members from the Opposition side of the House present at the conclusion of this debate.

Deputy Andrew Doyle: Hear, hear.

Deputy Ciara Cannon: Members have acknowledged the progress made in framing the proposals to strengthen the legal framework for EROs and REAs, originally established in the Industrial Relations Act 1946. Deputies have expressed an appreciation for the manner in which it is proposed in the Government's Bill to give legal effect to the recommendations of the independent review on the reform of these sectoral wage setting mechanisms and to take the necessary action to rectify the deficiencies in the original legislation identified in the High Court judgment of 7 July 2011 in the case of John Grace Fried Chicken Limited.
Deputies Browne and McConalogue have, however, criticised the Bill for failing to accept many of the recommendations of the Duffy Walsh report. This is patently not the case. Let me be clear. The reform proposals for the JLC and REA mechanisms agreed by Government in July last, and now reflected in this Bill, deal comprehensively with the recommendations made and issues raised in the Duffy Walsh report, as well as the outcome of the July High Court ruling.

Some Deputies have, however, taken a negative stance on the proposals in the Bill. They disregard the fact that it is a necessary step to restore the JLC system and to place the mechanisms for setting sectoral minimum wages on a sound constitutional footing. Instead, they chose to see the proposed measures as a part of an attempt to drive down wages, limit worker protections and ultimately wind down the systems of statutory wage protection. They are very much mistaken in this view.

Some Deputies considered the new criteria to be observed in the making of EROs to be too restrictive or to fail to achieve sufficient balance between the interests of employers and employees. Some took issue with the requirement that JLCs and the Labour Court should have regard to factors such as wage rates in comparable sectors in other relevant jurisdictions. Deputies have for the most part, however, recognised the need to strike a balance between striving on the one hand to make our economy more flexible, more competitive and more productive and the necessity to maintain a robust system to protect vulnerable workers. This is what the Bill seeks to achieve.

The new criteria to be observed in the making of EROs take the form of principles and policies that have been prepared in the light of the High Court judgment in the John Grace Fried Chicken case. Whenever proposals for a variation of the ERO are made, these criteria will be used in determining the validity of any variation. Similarly appropriate policies and principles will also have to be observed when REAs are created, varied or cancelled.

The Bill provides that JLCs will be permitted to set a basic adult rate and two supplementary minimum rates. Deputies welcomed the way in which this reform would substantially reduce the number of rates that had been prescribed in 17 different EROs. In addition, JLCs will be free to establish two higher rates based on length of service in the sector or enterprise concerned. The Minister indicated he will examine how the fixing of the two additional higher rates might take account of the standards and skills recognised for the sector concerned.

Deputy Daly was concerned about the issue of skills. She queried how the sub-minimum rates would be applied to employees undergoing training. I can assure the Deputy that a course of training or study will have to satisfy strict statutory criteria in order for an employer to pay an employee the trainee rates. The position will mirror the arrangements under the National Minimum Wage Act and will be supervised by NERA.

A number of Deputies have spoken against the proposal to exclude the fixing of Sunday premiums from the scope of EROs made JLCs. Deputy Boyd Barrett is mistaken in claiming that overtime rates will be taken out of the remit of JLCs. That is not so. The only exclusions relate to holiday pay, Sunday premiums, payments in lieu of notice and redundancy payments.

Deputy Dara Calleary made a very thoughtful intervention on the issue of working time options and payment for rest-days. His contribution reflected his past experience of seeking to legislate in this area. He joined with Deputy Buttimer in calling for a wider debate on Sunday work and how to accommodate different preferences and lifestyle choices about days of rest. That is an issue that might be considered when the Labour Relations Commission is called upon to undertake its statutory role to formulate a code of practice. Deputy Nash also recommended that lessons should be learned from the history of the 1998 code of practice on Sunday working in the retail trade.
Some Deputies took issue with the proposal in the Bill that will enable companies to derogate from the terms of EROs and REAs in cases of financial difficulty. Most Deputies welcomed the safeguards that have been built into the Bill to ensure the protection of employees’ entitlements. They welcomed the detailed requirements upon which the Labour Court must be satisfied, especially as regards avoiding any distortion of competition, before it can determine that there is a genuine, albeit temporary, inability to pay.

On clarifying the meaning of “substantially representative parties”, Deputies Tóibín and Daly appear confused about the requirement that parties to an REA be substantially representative of workers and employers in their respective sectors. I can assure the Deputies the provision does not involve any implications for trade union recognition. There is already a requirement under section 27 of the Industrial Relations Act 1946 that the Labour Court be satisfied that the parties to the agreement, whether they be employers or trade unions, be substantially representative of those to whom the agreements relate and their employers. The Duffy Walsh report recommended in favour of an amendment so as to remove an uncertainty that has arisen about how the requirement is applied in practice. That uncertainty has now been removed by a clearer definition.

Deputies O’Dea and Browne voiced concern about the discretion the Minister can exercise about whether to make EROs and-or to confirm REAs following their adoption by the Labour Court. Let me make it clear that this is an additional safeguard that has been deemed necessary to enhance accountability to the Oireachtas in response to the High Court judgment that held that the Act of 1946 constituted an excessive delegation of powers to the JLCs and Labour Court to fix minimum standards of remuneration and terms and conditions of employment for particular sectors.

A number of Deputies have made the point that NERA’s statutory role in the enforcement of EROs has been removed by this Bill. This is not the case. The Duffy Walsh report recommended in favour of decriminalising the enforcement process of EROs. It makes sense, as Kevin Duffy and Dr. Walsh recommended, to enable NERA to bring a complaint to a rights commissioner on behalf of an individual or group of workers rather than retain the current arrangements where enforcement is only by way of a prosecution before the District Court.

Section 52 of the Industrial Relations Act 1946 and section 49 of the Industrial Relations Act 1990 already provide for the enforcement of EROs by NERA. Under these provisions, an inspector can institute civil proceedings on behalf of a worker in respect of the failure of the employer to pay the statutory minimum rate of remuneration or comply with a condition of employment respectively in an ERO. This will continue to be the case. Moreover, in regard to the Sunday premium, NERA inspectors will continue to inspect records of employers to ensure compliance with the obligation under the Organisation of Working Time Act to compensate a worker who is required to work on a Sunday, in addition to compliance with all other relevant employment legislation.

I agree with Deputy Calleary about the need for timely adjudication and the need to avoid delays in processing complaints. He welcomed the timebound process by which REA terms may be varied in future by the Labour Court in exceptional circumstances without consent of all parties. I agree with him that the modernisation of the statutory wage setting machinery has to be viewed in the context of the overall programme of reform of the State’s employment rights and industrial relations procedures and institutions.

The Minister has confirmed that it is his intention on Committee Stage, and following further more detailed consultation with the social partners and other interests affected, to bring before the House a number of amendments in order to clarify or strengthen certain provisions of the
Bill. These should address a number of areas on which Deputies raised concerns, including those provisions dealing with the principles and policies applying to the framing of REAs and EROs, the timeframe for the variation of REAs and the provisions regarding the granting of temporary exemptions from the obligation to pay the terms prescribed under EROs and REAs.

This Bill will make the long-established minimum wage setting mechanisms fairer and more responsive to changing economic circumstances and will eliminate rigidities that are considered to have had a negative impact on competitiveness and jobs in the affected sectors.

I thank the Deputies for their contributions and assure them that the points they have raised will be given further consideration in the practical work ahead on Committee Stage.

Question put and agreed to.

Industrial Relations (Amendment) (No. 3) Bill 2011: Referral to Select Committee

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I move:

That the Bill be referred to the Select Sub-Committee on Jobs, Enterprise and Innovation pursuant to Standing Order 82A(3)(a) (6)(a).

Question put and agreed to.

Sitting suspended at 1.30 p.m. and resumed at 3.40 p.m.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Brian Stanley — recent changes to domestic waste collection services in Dublin; (2) Deputy Timmy Dooley — the need to declare Ireland a fracking-free zone; (3) Deputy Joan Collins — recent changes to domestic waste collection services in Dublin; (4) Deputy Simon Harris — the need to re-examine the system of issuing prescriptions; (5) Deputy Seán Crowe — the need to intervene and reverse the 75% cut to funding imposed recently on the Fettercairn estate management projects in south-west Dublin; (6) Deputy Paschal Donohoe — the need to review payment methods for the household services charge; (7) Deputy Patrick O’Donovan — the need to consider seeking out a well-known personality to head up a campaign to tackle obesity; (8) Deputy Patrick Nulty — the cuts to community-based family therapy services in mental health; (9) Deputy Nicky McFadden — the 4th Western Brigade, Athlone, County Westmeath, and the new structure of the Defence Forces; (10) Deputy Dessie Ellis — the need to postpone the redemption of the €1.25 billion Anglo Irish Bank bond due on 25 January 2012; (11) Deputy Eoghan Murphy — recent changes to domestic waste collection services in Dublin; (12) Deputy Mick Wallace — the need to resolve the problems faced by residents of the Priory Hall complex, Dublin; (13) Deputy Peter Mathews — the need to postpone the redemption of the €1.25 billion Anglo Irish Bank bond due on 25 January 2012; (14) Deputy Catherine Murphy — events relating to a recent gas explosion in Leixlip, County Kildare; (15) Deputy Derek Keating — the problems of receiving State payments at Lucan post office, Dublin; (16) Deputy Richard Boyd Barrett — the recent cuts to rent allowances; and (17) Deputy Clare Daly — the need to resolve the problems faced by residents of the Priory Hall complex, Dublin.

The matters raised by Deputies Peter Mathews, Dessie Ellis, Nicky McFadden and Catherine Murphy have been selected for discussion.
Topical Issue Debate

Bond Redemption

Deputy Peter Mathews: Next Wednesday, 25 January, is the due date for the redemption of a bond issued originally by Anglo Irish Bank Corporation, now the Irish Bank Resolution Corporation. We are at an important financial crossroads in the history of our country. Anglo Irish Bank has been insolvent and supported by financial engineering, promissory notes and the emergency liquidity assistance of the European Central Bank and funds from our Central Bank. The debt that lies embedded in what was Anglo Irish Bank was not created by the citizens of this country. It has been meted out onto their backs by a mixture of incompetence and mismeasurement over a certain period under the past Administration.

We are at a moral crossroads. We should bring to the attention of the creditors holding the bond the facts that the bank is insolvent and that, in effect, it is not a case of our not wanting to pay but of our not being able to do so. We can add dramatic emphasis to these facts by saying we honour our just debts. However, where debts are present that we have not the capacity to repay, we have got to explain the full story, which is not understood by the creditors, and state we cannot pay and that the bank is broke.

Consider the debt of €1.25 billion. The attention of the creditors will be in sharp focus because the banking system, the Irish-owned banks, are in debt to the ECB and our Central Bank at a level of approximately €150 billion. It is the forbearance and tolerance of citizens that keeps the financial edifice and engineering of the eurozone and the greater financial system of the developed world in place. We have been doing considerable work, facing enormous challenges. Through the great work of the Minister for Finance, Deputy Noonan, and the Taoiseach, we are bearing the load of trying to bring about a fiscal adjustment in line with the troika agreement signed in November 2010. All that work is important and must be done but the legacy debt is outside the responsibility of the people of this State.

One and a quarter billion euro is almost half the budget introduced in December. It is eight times the sum that will be raised from the household charge and twice that which will be raised by the VAT increase. The debt crisis in Ireland and other countries cannot be solved by adding more debt. I have recommend to Members of this House the book Endgame by John Mauldin, which explains how a debt crisis has developed over the past 15 years. Loading more debt on this country to pay legacy debt is like suggesting a drink problem can be solved by another whisky.

Minister for Finance (Deputy Michael Noonan): I thank Deputy Mathews for raising this very important issue. The repayment of the bond in question is an obligation of the bank and will be repaid by the bank. It is important to be clear that it is the bank and not the Exchequer which will meet this obligation.

The Government has committed to ensuring that there is no forced or coerced involvement by the private sector burden sharing on Irish senior bank paper or Irish sovereign debt without the agreement of the ECB. This commitment has been agreed with our external partners and is the basis on which Ireland’s future financing strategy is built. While the cost to the Irish taxpayer has been and will remain significant, the Government clearly recognises the need to work as part of the eurozone in order to ensure a return to the funding markets in the future.
The only EU state where private sector involvement will apply is Greece. The following was agreed by all 27 member states at the euro summit last October:

15. As far as our general approach to private sector involvement in the euro area is concerned, we reiterate our decision taken on 21 July 2011 that Greece requires an exceptional and unique solution.

16. All other euro area Member States solemnly reaffirm their inflexible determination to honor fully their own individual sovereign signature and all their commitments to sustainable fiscal conditions and structural reforms. The euro area Heads of State or Government fully support this determination as the credibility of all their sovereign signatures is a decisive element for ensuring financial stability in the euro area as a whole.

This was agreed by the Heads of State and Government at their meeting in October, and Ireland was included in the 27 states that agreed to it.

It is not correct to state that only taxpayers have borne the burden of rescuing the Irish banks. Holders of equity in the banks have been effectively wiped out in burden sharing while holders of subordinated debt have incurred an €15.5 billion share of the burden to date, including €5.6 billion since this Government took office less than a year ago.

To impose burden sharing on senior bondholders, or to postpone the repayment of this bond at this point in time, is not in Ireland’s best interest. What is in the Irish people’s best interest is that we regain our financial independence and that we place ourselves in a position to re-enter the financial markets at the earliest possible date. Reputation, reliability and commitment are essential elements of this proposition and reneging on senior debt will not enhance the Irish position. The implementation of the programme is going well. We are working out of a very deep hole and we are making very real progress. We do not need to scupper our recovery, scupper the goodwill generated or alienate our partners by taking unilateral action which in the medium to long term will prove wholly counterproductive.

If we were to postpone or suspend payments to creditors of IBRC, this would have a significant impact on both the bank and, ultimately, the State. The senior debt, unsecured as it is, is an obligation of the bank. If the bank does not meet such an obligation, it would lead to a default and, following that, most likely insolvency. Insolvency would result in a very significant increase in the cost to the State to resolve the IBRC. In such circumstances, the State’s negotiating position is, contrary to what is suggested, seriously weakened, if not wholly undermined. Further, the financial market’s view of Ireland as a place to do business or invest would be seriously undermined.

We should also consider that the value of support, present and future, we receive from our European partners far outweighs any short-term gain from imposing burden sharing on these bonds in the face of European opposition to such a move. For example, €110 billion of funding is provided by the ECB and the Central Bank of Ireland to the Irish banks at a cost below which they could borrow in the market. This is in addition to the €85 billion set out in the programme with the troika. Nonetheless, let me state clearly that we still have unfinished business with our partners to find the most cost-effective way of resolving the IBRC over the long term. We will seek any and every opportunity to put Ireland’s case forward to achieve the best possible outcome for the State.

In conclusion, as I have indicated, there is no private sector involvement for Irish senior bank paper or Irish sovereign debt without the agreement of our external partners. This commitment has been agreed with our external partners and is now the basis on which Ireland’s
future financing strategy is built. This, I strongly contend, represents the best approach which will achieve our re-entry to the financial markets.

**Deputy Peter Mathews:** While I will not get into a long debate, Greece will be the beneficiary of at least a 60% write-down of its debt obligations. The Greeks got the attention of their creditors by going out in the streets and having riots and by people being killed. We have knuckled down to correcting a fiscal imbalance and, at the same time, we have stayed silent. We have been straitjacketed by the legacy debt. Our loan losses in the banking system were €100 billion. While I know the shareholders and some of the subordinated bondholders suffered, the remaining losses were in the banks without being declared. The ECB stepped in to redeem bondholders to date, which was a mistake. We are compounding the mistake by going along the same route now.

We have got to be honest about it and open up the discussion. We are not defaulting; we are opening a discussion. I made the point that we cannot pay. I use the word “we” euphemistically or collectively in regard to the bank and the State. We cannot pay because of the guarantee that extends over the bank. It is a case of us lifting the telephone and asking, “Can we have your attention, please?” We cannot pay and we want to open a discussion and explain to exactly how the creditor liabilities of our banking system remain, and how they should be written down. There is further writing down to do. We have a €60 billion to €75 billion of write-down to organise and negotiate.

To use an analogy, we have a steeplechase race with about four miles to go. We have big jumps ahead. Normally, a steeplechase horse will start with about 12 stone on its back. Ireland’s legacy debt of private debt, non-financial corporate debt and national debt when it peaks out at €120 billion is the equivalent of 24 stone on the back. It is not a possible race to run.

**Deputy Michael Noonan:** I do not disagree with Deputy Mathews’ analysis. However, we are in a situation which we inherited from our predecessors, who entered into solemn and legally enforceable commitments in respect of Anglo Irish Bank, as it was then. Of course, Deputy Mathews is correct that we should do everything possible to reduce the debt burden on the taxpayers of Ireland and to enhance Ireland’s capacity to repay its debts. We are working on that and making some progress.

**Mortgage Arrears**

**Deputy Dessie Ellis:** There are roughly 100,000 distressed mortgages in the State, with €1 billion in arrears owed. Some 8.1% or 62,970 mortgages are 90 days or more behind with payments. The average amount of the arrears is just over €17,000. There are 46,371 mortgages in arrears for over 180 days. The average arrears in these cases is approximately €21,000.

The director of FLAC said that the number of distressed mortgages has increased by 55% in the past year. People are in massive arrears and struggling to pay their mortgages. Many simply cannot. Local authority housing policy dictates that if a person voluntarily surrenders their home, they are not accepted as having a housing need and so are not placed on a housing list. Through this, they are barred from access to such services as the rental accommodation scheme, or RAS, rent supplement and voluntary housing.

This may make some sense in discouraging people who do not have a housing need from surrendering their home and clogging up the massive housing waiting lists when they can afford to pay their mortgages themselves. However, given the extraordinary situation for many mortgage holders, this means that in order to ensure they are deemed to have a housing need in the case of being unable to pay their mortgage, they are forced to have their home repossessed.
The Government needs to explore how it will deal with cases such as this, thereby avoiding court costs and not forcing people to go to court when they should be able to give up the home they cannot pay for and have a recognised housing need. Of course, this would have to be a delicate, measured approach so as not to encourage those who can pay to give up their debt in favour of social housing or rent supplement.

For many of these families, becoming homeless would be and has been a complete shock to their system and way of life. Families are also being forced to move away from areas where their roots have been established and their children have been placed in schools and creche. These are also being penalised with the result of further marginalisation and the problems it brings as well as the stresses it incurs. It is very important that the message is got out that due to financial hardship, people will not be abandoned or penalised. Local authorities should be instructed to examine each case and if it is established there is a genuine case, this impediment should be lifted.

The State has a both a moral and an ethical responsibility. A large number of 450,000 people in this category are unemployed through no fault of their own.

Families should not be penalised because of our economic woes and the Celtic tiger era pressure that forced many families and individuals to take out the unsustainable mortgages which are the bedrock of our problem today.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I thank Deputy Ellis for raising this very important matter. I share, as does the Government, his concern about the many people in our society who are in difficulty with their mortgages.

The Government is acutely conscious of the difficulties many households are facing in terms of mortgage arrears. In October 2011 we published the report of the inter departmental working group on mortgage arrears which report, as Deputies are aware, was subsequently the subject of an extensive Dáil debate. There is no question of persons eligible for social housing being barred from local authority social housing lists. I wish to state that clearly.

The implementation of the report’s recommendations is a key part of the Government’s ongoing efforts to tackle mortgage difficulty. A steering group, chaired by the Department of Finance, has been established to oversee and drive the overall implementation of the report’s recommendations and report regularly to the Economic Management Council and to Government on this. In addition to the Department of Finance, the steering group consists of senior representation from the Departments of the Environment, Community and Local Government, Justice and Equality, Social Protection and Public Expenditure and Reform. The Central Bank is also represented on the group.

Separate working groups have also been established to progress the individual work streams of this broad work area and these groups report to the overall steering group. Significant progress has already been achieved across a number of the individual work areas. The Minister for Justice and Equality will very shortly publish the heads of the personal insolvency Bill. On the issue of mortgage to rent, I have advanced work with a number of lenders and an approved housing body to pilot a scheme in order to test the practicalities associated with such a measure in advance of a wider roll-out. I reiterate to the Deputy there is good progress in this area.

Regarding engagement with the banks, the Central Bank, as the regulator of credit institutions, has now received mortgage arrears resolution strategies and implementation plans from all mortgage lenders and these are being considered. Work has commenced on the necessary
steps to put in place the mortgage advisory function as recommended by the interdepartmental
group. In addition, my Department had taken steps previously to take account of the critical
interface between the Central Bank’s mortgage arrears resolution process and the social hous-
ing needs assessment process. The previous situation, whereby a household in arrears effect-
ively needed to be made homeless before a local authority could carry out an assessment of
social housing need, clearly made little sense in our new economic circumstances.

New provisions under the social housing assessment amendment regulations, introduced in
July 2011, now require a local authority, in determining a household’s need for social housing
support, to consider whether the household’s mortgage has been deemed unsustainable under
the mortgage arrears resolution process set out in the Central Bank’s code of conduct on
mortgage arrears. In effect, this means assessment of needs can be carried when there has been
an assessment of the difficulties of the mortgagee.

**Deputy Dessie Ellis:** I thank the Minister of State. I am glad to hear we are considering these
mortgages before people end up losing their homes. That is very important. However, the
practice until lately, which varied in different local authorities and was a source of frustration,
was to look at the situation at the very last minute, when people were virtually outside the
door with the banks on their backs. That never made any sense. I am glad the Minister of State
is looking at this.

We do not know the pressures people have been put under and the stresses that have been
placed on them. These may have led to people attempting or actually committing suicide. I do
not know this because there are no figures available but it has probably happened. It is
extremely important, therefore, that we follow this up and do not put people under such press-
ure. We have enough problems in life.

I appreciate what the Minister of State has stated and look forward to seeing a resolution of
this issue.

**Deputy Jan O’Sullivan:** The first advice, which is what we all give, is that people should
engage with their lender as early as they can. Similarly, the lending institutions need to engage.
I wish to be clear about that. We want local authorities to be proactive and to engage with
people when they are in difficulties before they are at the point of being on the street, as the
Deputy observed.

The new measures provide a means by which an authority can carry out a needs assessment
at any time after a mortgage has been deemed to be unsustainable and before repossession
proceedings have been instituted. Perhaps all local authorities need to be reminded about this
area. Certainly the intention is that they would be proactive and would assess the difficulties a
person has well in advance of repossession of the house.

**Army Barracks**

**Deputy Nicky McFadden:** I thank the Ceann Comhairle for allowing me the opportunity to
speak, and the Minister for Justice and Equality, Deputy Alan Shatter, for attending the House.
I raise the matter of the 4th Western Brigade of the Defence Forces, which is based at Custume
Barracks, Athlone, where it continues to operate within the new Defence Forces structure.

Custume Barracks was established at the conclusion of the Jacobite war, when much of the
town of Athlone was in ruins following the great siege of 1691. The barracks has always played
a vital role in the community and continues to do so. The 4th Western Brigade includes the
6th Infantry Battalion, located in Custume Barracks and Cavan; the 1st Infantry Battalion in
Galway; the 28th Infantry Battalion in Donegal; the 4th Field Engineers in Custume Barracks;
the 4th Logistical Support Unit located in Custume Barracks; the 4th Cavalry Squadron, which relocated from Longford to Athlone; and the 4th Field Artillery Regiment, which will relocate from Mullingar to Athlone.

This year Custume Barracks will welcome more than 300 new troops as a result of the announcement in December that Columb Barracks in Mullingar and O’Neills Army Barracks in Cavan were to close. More than 170 troops from Mullingar and 130 troops from Cavan will move to the Athlone barracks which already accommodates approximately 900 troops. The closure of Columb Barracks in Mullingar came as a shock to the soldiers and their families. However, the Department has worked to ensure that the transfer to Athlone would be as smooth as possible and that there would be greater flexibility in the training and deployment of the whole Western Brigade.

There is growing concern in the constituency over the future status of Custume Barracks following the announcement that the Defence Forces is to lose one of its brigades, thereby moving from a three brigade structure to two brigades. The Minister has already given assurances that the restructuring will not include any further closures of Army barracks, which is welcome. However, the loss of brigade headquarters status in Athlone is still a major source of worry as it could result in the loss of certain specialised units.

I understand the Minister has requested the Chief of Staff and the Secretary General of the Department to produce a report on the reorganisation options for the Defence Forces. These recommendations are due at the end of the month. I fully accept that a reorganisation of the Defence Forces must take place in order to retain troop levels at a sustainable level and to release people in administration to the front line. However, although no decision has been reached, I urge the Minister, in the strongest terms possible, to ensure the 4th Western Brigade is retained as part of the new two brigade structure.

Minister for Justice and Equality (Deputy Alan Shatter): I thank my colleague, Deputy McFadden, for raising an issue of great concern to her. The defence organisation has an enviable track record of reform and modernisation. During the past decade when public service expenditure and employment levels increased, defence expenditure declined in real terms and personnel numbers decreased. During this period Defence Forces’ capabilities were also progressively improved and the Defence Forces have become partners of choice in international peace support operations. The Defence Forces continue to deliver a broad range of operational outputs on a day-to-day basis, many of which are not to the forefront of the public’s awareness.

It is the Government’s intention that the Defence Forces retain the capacity to fulfil all of the assigned roles to the greatest possible extent. Arising from the comprehensive review of expenditure, the Government has decided to maintain the strength of the Permanent Defence Forces at 9,500 personnel. This represents a reduction in the authorised strength ceiling and will contribute to the delivery of sustainable savings over the coming years.

In response to the revised strength ceiling of 9,500, a major reorganisation of the Defence Forces, including the Reserve Defence Force, has been initiated. This will encompass a reduction in the number of Army brigades from the current three to two. The primary focus of the reorganisation is to free up the maximum number of military personnel from administrative and support tasks. In short, the reorganisation is about maintaining operational outputs and capabilities to best effect within a reduced strength.

This task is a significant undertaking. It is one which will be regarded in years to come as a significant milestone in the history of the Defence Forces. A range of alternative approaches must be considered. I have asked the Chief of Staff and the Secretary General of the Department of Defence to bring forward detailed proposals for my consideration. This will include
proposals regarding territorial areas of responsibility. It will also include proposals relating to the Reserve Defence Force which is currently organised along similar lines to the Permanent Defence Force.

I am aware that there will be many competing views as to the best way to reorganise the Defence Forces and this will evoke passionate debate. However, I have not issued directions to the chief of staff and the Secretary General, and I do not intend to do so at this stage, which will limit their scope to bring forward a range of options. The Deputy will appreciate that in advance of receipt and consideration of proposals from them, I will not be in a position to answer detailed questions. However, I can confirm that further barrack closures are not envisaged as part of this process. I also want to state clearly that there will be no loss of employment. Once again, I re-emphasise the Government’s commitment to retain the strength of the Permanent Defence Force at existing levels.

The level of resourcing available to the Government over the coming years will present further challenges and every part of the public service will have to continue to deliver greater efficiencies. The preservation of the strength of the Permanent Defence Force at 9,500 personnel is a clear recognition by Government of the significant modernisation that has been achieved by the Defence organisation throughout the past decade. However, it is vital that we continue to strive for further improvements. The reorganisation of the Defence Forces is an integral element of this reform and will ensure that the Defence Forces maximise their operational outputs within the reduced resource envelope.

I look forward to working closely with the chief of staff and the Secretary General in furthering the re-organisation and the broader reform agenda. I hope this reform agenda will have the support of all sides of this House in the interests of the Defence Forces and in the interests of ensuring their operational capability and continued excellence in the manner in which they serve this State.

Deputy Nicky McFadden: That was a very disappointing answer. I understand the Minister needs to maintain the Defence Forces at 9,500 personnel but with so many new trips coming to the western brigade, I strongly urge him to consider holding on to it as the second brigade.

Deputy Alan Shatter: I would have hoped the Deputy would have regarded what I said as a hopeful answer for the future. We had a three brigade structure in the Defence Forces at a time when we had more than 15,000 troops. In the context of where we now stand with the number at 9,500, to ensure the maximum efficiencies, economies of scale and the delivery of service, it no longer makes any sense to retain a three brigade structure. The change to a two brigade structure involves a very considered overview of the best manner in which to proceed into the future and I want to be advised by the experts in this area, in particular the chief of staff and the Secretary General as to the options available. I have no wish to in any way interfere with or pre-empt that process but, ultimately, it will be a matter for decision. I am sure it will be a matter to be discussed into the future.

Based on the financial figures published by the previous Government in December 2010, the actual funding allocated to the Department of Defence and the plans of that Government, if it had remained in office, the Defence Forces, given the manner in which financial matters were being dealt with, could well have fallen to a figure below 8,000.

The manner in which this Government has proceeded to recalibrate financial issues which apply to the Department of Defence and the commitment of this Government have ensured that we maintain an annual number of 9,500 in the Defence Forces. That is based on multiannual budgeting up to 2014. We have ensured the Defence Forces maintain a strength appro-
appropriate and necessary to their continuing to fulfil their international and domestic duties. In that context, the further reorganisation now taking place is in the interests of the Defence Forces and the country. I have no doubt that after I receive the report I have requested, we will return to this issue.

Gas Explosion

Deputy Catherine Murphy: I thank the Ceann Comhairle for selecting this topic and the Minister for coming in. I hope he will be able to respond in a constructive way to some of the points I want to make. While the gas explosion occurred in Leixlip, the town in which I live, I want to raise the issue in a wider context. Yesterday the Minister said approximately 640,000 households are connected to gas. Obviously, the safety of people whose homes are connected to and use gas is of paramount concern. I also wish a speedy recovery to one of the three people in the house in which the explosion occurred who was very seriously injured and is in hospital.

After I heard about the explosion on Saturday, I visited the area because not only are these people constituents but some of them are friends. The house in which the explosion occurred does not have gas central heating but oil fired central heating. The electricity went off at approximately 7 p.m. for a few minutes and an hour or an hour and half after that people smelled gas, Bord Gáis Éireann, BGE, was contacted and the people from BGE came out. There was a sizable gas leak so much so that it could be seen as steam rising to the height of a tree on the footpath. Gas was smelled by people on the road.

The house next door to that in which the explosion occurred has gas. The people from BGE came out, fixed the leak and left. I am not sure if the electricity went off at this stage but there seems to be a link between the electricity and gas. Gas does not respect property boundaries, so will seep into places. The house in which the explosion took place did not have gas central heating. It never occurred to them, therefore, that they would have to question whether the house was safe. A candle was lit and this ignited the gas in the house.

Many of the residents in the area were concerned that a wider check was not undertaken to test for the presence of gas in their houses and to evacuate some of them. The only action taken was to treat the gas leak and there is merit in their concern. I share their concerns that something more comprehensive should have have been done. I am sure the work was done by contractors for the gas company but it has overall responsibility. In advance of the completion of the inquiries into the explosion, which will determine the cause and which will take time, there is a wider issue about handling similar incidents if they arise in terms of the protocols around the contractors and safety procedures. Will the Minister engage with officials from BGE or CER or other appropriate officials in order that a similar incident does not recur? The three families evacuated remain out of their homes because serious damage was done to them. I appreciate that the Minister is present to reply.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I welcome the opportunity to address the House on the important topic of gas safety. I entirely agree with the Deputy that safety must be of paramount concern.

BGE 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, CER, is the statutorily independent energy regulator charged with all aspects of the licensing of transmission and distribution operators. A key legal responsibility of the CER is to promote the safety of natural gas for customers and the public generally. The regulator's remit also includes specific responsibility for the regulation from a safety perspective of undertakings involved in gas transmission, distribution, storage, supply
and shipping. It has established a natural gas safety regulatory framework, including a system for the inspection and testing of natural gas transmission and distribution pipelines.

The CER places obligations on undertakings to ensure that safety risks associated with their operations are reduced to as low as reasonably practicable. BGE’s transmission and distribution operations are subjected to ongoing audit and inspection by the CER. Additionally, BGE reports quarterly to the CER on a comprehensive range of safety performance indicators to verify that all operations are in compliance with the overall natural gas regulatory framework. Safety is BGE’s first priority. 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. It also has a continuous programme of safety promotion, including the gas efficiency service, the “dial before you dig” service, the promotion of registered gas installers and raising public awareness of the dangers of carbon monoxide.

Since its establishment, BGE has developed and modernised a national gas distribution pipeline network and a gas transmission pipeline network. The company operates the networks in compliance with recognised Irish and international quality and safety standards. Bord Gais Networks, BGN, manages gas network maintenance and safety programmes using procedures under the CER’s gas safety regulatory framework and the requirements of the Health and Safety Authority. The regulator has a comprehensive audit regime to monitor compliance with safety case requirements.

It is standard procedure that natural gas incidents are investigated by BGN and a report prepared on all relevant findings. In the case of the incident that occurred last Saturday, BGN has carried out a preliminary report into the incident. In accordance with standard procedures, the regulator has instructed independent consultants to carry out an investigation into the incident. I understand from the regulator that it expects the independent assessment to be completed early next week. The CER ensures that all follow-up actions from such investigations are subsequently carried out by BGE, as required, and that areas of learning from particular incident are used to put in place measures to help prevent similar incidents recurring.

I have every confidence in BGE’s priority commitment to safety and its safety and emergency response service but there is never room for complacency and the company is engaged in a constant process of safety review and enhancement working with CER.

I fully share the Deputy’s concerns in regard to the incident last Saturday and gas safety in general. I would like to convey my sympathy to the unfortunate injured occupants. There can be no room for complacency where the protection of life is concerned. We need to ensure that all lessons are learned from such incidents and that all necessary measures are put in place to reduce or eliminate the risks of similar incidents recurring.

CER’s process of investigation of gas safety incidents and follow-up action on recommendations is well established. An example is a gas explosion at a private residence in Rathfarnham in November 2003. Among the recommendations of the report of that investigation, all of which were endorsed by the CER, was that BGE should implement a programme of cast iron mains replacement in areas of subsidence. At the time, the company was systematically replacing the entire old networks with modern plastic pipes. Prior to the Rathfarnham incident the programme had been projected to take between ten to 15 years. In 2004, BGE revised its plans in conjunction with the CER and fast tracked completion of the renewal programme in five years.

It will be a matter for the CER to assess the recommendations of the two investigations into the Leixlip incident. The regulator will then consider what, if any, remedial measures are neces-
sary to augment safety standards. I will take a close interest in the outcome of the regulator’s investigation.

**Deputy Catherine Murphy:** What happened last Saturday is rare. Many houses are connected to the network. I am connected to the gas network and I have confidence in the system. I welcome that the report will be delivered as soon as next week but this incident has exposed a weakness in that having fixed a gas leak, the next stage of testing the homes in the area for the presence of gas was not undertaken. That is the critical issue. It is a missing element in what should have happened. We read, watch and listen to various advertisements that ask us to ring a number if we smell gas, not to smoke or use a naked flame or not to unplug a switch and so on. However, if one is not connected to the gas network, the last thing one would think is that one could be at risk. There is a responsibility on BGE to ensure when such an incident occurs, the neighbouring area is also protected because there is no way that someone would have thought that lighting a candle in a house using oil fired central heating could cause an explosion.

**Deputy Pat Rabbitte:** I agree entirely with the Deputy that, happily, such incidents are rare but that does not mean this was not a most unfortunate incident. I extend my sympathy to the people injured in these circumstances. I am not sure it would be helpful for me to offer opinions. The preliminary accident report is filed already and that, in turn, triggers the next step, which is an international independent reputable forensic assessment of what happened and what the recommendations ought to be. That assessment will be concluded as early as next week and the regulator is bound, by his own custom and practice, to act on it.

In particular, I note what the Deputy stated about adjacent houses not having been evacuated and the care that she thinks was necessary not having been taken. Is it not appropriate for me — I do not have the technical qualifications — to get into that area, but I note what she stated and I am quite sure that it will be fed in to the examination being done.

**Ceisteanna — Questions**

**Priority Questions**

**School Staffing**

1. **Deputy Brendan Smith** asked the Minister for Education and Skills if he is committed to reversing in full the decision taken in Budget 2012 to cut 428 DEIS posts; and if he will make a statement on the matter.  [3109/12]

2. **Deputy Seán Crowe** asked the Minister for Education and Skills in view of his public statement in relation to Budget 2012, and its negative impact on DEIS band schools, if he will clarify the terms of reference of the review he intends to carry out; and the implications this review will have on the 428 legacy teaching posts that predate DEIS.  [3233/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 1 and 2 together.

I announced in the House on 11 January that my Department will be reporting to me within four weeks on the impact of the withdrawal of certain posts allocated under previous disadvantaged schemes in DEIS Band 1 and Band 2 primary schools, following concerns raised with me by some schools that will be adversely affected by these budget measures.
[Deputy Ruairí Quinn.]

This report will detail the facts for each individual school affected by this measure, applying the most up-to-date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example, increasing and decreasing enrolments and reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for the 2012-2013 school year.

It is only when this report is made available to me that I will be in a position to make a decision on the final outcome for the individual schools involved.

**Deputy Brendan Smith:** I thank the Minister for his reply. I am glad that last week he admitted that the wrong option had been taken on DEIS. I am not making a meal of it; I do not believe in such commentary. We get on with the business.

There is evidence, from the Educational Research Centre and from speaking to parents and teachers, that DEIS has been very successful. In a comparison of the same pupils’ achievements on two occasions in the three years covered by the education research review, the measurement of their achievements in second class in 2007 and fifth class in 2010 showed significant improvements.

My understanding is that the Department offered the dramatic reduction in DEIS as one of the spending options to the Minister’s colleague, the Minister for Public Expenditure and Reform, Deputy Howlin, in September last. Surely there was an onus to undertake a proper and detailed analysis on the implications of reducing DEIS posts. The Minister, Deputy Quinn, has correctly spoken about the need to improve numeracy and literacy and all of us in this House have agreed with him in all our discussions, through parliamentary questions, Private Members’ business or whatever, in this House. There is evidence that numeracy and literacy has been improved due to DEIS and the different allocations of extra support available for those schools in disadvantaged areas.

Is the Minister indicating that only certain posts will be restored? There is a view out there that the proposals announced on the implications of the budget for the DEIS scheme would be reversed and the Minister is saying today that they will not be reversed in total.

**Deputy Ruairí Quinn:** There never was any intention to remove any of the DEIS Band 1 and Band 2 allocations to those schools. What was proposed with the introduction of DEIS in the mid-2000s was that in schools located in DEIS areas which, prior to the introduction of DEIS, had received disadvantaged status of a particular kind and had received, as a consequence, some posts — a much smaller number than those of DEIS and not based on the same overall criteria as that of DEIS — which were left intact in those schools, those posts would be removed. For reasons that I do not know or do not understand, those existing posts were left intact before DEIS was rolled out and when DEIS was rolled out, those posts were left intact. Therefore, one could have two DEIS schools side by side, with one that had posts from previous disadvantaged scheme with the same profile of disadvantage having more resources than another DEIS school that came into the system in the first instance. What was proposed was that we would remove those extra posts in real terms as part and parcel of the overall necessary reduction.

I merely want to clarify that there is nothing in the intentions in the past or in the future that would diminish the status of DEIS schools as DEIS schools. What is proposed is to look at the examination. There is also the possibility if enrolment numbers have dropped, given the general allocation model, GAM, that is now obliged to alter because circumstances change,
there is also a necessity for us to look at the impact of the new allocation of resources or GAM which may bring about changes in that school that would have nothing to do with its disadvantage status but would have everything to do with its enrolment.

Deputy Seán Crowe: I have just come from the INTO rally at Marlborough House where the common theme was that people were confused about the review and what exactly is involved in it.

I listened to what the Minister stated about the 428 legacy posts. Some of those legacy posts came to schools due to Breaking the Cycle. There was an acceptance that there was disadvantage in certain schools but in some of those schools the disadvantage was even more extreme. The Minister’s predecessor looked at that and some schools were assigned a 15:1 allocation for specific problems within them.

I have a couple of questions, on the review itself but, first, on the 428 legacy posts. We all know the possible removal of those posts is the crux of the matter of concern. I do not believe anyone has a difficulty where there are falling enrolments. That is not coming into the equation with anyone on the matter of losing teacher posts in schools. The concern was that some of the schools would lose up to a third or a quarter of their teachers, perhaps ten teachers, which is not sustainable.

The Minister met his party’s Members and gave assurances that he would look at schools individually. Will the review be done on an individual school basis? Will it be done purely on a number-crunching basis? Will the Department look at the issues in each school? The Minister stated it would be a four-week review. When he gets the review back, what then will be the timescale?

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Seán Crowe: If possible, if the Minister does not have time today, he should get that information out there. There is considerable confusion right across the board, not only among principals but among parents and children, and it is not helping the situation in education.

Deputy Ruairí Quinn: I agree with the Deputy Crowe analysis of the perception out there.

An existing DEIS school that does not have any legacy posts could be scheduled to lose a post because numbers have fallen under the general allocation model. That number projected to possibly come out of the system was presented by some of the schools’ advocates to Members of the Oireachtas as part and parcel of the specific reduction of this measure. That is confusing. I was confronted with a series of calculations presented to Members such as Deputy Crowe and his constituency colleagues that was totally at variance with what I understood to be the impact of the measure.

What I have done is say: “Hold on, let us compare the figures that are coming from the schools themselves with what we had intended to propose”. This measure was supposed to be implemented over a period of three years and it is conceivable, and for reasons that we all understand, that somebody stated that the net impact of this decision, knowing that maybe their school had lost numbers, was their school would lose X number of teachers whereas the information that the Department had was that it would be a different number. I decided that we get clarity on the facts, agree them and then decide what action must be taken.

As I have stated elsewhere, whatever savings I must find will have to come from within the primary school section of the overall budget because of the totality of the sums that I have to
[Deputy Ruairí Quinn.]

achieve. The budget is over and it has been voted on. I have to find alternative savings within that framework.

**Deputy Brendan Smith:** As we all know, 30 September is the important date for school enrolments. Surely when the Department presented possible options to the Minister for making savings and reducing expenditure, his decision should have been based on the most up date information on school enrolments. We have access to modern technology and we pride ourselves on quick access to information. There is no reason that a school could not be obliged to supply the relevant data to the Department by early October. Either enrolment is a certain figure on 30 September or it is not. It is wrong to base decisions on outdated enrolments. As the Minister will be aware from speaking to parents, teachers and his Department’s inspectors, DEIS has been very successful.

**Deputy Ruairí Quinn:** Nobody is disputing that.

**Deputy Brendan Smith:** I implore him to complete the review at the earliest opportunity to ensure the maximum support is provided to these schools. There is concern that the Minister’s proposals will spread the 428 legacy posts across the mainstream system. Teachers fear they will be taken from DEIS schools and employed elsewhere. Is the Minister indicating that posts will still be cut at these schools or will he await the completion of the review? Will he be contacting principals and how will the review be carried out?

**Deputy Ruairí Quinn:** On Deputy Smith’s question, unfortunately my predecessors — his colleagues — did not upgrade the information gathering system and we still use pigeon post to send the data. The census is completed manually by each school at the end of September and then it has to be collated manually.

**Deputy Brendan Smith:** The exercise is not that big.

**Deputy Ruairí Quinn:** It is an enormous exercise considering that 3,200 primary schools must fill in, perhaps, 20 fields of information. The information cannot even be filed electronically. We had the data from the previous year last September. I am hoping to address the issue but the Department’s data system is not great and, unlike the Department of Social Protection, the data do not speak to each other.

I agree with the Deputy in regard to DEIS. This is not an attack on DEIS whatsoever, although it suited some people to understand it that way. This is an identification of inequality within the DEIS system, whereby certain schools have retained more resources than the school down the road with the same characteristics of deprivation.

To answer Deputy Crowe’s question, I am going to wait until I get up-to-date facts before deciding my options. I am not in a position today to indicate what I will do. I now hope to have the necessary facts within the next three and a half weeks given that last week I indicated a timeframe of four weeks. At the end of the process, and irrespective of what decisions are made, it will go out in a general allocation to all the primary schools. As we have brought back the process by three months, there will be sufficient time for any school to appeal its allocation and provide for the recruitment, retention or deployment of resources for next September.

**School Staffing**

3. **Deputy John Halligan** asked the Minister for Education and Skills if he will confirm the
number of 475 special needs assistants posts which were withheld last September that have been allocated to date; the criteria that was applied to these remaining posts; if and when the remaining posts will be allocated; and if he will make a statement on the matter. [3232/12]

Deputy Ruairí Quinn: The Deputy will be aware that the National Council for Special Education, NCSE, is responsible through its network of local special educational needs organisers for allocating special needs assistants, SNAs, to schools to support children with special educational needs. Some 10,297 of the total 10,575 SNA posts available for allocation have now been allocated to schools by the NCSE, leaving 278 posts available for allocation between now and the end of the school year for cases such as emergencies, acquired injuries or new school entrants with care needs. SNA posts are allocated to schools to provide for the care needs of pupils with special educational needs in accordance with the criteria set out in my Department’s circular 07/02 and NCSE circular 01/02/2011. The NCSE has the capacity to continue to make allocations in respect of valid applications arising before the end of the school year.

Deputy John Halligan: While I welcome any progress made in the allocation of special needs assistants, the Minister may be aware that 800 applications were made for the aforementioned 475 posts. It was envisaged that 300 of these posts would be filled prior to Christmas. I do not understand the logic of delaying the allocation of posts given that no new SNAs were made available for new children coming into junior infants this year. Why do we not allocate the remaining posts?

In regard to the NCSE and its role in reducing the number of SNAs, will the Minister consider an independent appeals system for parents who are unhappy with how resources and SNAs are allocated? There are differences of opinion and parents perceive a lack of transparency and inconsistency in the allocation of SNAs and the appeals process.

Deputy Ruairí Quinn: The Department does not allocate resources because this is the responsibility of the council. Given that it is a specialist council which draws on professional inputs, I will not second-guess it as a politician nor will the civil servants in my Department who lack the necessary qualifications second-guess it. I regard the appeals system as independent and the Department has no role in either the allocations or the appeals. I will consider the Deputy’s suggestion but I am not convinced that a case can be made for an independent appeals body nor do I think that simply because there is a reserve of SNAs they should be allocated. It is only January and we have six months to go in the school year. Students with special requirements may still enrol in schools and if we had already allocated the SNAs we would not be deploying resources responsibly.

Deputy John Halligan: I am reasonably satisfied with the Minister’s answer and I trust he will do what needs to be done. From my conversations with other Deputies and people from my constituency, it appears there is staggering inconsistency in the appeals process. The parents perceive the process as not being independent. I welcome that the Minister may consider the matter over a period of six months but I ask him to give a commitment to fill all the available SNA posts.

Deputy Ruairí Quinn: I will not interfere with the professional assessment of people who are charged with making decisions on allocating resources. The fact that they have provision for 10,575 posts does not mean they have to allocate all of them. If they did so they would be applying different criteria. People who were refused SNA resources six months ago could find
that SNAs were allocated in cases where the need was professionally assessed as being less pressing. That would be the essence of unfairness.

4. **Deputy Brendan Smith** asked the Minister for Education and Skills his views that following his decision to allow schools to manage guidance provision within their standard allocation that schools are now faced with the situation whereby they either cut career guidance and counselling services or introduce reduced subject choice; if he will confirm if schools are still required to provide an appropriate level of guidance provision; if he will outline what he deems appropriate guidance to be; and if he will make a statement on the matter. [3110/12]

**Deputy Ruairí Quinn:** Guidance is a whole school activity and under existing arrangements each school is expected to develop a school guidance plan as a means of supporting the needs of its students. These requirements have not changed and my Department’s forthcoming circular will make this clear and point schools to the relevant documentation and guidance available to support such work by schools.

The budget measure is a requirement for guidance provision to be managed by schools from within their standard staffing allocation from September 2012. Schools will have autonomy on how best to prioritise their available resources to meet their requirements in terms of guidance and the provision of an appropriate range of subjects to their pupils. Decisions on how this is done are best determined at individual school level. I am confident that schools will act in the best interests of all students when determining how to use the teaching resources available to them.

**Deputy Brendan Smith:** I thank the Minister for his reply. There is widespread concern, as the Minister is aware from correspondence to himself and to all Members of the Oireachtas, about the difficulties facing this service in schools. As we all know, the career guidance and counselling service does not just offer final year support; it is used throughout second level, whether that is five or six years, and in many instances pre-secondary school as well. That support is absolutely necessary. I recently spoke to a person who had returned to the classroom as the deputy principal of a second level school after working elsewhere for a number of years. That lady said to me that the school did not have a disciplinary problem, but there were a large number of young students bringing family problems with them to school. The first person to speak to in that school about difficult personal or family issues is the career guidance counsellor.

The service has grown incrementally and progressively over the past 25 years in particular. More than 90% of career guidance counsellors have participated in continuous professional development courses, and an excellent service is being provided to our young people at second level and in further education colleges. Does the Minister accept that retention levels at second and third level are very much influenced by the availability of good advice and guidance to young people right through second level and when they go on to further education or third level in regard to course choice? There is empirical evidence available — both nationally, from some of our own institutions such as the ESRI, and from the OECD and others — that it is an extremely important and worthwhile investment.

The people who have been in touch with all of us as Members of the Oireachtas and as public representatives have outlined clear reasons for their concern that the career guidance counselling service will be dramatically downgraded due to the decision to include the teachers involved in the general teacher allocation from 2012.
Deputy Ruairí Quinn: I have heard the arguments and I have met representatives of the Institute of Guidance Counsellors. I understand the difficulties associated with the modern world in which we all live. Many regular subject teachers have told me that they would probably be the first to notice a difference if a pupil was experiencing external pressures. I am talking about pastoral care rather than career guidance, which deals with course and career choices. If a student is a B+ student in whatever subject the teacher is teaching but his or her performance or behaviour in the class starts to deteriorate, that subject teacher, in many cases, is the first to notice a change. He or she may be the first to ask Jimmy or Rory what is troubling him, and he or she may well refer him to the counsellor at that stage. The school is a totality and, in law and in the corporate spirit of the school, has a pastoral responsibility for the welfare of its pupils. The guidance counsellor certainly has special skills, if he or she has the qualification, but most if not all guidance counsellors start life as secondary school teachers in the same way as those who continue to be subject teachers.

We are, unfortunately, in a position in which I must do more with less, and one of the most efficient ways of doing this — I received advice in this regard — was to allocate the ex-quota component of guidance counsellors into the mainstream secondary school allocation. I am sorry I was not able to be here for yesterday’s debate on this, but I will repeat what I said on Tuesday night: 42% of the 730 secondary schools in the country have no specialist guidance counsellor who is exclusively there for that purpose.

Deputy Brendan Smith: My understanding is that an enrolment of 500 pupils entitles a school to a guidance counsellor for 22 hours per week, which is a full-time post. This is graduated downwards for smaller numbers of pupils. If a school has an enrolment of 200, it is entitled to eight hours of career guidance and counselling. My understanding is that service is provided by an appropriately qualified person. Thus, it is incorrect, unless I misunderstood the Minister — I do not want to misrepresent him — to say that in some schools the service is being provided by non-qualified career guidance counsellors.

Deputy Ruairí Quinn: I may have misled the Deputy. I will obtain clarification on this. The information from the briefing I got, which I placed on the record of the House on Tuesday evening, was that 42% of secondary schools do not have a designated full-time guidance counsellor. That is not to say they did not have people with guidance counselling qualifications who are delivering a portion of that service as well as teaching a subject.

Deputy Brendan Smith: Can I——

Deputy Ruairí Quinn: I will get clarification for the Deputy.

An Leas-Cheann Comhairle: Sorry, Deputy.

Deputy Brendan Smith: Even though——

An Leas-Cheann Comhairle: I have to move on. There are many Deputies who want to ask questions, and Deputy Crowe is next.

Deputy Brendan Smith: It is my priority question.

An Leas-Cheann Comhairle: The next question is Deputy Crowe’s.

Deputy Ruairí Quinn: I will write to the Deputy on that matter.
An Leas-Cheann Comhairle: We have gone way over time.

5. Deputy Seán Crowe asked the Minister for Education and Skills the reason he increased class sizes in schools of two, three and four teacher schools in view of the fact that smaller class sizes particularly at infant level would seem to have a positive affect on learning outcomes; and the capital costs that will arise from his decision to pursue a policy that will lead to the amalgamation and closure of small schools. [3234/12]

Deputy Ruairí Quinn: The staffing schedule at primary level disproportionately benefits small primary schools. It is worth noting that of the 3,200 primary schools across Ireland, more than two thirds have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure. For example, a two-teacher school with 32 pupils has an average class size of 16 pupils, while a typical ten-teacher school with 272 pupils has an average class size of 27.2 pupils.

It is important to retain a sense of perspective and balance when discussing this matter and to realise the exceptionally favourable supports my Department will continue to provide for small schools. For that reason, as part of the budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. Even when all of these phased increases are implemented, the threshold for small schools will be still significantly lower than the minimum of 28 pupils that were required for the appointment of a second teacher in schools prior to the mid-1990s.

Deputy Seán Crowe: It was in 1991 that the OECD published a report citing the importance of small schools to rural regeneration. What most people want to know is why the Minister is going down this track. Is it to achieve cost savings? If so, what are those savings? He said in his reply that he is trying to spread the increases across the system. Much of the concern is because such schools are part of their communities’ distinct identities. The reports coming back to me, as a public representative, are that the changes announced in the budget will lead to the closure of schools. If the reason for the decision was to try to achieve some sort of rationalisation or amalgamation of schools, changes will be required in the Department. If he is encouraging the amalgamation of small schools, the issue of school sizes needs to be examined. If two schools agree to come together, that is not recognised under the current system. The big concern is that these changes will lead to the closure of more schools. They will also affect rural and Gaeltacht areas that have already suffered due to the closure of Garda stations and post offices. The school is the heart of the community.

Deputy Ruairí Quinn: I understand what the Deputy is saying; my colleagues in Fine Gael and the Labour Party have articulated similar concerns as conveyed to them. A gradual change in the threshold for a two-teacher school from 12 to 14 pupils, and similar changes for three- and four-teacher schools, is required. The Deputy is correct in stating that if two two-teacher schools were to amalgamate they would be at a disadvantage under the current system. We must examine those anomalies within the system. Nothing will happen quickly on this matter but there is an argument in favour of schools amalgamating if the geography, location and so forth make sense.

I remind Members, as I did on a previous occasion, that we now have 3,200 primary schools. At one time, and I am not referring to the 1800s, there were over 6,000 primary schools in Ireland. Nobody had a motor-car and nobody had a fear of letting their child walk to school.
whatever the length of that walk. The change must take place. The reason is that this country is in receivership and I must find savings as we cannot afford it.

**Deputy Seán Crowe:** People are asking that it be done in a planned and coherent manner as there are all types of sensitivities involved. They are asking that the Minister even signal that he would freeze the September date, which would give them 12 months to prepare. The difficulty is that schools will be pushed to closure as a result of this measure. Some schools are on the edge in this regard. It is also down to demographics. We talk about change in society and we must encourage that. One way of doing that is by keeping the local school open.

**Deputy Ruairí Quinn:** It is not my intention to force the closure of any school. We have given three years for the schools located in affected areas. Some schools will not be affected by this; in fact, the majority will not be affected in one way or another. However, they need to start talking to each other about co-operation and clustering through the INTO, the patron bodies and the Irish Primary Principals Network, IPPN. There are many models, some of which are working very satisfactorily. If schools wish to talk to us about it, they should do so through their patrons in the context of how best to adapt to the changed circumstances in which we live.

**Other Questions**

**School Staffing**

6. **Deputy Michael McGrath** asked the Minister for Education and Skills if he has taken on board the concerns of rural communities following the announcement that there will be changes to the staffing schedules for one, two, three and four teacher schools; if he has considered the impact on minority faith schools; and if he will make a statement on the matter. [2935/12]

8. **Deputy Barry Cowen** asked the Minister for Education and Skills if he will provide further details on the proposed changes to the staffing schedules in one, two, three and four teacher schools as outlined in Budget 2012; and if he will make a statement on the matter. [2914/12]

**Deputy Ruairí Quinn:** I propose to take questions 6 and 8 together.

I am of course aware of concerns that have been expressed in relation to this and other budget measures. At a time of great strain in our public finances, we have to ensure that the very valuable but limited resources available for the education system are used in the best way possible. The staffing schedule at primary level disproportionately benefits small primary schools. It is worth noting that we have 3,200 primary schools across Ireland. Over two thirds of those schools have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure; for example, a two-teacher school with 32 pupils has an average class size of one teacher for 16 pupils. In contrast, a typical ten teacher school with 272 pupils has an average class size of 27.2 pupils.

It is important to retain a sense of perspective and balance when discussing this matter and to realise the exceptionally favourable supports my Department will continue to provide for small schools. For that reason, as part of the budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other
schools where this is feasible. If amalgamations take place, they will be voluntary and follow decisions taken by local communities and not by the Department.

Deputy Brendan Smith: The Minister is aware of how every primary school is an integral part of the local community. Thankfully, over the past decade there has been huge investment in improving the school infrastructure through modernisation, refurbishment and providing new accommodation. All international evidence shows that outcomes from small schools are as good as those from larger schools. In fairness, it is not comparing like with like to compare the pupil-teacher ratio. In a two-teacher school there are a number of separate classes to teach, so the pupil-teacher ratio is not an exact comparison.

I have spoken to the Minister previously about my particular concern about Protestant and minority faith schools, given that I represent Cavan-Monaghan and am familiar with Donegal and other neighbouring counties where there are a number of small schools, predominantly of the Church of Ireland faith but also of other Protestant faiths. I have discovered that the immediate scheduling changes next September will affect 25% of the Church of Ireland schools. I have brought one case to the attention of the Minister previously. A school in my neighbouring parish moved into a brand new school building a few months ago. It is a three-teacher school with an enrolment of 50 pupils. It needed 49 to retain three teachers. Next September the school will have 52. However, in the new schedule proposed by the Minister it would need to have had 51 pupils on 30 September 2011. If that school loses a teacher, it loses one third of its learning support as well.

People would consider that to be a retrospective decision. Will the Minister ensure that where a school met the requirements last September it will not be affected, once it meets the ongoing enrolment requirement?

Deputy Ruairí Quinn: These matters will be examined. The schools can appeal through the appeals mechanism if they can demonstrate that they will be at the required number next year. We know the data; the Department has the numbers of child benefit payments in the area. This is not an assault on rural Ireland but an attempt to secure some reasonable savings at a time when we must get such savings while, at the same time, maintaining the fabric of rural areas during the second decade of the 21st century, which is totally different from what it was 40 years ago, let alone 140 years ago.

Deputy Barry Cowen: I realise funding is a major issue for the Minister. It is something on which he predicates his replies, both written and oral, to Members. However, the Government’s decisions have been taken collectively and it has made the decision to proceed with these cuts in the education sector. I have a few questions that arise from the Minister’s replies. Does he believe that these schools are too expensive to retain? Does he believe that various investments in capital infrastructure in these schools over the last number of years was wrong, ill-advised and a waste of money? Some of these schools have been hit with this cut in the pupil-teacher ratio, DEIS cuts, higher transport costs and cuts in back to school allowances. Is it death by a thousand cuts? Can the Minister bring forward specific proposals relating to minority faith schools? The Minister has referred to amalgamation in many of his replies on this issue. Has the Department carried out an audit of cost savings that could be achieved through rural school amalgamations throughout the country? There must be pockets of the country where this is more evident, such as in Gaeltacht areas and where there are minority faith areas such as in Cavan and Monaghan.
Deputy Ruairí Quinn: The Deputy asked five or seven supplementary questions. I will take note of them as I might have to reply to them in writing. There are fixed standing charges for a school, such as insurance, which take no account of the size of the school in real terms. There are other related costs, regardless of whether the school has 50 or 150 pupils. There are disproportionate costs for smaller schools, but they tend to be in rural areas where they are isolated. However, the level of isolation now, given the use of motorised transport in those communities, is different from what it was 15 or 20 years ago, notwithstanding the downturn in the economy.

When these measures are introduced across the country by the end of 2014 the pupil-teacher ratios will still be very favourably biased or skewed in favour of rural areas. They will be far different and far more beneficial for the rural community than are the current pupil-teacher ratios for urban areas. That is what we are trying to reconcile. It is essentially a cost measure.

Deputy Barry Cowen: Will the Minister respond in writing to the other questions?

Deputy Ruairí Quinn: I will refer back to the Deputy.

Deputy Willie Penrose: On rural schools, and particularly three-teacher schools, 49 is the current number of pupils required. In September 2012, there are four schools in my constituency that will have 51, 54 and 52 pupils respectively. That means they exceed the number. Is it not foolhardy to take a teacher out of those schools in September 2012 and have to put the teacher back in the school in 2013? That is a recipe for a mess. There is no gain in it.

Second, the school transport system is falling asunder because it has become so costly. Amalgamation is not the panacea where schools are in widely dispersed rural geographical areas. I can provide the names of schools. I have spoken privately to the Minister about Killasonna national school, Bunlahy national school and Scoil Bhríde, Glen, Edgeworthstown.

The Minister has the projections and knows these schools will not be able to fool him next September. Retrospection, an issue raised by Deputy Smith, is key. The schools should be given an opportunity to achieve the targets in September 2012. If they do so, they will then know the targets for 2013 and 2014 and will not be in a position to keen and cry. The Minister is entitled to set targets but he must give the schools concerned a chance in 2012. I have a suggestion in this regard. When people from an urban area into a rural area with an expanding population, the local school should be classified as a developing school. A submission could then be made in June that the school is developing and will have the required numbers. Now that the computer systems of the various Departments are talking to one another, officials can examine issues such as children’s allowance statistics, social welfare payments and so forth. Let us take this approach because it is a fair one.

Deputy Richard Boyd Barrett: On the same theme, I was contacted by Scoil Bhríde in Glen, Edgeworthstown, County Longford, a three teacher school with 49 pupils. It informs me that, as a result of the budget, it will lose a teacher if it does not increase numbers to 51. It argues that it could meet this target by September but needs to be given some breathing space and an opportunity to do so as it will otherwise become unviable due to the loss of one teacher. This is a reasonable plea.

I disagree with all the cuts in the Department as there is no justification for any of them.

Deputy Ruairí Quinn: The Deputy disagrees with reality.
**Deputy Richard Boyd Barrett:** That is not the case. It is unconscionable to cut teacher numbers and rob our children of their education. If we cannot deal with the general issue, can we at least give the schools concerned some breathing space?

**Deputy Brendan Smith:** I appeal to the Minister, as Deputy Penrose did, to examine the practical option of taking a retrospective view as of 30 September as this would enable schools to exceed the required enrolment. Until the budget was introduced, learning support and resource hours could be combined to make one full-time post in a school. This is no longer the case and the scenario that has been put to me is that this could result in two teachers going to two different schools on the same day. I understand it has been suggested to the unions that this matter can be fixed through local arrangements. Will the Minister reverse this decision and deal with the issue in a practical manner by allowing learning support and resource hours to be combined if the number of hours is such that it necessitates a full-time appointment? This would reduce unnecessary waste in terms of travel and teachers’ time.

**Deputy Ruairí Quinn:** Deputy Smith has raised another element, namely, resource teachers and people spending teaching time in the car travelling between schools. We are examining how we can eliminate this type of waste of everyone’s time.

To return to the central point raised by Deputies Boyd Barrett and Penrose, schools in rural areas have been given a signal that the pupil-teacher ratio will be changed in the next three years. I will respond flexibly if we are given the facts. There is now an onus on schools and their patrons to look at what will be the future population of a particular area. As I indicated previously, the Department is now linked with the Department of Social Protection and every child benefit payment is geographically and electronically tracked. As a result, we know what will be the population cohort in two, three or four years when a child presents.

As Deputy Penrose noted, the developing schools model serves as an example. We do not want to get into the nonsense of removing a teacher from a school in year X only to bring the teacher back in year X plus one. That approach is not common sense. By the same token, however, we have to change and move to a position in which we retain a biased pupil-teacher ratio in favour of rural schools on the basis of the nature of the location of such schools.

**Proposed Legislation**

7. **Deputy Martin Ferris** asked the Minister for Education and Skills the date on which he expects the Residential Institutions Redress Statutory Fund Bill to be established; and if he will provide an update on his engagement with survivors of institutional abuse on the proposed legislation. [2955/12]

**Deputy Ruairí Quinn:** Work on the drafting of the residential institutions statutory fund Bill is at an advanced stage and I hope to be in a position to publish the Bill in the coming weeks. I had a very constructive meeting with groups representing survivors of residential institutional abuse on 22 July last when we discussed the Government’s approach to the proposed statutory fund to support the needs of victims of residential institutional abuse. Attendees at the meeting raised a number of issues regarding aspects of the proposed approach as set out in the general scheme of the residential institutions statutory fund Bill. I have also received a number of submissions on particular aspects of the proposed legislation, which are being considered as the drafting process continues.
Deputy Seán Crowe: We all agree on the need to keep victims in the loop through discussions and meaningful engagement. A difficulty arises in determining who represents victims. There is no commonality on the issue of how the resources will be spent and so forth. The main issue is to try to involve and engage victims in the process. It would be helpful to give victims a role and say on the final legislation.

Deputy Ruairí Quinn: The Bill is still in the process of being finalised and will be introduced in this session. The points the Deputy makes will be taken into consideration when we have the text before us.

Deputy Brendan Smith: I ask the Minister to ensure the views conveyed at a meeting of 22 July last between all the relevant groups and officials of his Department are taken into account. Some of the groups expressed concern about what they understood would be the broad scope of the work of the statutory fund. The education board has done good work supporting survivors and their children and grandchildren, particularly in the education area. I understand the membership of the board, which still has money to disburse, will fall below quorate in mid-February. It is unlikely the proposed legislation will be passed by then, although the Minister will, I am sure, have the full support of the House in that regard. I understand an amendment could be made to the legislation that established the education board to enable it to continue its work. It is important to avoid instability or uncertainty in supporting survivors and their families through education. The board has funding and is supporting many people in a worthwhile manner. It is important to ensure survivors, their children and, in some cases, grandchildren, are supported through education.

Deputy Ruairí Quinn: The Deputy is partially correct. The board has money available to it but also has ongoing liabilities arising from educational commitments it has made which extend beyond one year. I will get a note for the Deputy on the issue. Subject to confirmation, I am of the opinion, based on advice I have read and which I am now remembering, that the board’s commitments match the funds it has on deposit. For this reason, it will not make any fresh or new allocations. It is not necessary, therefore, to extend the lifetime of the board, as the Deputy suggests. I will confirm this in writing.

Deputy Seán Crowe: When will the heads of the Bill be published? On the Magdalene—-

Deputy Ruairí Quinn: We have another question on that issue. In case we do not reach it, the Magdalene survivors do not qualify in that regard.

Question No. 8 answered with Question No. 6.

Disadvantaged Status

9. Deputy Joe Higgins asked the Minister for Education and Skills if all previously proposed cuts to DEIS schools have been abandoned; and in view of his public comments on seeking cuts elsewhere in his budget in which he is planning to make such cuts; the areas that he is examining; and if he will make a statement on the matter. [2941/12]

30. Deputy Richard Boyd Barrett asked the Minister for Education and Skills if all previously proposed cuts to DEIS schools have been abandoned and in view of his public comments on seeking cuts elsewhere in his budget where is he planning to make such cuts; the areas he is looking at; and if he will make a statement on the matter. [2938/12]
Deputy Ruairí Quinn: I propose to take Questions Nos. 9 and 30 together.

I am aware of the concerns of some schools which will be adversely affected by the budget measures on the withdrawal of certain posts under older disadvantage schemes. I announced in the House on 11 January that my Department is to report to me within four weeks on the impact of the withdrawal of posts under these older schemes on DEIS bands 1 and 2 primary schools. I will then consider their position in the context of the staffing allocations due to issue to all schools. However, I had to make it clear that any changes in this area will require alternative compensatory savings measures within the primary schools budget. When I receive the report I will consider what the best options are in this regard.

This issue arises in the context of a very difficult situation where the education sector, which employs one third of all public sector employees, is required to find savings and contribute to controlling the increase in public sector numbers while also catering for our rapidly growing school population. 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.

Deputy Richard Boyd Barrett: I have just come from a demonstration of between 3,000 and 6,000 DEIS school students, parents and teachers from across this city and the country. They want the Minister to agree to a complete reversal on and taking off the table of all proposed cuts to resources for disadvantaged schools, whether DEIS band 1, DEIS band 2 or those with legacy posts. The Minister knows from various reports that DEIS has been a success and a lifeline to disadvantaged communities. They have already been hit by other austerity measures; they do not need these cuts.

When I met the troika this week, it made it very clear that specific austerity measures are the Government’s call while it just sets the parameters for the deficit. The Government does have the choice to make cuts elsewhere. There is no economic or moral logic in cutting education, particularly that of the least well-off. Cutting back on our children’s futures will mean we will pay economically and socially in the future.

The Minister has the choice to tax the people at the top who have the money instead of hitting the most disadvantaged in our society. I appeal to the Minister to give some solace to those who were demonstrating today and their children.

Deputy Ruairí Quinn: The Department of Education and Skills employs one third of all public sector employees. Numbers must be reduced to meet the macro targets set by the troika. Of course, it has told us to find the detail. However, the employment control framework is contained in the memorandum of understanding signed up to by the previous Government. We are obliged to follow this until we come out of the programme which still has two years to run. Having met the troika and read the memorandum of understanding, Deputy Boyd Barrett knows what the options are. If he can find other ways of reducing public sector numbers, I would be more than happy to discuss them with him.

Deputy Richard Boyd Barrett: What I gathered from the troika was that the austerity details were hammered out by the Government and that all it is concerned about is the deficit. I do not doubt it has a prejudice for privatisation and running down public sector numbers. However, it said the targets were sufficient for it while the details could be changed by the Government. Why does the Government believe it is preferable to hit at education provision and public services for the least well-off rather than tax those who can afford it, a move for which Members on this side of the House have been screaming for some time?
Deputy Ruairí Quinn: There has already been a considerable increase in taxation. Some people have felt it was even excessive. The universal social charge has been removed from the lowest paid workers.

The memorandum of understanding has an employment control framework. I advise the Deputy to read it and examine the areas of the public service that could be reduced that have not been.

Deputy Jonathan O’Brien: The Minister tells us the troika insists we have to cut our public sector numbers. The troika, however, is not responsible for ensuring our children get the best possible education. It is the Minister who is responsible for this. The buck stops with him.

Who is carrying out the review and what are its terms of reference? Once he receives it, how long will it take for him to make a decision on its recommendations?

Deputy Ruairí Quinn: The review is being undertaken in the Department. I asked for it to be completed in four weeks — that is three and a half weeks time. When I receive it, I will make decisions on it and consult with Cabinet colleagues if necessary. Each school will be notified of its teacher allocation commencing in September 2012. Any school, be it a DEIS band 1 or band 2, rural or mainstream school, that feels its allocation is unsatisfactory has an appeals mechanism of which it can avail.

Deputy Seán Crowe: Will the review take into account the costs of the adjustments needed for smaller classrooms in some of the pre-DEIS schools?

Deputy Ruairí Quinn: The review will be a numbers review primarily because of the shortage of time and the necessity to inform all schools about their teacher allocations. There may well be appeals from some of the schools affected that have a qualitative component to it which I will be able to check. I would be misleading Members if I did not admit this will be a numbers exercise.

I want to check the figures of the projected job losses to post losses that some teachers have indicated to Members and what I saw in the Department. When I have reconciled them, I will then make a decision.

Deputy Seán Crowe: I am concerned we are announcing larger class sizes which is not being taking into account. It seems we are all over the place on this.

Deputy Ruairí Quinn: No, nobody is all over the place.

Deputy Seán Crowe: That is what is going to happen and we do not have the information on smaller schools.

Deputy Ruairí Quinn: I will review this in a short time. Savings will have to be made and they will have to come from the primary school budget of the Department. Until such time as I see those figures, I will not make any predictions. It will affect the majority of schools in some shape, size or form. The scale and extent of it now needs to be decided.

Deputy Jonathan O’Brien: What criteria will the Department use in this review? If it is the same criteria used in formulating the budget, then there will be no different outcome. The Minister has taken a divide-and-conquer approach in allowing each school to make its own representations. This is unacceptable. The schools and parents are asking for no cuts to DEIS,
Deputy Jonathan O'Brien: full stop. Parents of schools who may be saved from any cuts are not going to stand idly by while the school next door gets cuts.

Deputy Richard Boyd Barrett: Any cuts to DEIS are completely unacceptable. The Government needs to get out of the trenches to fight this unacceptable attack on education and our children.

What is happening to DEIS band 2 given it is not referred to in the teacher staffing schedule for 2012-2013? Does the Minister intend to do away with DEIS band 2? Does he intend to press ahead with the cuts for learning support teachers under the general allocation model?

Deputy Ruairí Quinn: Some of these questions have already been answered. I will answer them again. There will be no reduction in DEIS band 1 or DEIS band 2 allocations. It was proposed that those schools that had retained support services prior to the introduction of DEIS would have them removed. Not all DEIS schools have such services.

I will remind Members, particularly Deputy O'Brien, that 60% of socially disadvantaged children attend schools with no DEIS status. I have to achieve a balance between rural, mainstream, DEIS band 1, DEIS band 2 schools and those DEIS schools lucky enough to have retained additional resources.

Deputy Jonathan O'Brien: What criteria will be used?

Deputy Ruairí Quinn: Fairness.

Third Level Fees

10. Deputy Timmy Dooley asked the Minister for Education and Skills if he will publish the new qualifying criteria for new entrant postgraduate students seeking to receive support with their third level fees from next year; and if he will make a statement on the matter. [2916/12]

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock) (Deputy Sean Sherlock): In the context of overall necessary difficult expenditure reduction measures announced in budget 2012, new students entering postgraduate courses from the 2012-2013 academic year onwards will not be entitled to any maintenance payment under the student grant scheme. However, those students who meet the qualifying conditions for the special rate of grant will be eligible to have their postgraduate tuition fees paid up to the maximum fee limit under the student grant scheme.

In addition, a further limited number of 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. However, there will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is being determined in the context of the formulation of the student grant scheme for the 2012-13 academic year.

Deputy Brendan Smith: When does the Minister of State expect the final scheme will be available and published? Will the Minister of State indicate the number of postgraduate students in receipt of fee payment or maintenance grants over the past number of years?

Deputy Sean Sherlock: The answer to the second question is 9,435. Regarding the first question, I do not have a specific date but the review is ongoing.
**Deputy Brendan Smith:** Are 9,435 students in receipt of fees and maintenance grants?

**Deputy Sean Sherlock:** The most up-to-date figures supplied by the 66 grant awarding authorities show that 9,435 postgraduate students were in receipt of a student grant. The distinction between the two is not specified but I can come back to Deputy Smith on that point.

**Deputy Brendan Smith:** Am I correct in thinking that 2,000 postgraduate students will receive a maintenance grant for the coming academic year? Will 4,000 have the fees element paid?

**Deputy Sean Sherlock:** In a full year, 2,000 students on the lowest incomes will meet the qualifying conditions for the special rate of grant and will have their fees paid up to the maximum fee limit allowable under the student grant scheme. Another 4,000 students will receive a fee contribution of €2,000. The new arrangements will apply to two thirds of the postgraduate cohort on the lowest incomes, which is arguably a wider cohort of students.

**Deputy Seán Crowe:** Has the Minister of State carried out an assessment on the impact this will have on the number of young people taking up a postgraduate course? I heard the point of the Minister of State about people on low incomes but in many cases people are in a grey area, which presents a difficulty. It will make it more difficult for people to go down the road of postgraduate study. Everyone accepts that. Does the Minister of State have any idea how many people will be unable to go on to further education? Has this been taken into account in the costings of this measure? There is also a human cost in terms of how it will affect people.

**Deputy Sean Sherlock:** It is like trying to measure how long is a piece of string. We cannot predict the impact of this in terms of exact numbers and participation rates. Participation rates at third level are determined by a myriad of factors and income is not the only criterion. Parental aspects, social and cultural factors, the level of pre-existing educational attainment, whether someone is in employment, whether someone has lost a job and a certain amount of income are other factors. One can safely assume it will have a negative impact but we do not know for certain and there is no way of measuring its impact. It is part of a package of measures the Department and the Government had to take in reducing spending. We are honest about that. We must try to ensure the student assistance fund, at the behest of individual institutions, is retained and that tax reliefs for postgraduate students are retained. Arising from these budgetary adjustments, the people who are least affected are the people who will be given the greatest chance to go to postgraduate education, namely, those who are on the lower income thresholds. We have tried to protect and preserve that.

**Deputy Brendan Smith:** When the Minister has a finite number of postgraduate students who will be funded, what will happen to people who meet the income criteria but will be No. 2,001 on the list? I regularly read the statements of the Minister of State in his capacity with responsibility for research and development, where he speaks in glowing terms about the success of the major investment in the past decade in research and development. That investment has proved very successful. Many of the projects the Minister of State launched today are the result of investment going back some years, which create jobs for our people. Has the Minister of State engaged with the major corporations and major indigenous companies in getting more placements for our postgraduate students? The Minister of State knows many of the firms with successful postgraduate programmes and placements. If this could be accelerated and improved, with greater impetus, it might facilitate some of the people who do not qualify for assistance with fees and maintenance from September 2012.
Deputy Richard Boyd Barrett: Is it not the case that cutting the funding to postgraduate grants is the sharp edge of the disastrous situation over which this Government has presided? This will cut the education level of attainment at the highest level, which we need if this country has any chance of recovering. The Government talks on a regular basis about how we need to make this country favourable for investment and export-led recovery but we are sending out the message that we will have fewer people qualified at the highest level. The people who will not get the chance to reach that level of educational attainment will be those who do not have money. It is always the people who do not have money who get hit.

Deputy Sean Sherlock: That is a very subjective statement. There is no way of predicting the number of people who will apply for postgraduate courses, except to say that it is increasing year on year. Ironically, this increase is as a result of the loss of economic sovereignty. I take the point made by Deputy Smith in respect of interaction with industry. The research prioritisation exercise will be published and its purpose is to derive greater economic benefits from the research we are carrying out. There is a deepening collaboration between industry and academia in terms of research. I am talking to global companies that provide thousands of jobs in this country and I am talking to indigenous firms that want to move into the space of taking on board more graduates. Labour market activation measures, which will be launched shortly, will also attest to this.

In terms of the finite number, we must know the number of people who will apply for funding before we know the endgame in terms of the amount allocated. There is no doubt that the level of a person’s economic resources has an impact on the level of educational attainment. We are seeking to ensure we can fund those with the lowest incomes. A number of postgraduate research based courses are funded by industry or through calls. We must also bear this in mind.

Third Level Courses

11. Deputy Seamus Kirk asked the Minister for Education and Skills the progress made to date in developing a technological university in the south east; and if he will make a statement on the matter. [2925/12]

Deputy Ruairí Quinn: In May of last year I formally asked the Higher Education Authority to provide advice to me on draft performance criteria for a process for the designation of technological universities. Draft criteria had been deployed by an international expert commissioned by my Department following the publication of what is known as the Hunt report. In developing its advice, the authority undertook a consultation process on the criteria which was completed last autumn. Following on from this, I understand the authority is at the current time finalising its advice and it is hoped to publish final criteria in the relatively near future. I am informed this will happen by the end of this month.

The criteria will set out a roadmap for the potential re-designation of institutes of technology, which can meet the performance requirements set out, as technological universities. Consolidation will be necessary as a precursor to any re-designation as a technological university. I understand Carlow and Waterford Institutes of technology have begun discussions on consolidation with a view to seeking re-designation.

Deputy Seamus Kirk: I thank the Minister for his reply. I welcome the positive thrust of what he said. If we are to take some cognisance of newspaper speculation and general observations being made in the political arena, it appears the possibility of a university in the south
east, which we clearly welcome, is perhaps further down the road than the Minister is telling us today. He might elaborate on that.

I take the points he made about the Hunt report, the HEA and what might or might not happen in the process of consolidation. The Minister is familiar with Dundalk and the north east. DkIT is bound by the sea on one side and the Border on the other. Its future is important and its management are more than anxious to see a pathway set out for it. The Minister might elaborate on that.

**Deputy Ruairí Quinn:** There was a very misleading headline in a piece in *The Irish Times* earlier this week. No decision has been made on a technological university in the south east or anywhere else. In my formal reply I gave the Deputy the facts as they currently are. Once the criteria are published, it will then be up to institutions to decide whether they wish to collaborate with other institutions and pursue the possibility of achieving technological university status. I am advised by the education authorities that such a process will take some years, and will be determined by meeting the criteria established independently and not by any political decision.

**Deputy Seamus Kirk:** If there is a meeting of minds by the management of DkIT and DCU, what pathway should they pursue to progress and reach the eventual synergy objectives which are clearly achievable? The Minister might advise on the dynamics needed to progress that.

**Deputy Ruairí Quinn:** The HEA published a set of criteria on collaboration, joint ventures and a host of other ways in which, in the spirit of the Hunt report, the institutions can combine. Instead of having a binary system of universities and institutes of technology, we should have an integrated third level system. It is up to the institutions to start to explore that new territory and a prescriptive political directive will not come from the Department or HEA.

**Deputy Seamus Kirk:** If some institutions, through a realistic formula for discussion, are prepared to meet the Minister and he could set out advice for them, would he be willing to do that?

**Deputy Ruairí Quinn:** I do not want to devalue the level and quality of third level education in this country by changing names. If institutions wish to aspire to a set of criteria that would give them the designation of technological university they have to meet that criteria. There will be no political interference from my Department or me on that matter. Otherwise we will devalue the entire third level sector in this country.

**Deputy Seán Crowe:** A lot of the briefings on Waterford came from the Government. If change will not happen in the long term, I do not see the point. We talked about the amalgamation of schools. There is a clear need to amalgamate some ITs. The fact that most of them want to come together is positive, particularly in Dublin. Other supports need to be available.

One issue which may not be an issue for the Minister’s Department but another Department is accommodation supports for foreign students. A lot of accommodation is available through NAMA. We need some joined up thinking in the sector which will enhance its consolidation and growth.

**Deputy Ruairí Quinn:** I agree with the observations made by the Deputy and I can assure him that there is joined up thinking. It will be driven by the institutions. They will be given encouragement to make sensible, collaborative associations. We do not want political interference. These decisions should be made in the best interests of the totality of the institutions
[Deputy Ruairí Quinn.]
and the education sector in which students at home and abroad will be attracted to participate in.

Written Answers follow Adjournment.

The Dáil adjourned at 5.50 p.m. until 2 p.m. on Tuesday, 24 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 11, inclusive, answered orally.

FÁS Training Programmes

12. Deputy Pádraig Mac Lochlainn asked the Minister for Education and Skills if his attention has been drawn to the fact that allowance to persons attending the schemes such as the national learning network, that provides courses for persons with a disability, have had their weekly allowances cut and in view of the costs of trainees if he will agree to review the impact this is having on those participating in courses. [2951/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): FÁS contracts with Specialist Training Providers such as the National Learning Network to deliver training programmes to people with disabilities. Training allowances set by FÁS are paid directly to the trainee and FÁS reimburse the training provider based on invoices received.

As part of Budget 2012, it was decided to reduce training allowances in respect of 16 and 17 year old on FÁS courses from €76.65 and €95.75 respectively to €40 per week. This reduction applies to new entrants from 1st January 2012 and is mirrored in the Youthreach programme for early school leavers managed by the VECs.

I have been informed by FÁS that the change to the rate of training allowances paid to new participants under 18 years of age is the only rate change implemented by FÁS in 2012.

This reduction does not apply to persons under 18 years old receiving Disability Allowance.

School Curriculum

13. Deputy Billy Kelleher asked the Minister for Education and Skills if he will consider proposals contained in the recent report by the National Competitiveness Council which recommended that the education system be overhauled with a much greater emphasis on maths in primary schools; and if he will make a statement on the matter. [2923/12]

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock): I am pleased to note that the National Competitiveness Council endorses the approach outlined in Literacy and Numeracy for Learning and Life which I launched in July 2011. The Strategy
provides for a range of measures which will improve mathematics. These include curriculum reform, actions with parents to support their children’s learning, improved initial and continuing professional development for teachers, strengthened assessment, school leadership and planning, and support for children with identified needs.

In that context, a national programme of professional development is under way for primary and second level schools. Primary schools have been asked to increase the time spent on mathematics by 70 minutes per week from January 2012, to introduce a third point of standardised testing in literacy and maths, and to report the results to parents as part of an overall report on their children’s progress.

I recently launched a report on the first phase of evaluation of DEIS which shows significant improvements in literacy and numeracy scores since 2006/7, and a report of English reading and Mathematics achievement in Irish medium schools.

**Residential Institutions Redress Scheme**

14. **Deputy Martin Ferris** asked the Minister for Education and Skills if he will revisit his decision to exclude Bethany Home, Dublin survivors from a State redress mechanism in view of the deluge of information that is now in the public domain detailing the State’s oversight and involvement in the institution. [2954/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Following my meeting with representatives of the Bethany Home Survivors Group last year, I reviewed the relevant papers in relation to the Home. Having taken all the circumstances into account, I found no basis to revisit the decision not to include the Home within the Residential Institutions Redress Scheme. That remains the position.

**Literacy and Numeracy Strategy**

15. **Deputy Jonathan O’Brien** asked the Minister for Education and Skills if public libraries will be integrated into the development of the literacy and strategy programme. [2975/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Literacy and Numeracy for Learning and Life: The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020 acknowledges the important role which libraries play in literacy development through engagement with learners, parents, early childhood education settings, schools and communities. The Strategy envisages that libraries will support parents and families and help them to build and develop their children’s literacy and numeracy skills. It also acknowledges the importance of close links between libraries and schools.

Officials in my Department have met with library interests to discuss models of engagement and to progress the implementation of actions in the Strategy relating to libraries.

**Third Level Charges**

16. **Deputy Dara Calleary** asked the Minister for Education and Skills in view of the increase in participation at third level over the past decade, if he considered the likely impact on participation at third level following decisions taken in budget 2012; and if he will make a statement on the matter. [2907/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Continuing high demand for higher education is extremely welcome in the context of the steps we are taking to support economic recovery and the development and expansion of sustainable employment opportunities into
the future. This Government has had to take difficult and unpalatable decisions which will unfortunately mean that liable students will pay an increased student contribution from the next academic year.

In considering the scale of increase, the Government was highly conscious of affordability and the need to promote participation. Every effort has also been made to protect resources for the most disadvantaged students and to support them in achieving an undergraduate qualification while continuing to provide support for a relatively wide number of post graduate students.

The Government has also committed a further €10m to support unemployed people in accessing higher education opportunities on a part time basis in 2012 through the further development of the Springboard initiative introduced as part of the Jobs Initiative last May.

Schools Building Projects

17. Deputy Mary Lou McDonald asked the Minister for Education and Skills if a school (details supplied) in Dublin 7, a DEIS band two school is still on the list for capital funding in the context of the school building and modernisation programme; if he will clarify the position of the school on the queue; and if there are any proposals to initiate a more simplified system when schools can easily access their position in relation to a proposed school building.

[2952/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, my Department is currently in the process of acquiring a site for the school to which she refers. An application for planning permission forms part of the site acquisition process. A draft design for the school was discussed with the school authority and the design is currently being revised in light of those discussions.

The current status of all projects on the school building programme, including the school in question, may be viewed on my Department’s website at www.education.ie and this will be updated regularly throughout the year.

The Government’s Medium Term Infrastructure and Capital Investment Framework, which was published on 10th November 2011, sets out the demographic challenge facing the education system in the coming years.

In view of the need to ensure that every child has access to a school place, the delivery of major school projects and smaller projects devolved to schools to meet the demographic demands nationally as well as the demands in the area to which the Deputy refers, will be the main focus for capital investment in schools in the coming years.

I have previously committed to publishing shortly a five year plan outlining the school building projects to be constructed in that time.

Departmental Staff

18. Deputy Sean Fleming asked the Minister for Education and Skills the total number of teachers who have applied to retire by 29 February; the number of these who will be re-employed by post primary schools following their retirement; and if he will make a statement on the matter. [2920/12]

Minister for Education and Skills (Deputy Ruairí Quinn): A total of 798 primary and 582 secondary community and comprehensive school teachers have applied to my Department for benefits on retirement in the period 1 December 2011 to 29 February 2012. Of these, 935 have given a February 2012 retirement date, with the breakdown in February between the levels as
follows: 520 in primary and 415 in secondary, community and comprehensive school teacher. In addition, information provided to my Department from VECs in December 2011 indicates that 217 teachers employed in vocational schools and community colleges had, at that time, given expressions of interests in retiring before 29 February 2012.

I announced measures in November 2011 permitting post-primary schools to re-employ teachers who retire between 1 December 2011 and 29 February 2012 and who, immediately before their retirement, have been teaching students preparing to sit the Junior or Leaving Certificate examinations in 2012. These teachers may be re-employed until the summer holidays for the teaching duties for which they were timetabled immediately before their retirement. I do not have information of the numbers of retirees who will be re-employed under these special arrangements as it will be a matter for the school and teacher concerned to decide if they wish to avail of them.

**Departmental Bodies**

19. **Deputy Sandra McLellan** asked the Minister for Education and Skills if the single awarding authority for student grants will be in place for the 2012-2013 academic year applications. [2956/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Plans are well underway to replace the 66 existing student grant awarding bodies with one single grant awarding authority. I have appointed the City of Dublin VEC to operate the centralised authority commencing operation for all new grant applicants for the 2012/13 academic year and implementation arrangements are well advanced for this purpose.

It is intended therefore that the new grant awarding authority will accept all new student grant applications from the 2012/13 academic year onwards. The existing 66 grant awarding bodies will continue to deal with the renewal of applications for their existing grant-holders for the duration of their current courses. This will wind down the involvement of the existing grant awarding bodies in the student grants function over a three to four year period.

I am sure the Deputy will agree that this is a positive example of genuine public sector reform. I believe it will ensure a better level of customer service for all those who use the student grant system.

**Languages Initiative**

20. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if he is examining any options, such as sourcing funding from the European Union, to restore the modern languages initiative; and if he will make a statement on the matter. [2931/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My consideration of the modern language initiative is wider than one of funding alone.

The Modern Languages in Primary Schools Initiative has been a pilot scheme involving approximately 550 schools that has operated since 1998.

The decision to end the scheme took account of a 2008 Report by the National Council for Curriculum and Assessment (NCCA). The report identified serious issues with curricular overload at primary level.

The NCCA’s advice recommended for the present modern languages should not be part of the Primary School Curriculum as an additional and separate subject. The advice in relation to curriculum overload predated the wake up call on literacy and numeracy triggered by the PISA
results. I am taking that advice on board and with particular regard to the demands on time in school that will result from a heightened focus on literacy and numeracy.

The primary curriculum is currently being reviewed by the NCCA in the context of the National Literacy and Numeracy Strategy. The €2.5million in savings from this measure will go towards the cost of implementing the new National Literacy and Numeracy Strategy. The 17% of primary schools at present in the Initiative, who have had even more time demands than others in a crowded curricular space, should as a result be better placed to deliver under the strategy.

Given the priority of literacy and numeracy I have acted on the 2008 advice about overload and could not justify either the continuation of the initiative in the existing schools or its expansion to all schools even if funding was not an issue. The issue of seeking alternative resources from the EU does not arise.

**Departmental Bodies**

21. **Deputy Dessie Ellis** asked the Minister for Education and Skills the expected management and organisational structures of new further education and training authority SOLAS; and the percentage of its management that will come from the entity previously known as FÁS. [2958/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** SOLAS will have strategic responsibility for further education currently delivered by Vocational Education Committees (VECs) and training currently delivered by FÁS. FÁS will be disbanded as part of this process and its training provision transferred to VECs. While it is envisaged that SOLAS itself will be staffed mostly by former FÁS Head Office staff, around 700 FÁS Training Division staff (including trainers) will transfer to VECs. In addition, the 33 VECs will be rationalised into 16 Local Education and Training Boards (LETBs). Already, some 700 FÁS Employment and Community Services staff have transferred to the Department of Social Protection as part of the establishment of the National Employment and Entitlements Service (NEES).

I chair the SOLAS Implementation Group, established by the Government, charged with drafting the Action Plan which will set out the change process involved. A stakeholder consultation process has commenced, the results of which will inform the Action Plan. Details of the process are available on my Department’s website.

**Departmental Staff**

22. **Deputy Peadar Tóibín** asked the Minister for Education and Skills if he will provide a report into the staffing levels of professional development service for teachers. [2965/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has allocated a total of 170 teachers to teacher professional development of which 87 are employed full time in the Professional Development Service for Teachers. Teachers are engaged on a secondment basis from their schools and reviewed on an annual basis. These arrangements provide flexibility and ensure that the needs and priorities of the service are met while also allowing for the career development of individual teachers. While the overall resources allocated to teacher professional development have declined in line with recent budgetary adjustments, additional resources were secured last year to support the implementation of the Literacy and Numeracy Strategy and other priorities. PDST staffing is augmented by the availability of serving teachers who work on a part time basis as required. My Department is currently reviewing the PDST to ensure that its structures are fit for purpose in the context of the Government reform agenda.
School Patronage

23. **Deputy Gerry Adams** asked the Minister for Education and Skills the position regarding the patronage for new second level schools in Dundalk and Drogheda, County Louth  [2967/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In June of last year I announced that 20 new second level schools would be established up to 2017 to meet increasing demographics. These included new second level schools in both Dundalk and Drogheda, each with an indicative opening in 2014.

Applications for patronage of the new second level schools to be established in 2013 and 2014 have been sought by my Department from prospective patrons and the closing date for receipt of applications is 24th February 2012. My Department asked prospective patrons to register expressions of interest by Friday last, 13th January, of the areas where they intended making formal applications for patronage of the new schools. Expressions of interest were received from Co. Louth VEC in relation to patronage of the new school in Dundalk and from the Edmund Rice Schools Trust, Educate Together and Co. Louth VEC in respect of patronage of the new school in Drogheda. It remains open to patrons to apply even if they have not made an expression of interest.

School Staffing

24. **Deputy Mick Wallace** asked the Minister for Education and Skills the position regarding the largest secondary school in the country (details supplied) in County Wexford which cannot retain guidance counselling positions in place of other subjects due to the large number of students it caters for and, as a result, stands to lose three much needed guidance counsellors; and if he will make a statement on the matter.  [2901/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** All schools must continue to provide guidance to their pupils. However, from September 2012 guidance provision will be managed by schools from within their standard staffing allocation.

The impact of this decision for the school referred to by the Deputy will be to reduce its staffing by 3 posts out of a total of over 100 posts.

Schools will have autonomy on how best to prioritise its available resources to meet its requirements in relation to guidance and the provision of an appropriate range of subjects to its students. Decisions on how this is done will be taken at school level and I am confident that schools will act in the best interest of students when determining precisely how to use the teaching resources available to them.

School Statistics

25. **Deputy Sandra McLellan** asked the Minister for Education and Skills his plans to introduce a database of primary school pupils and details of works being progressed by him to improve its systems in order to facilitate access to accurate and up to date information on individual schools, both to ensure more efficient use of the official time and to reduce the administrative burden on schools.  [2957/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department continues to seek to enhance the quality and timeliness of datasets which are required for resource planning purposes, most notably in providing online facilities to streamline the collection of data. In recent years a number of initiatives have been developed in the area of online interaction with schools. There have been a number of developments in the area of pupil data collection from post-primary schools. My Department is currently in the process of streamlining the post-
primary returns process to allow for a live online system allowing for easy exchange of information that reflects the up-to-date situation in regard to enrolment at any one time and to cut down on administrative burden and the scale of paper-based information flows across the Department and its associated agencies. My Department intends to proceed, as soon as timing and resources permit, to extend this development to primary level schools.

School Staffing

26. **Deputy Clare Daly** asked the Minister for Education and Skills the way the undermining of DEIS band 2, by re-allocating teachers away from these schools to other schools, will contribute to the economic regeneration of the State, as he has claimed this in response to queries from parents in a school (details supplied) in Dublin 24. [2820/12]

36. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he expects to be in a position to review the impact of the budget 2012 throughout the educational sector with particular reference to the need to provide for the most sensitive and vulnerable areas in view of the necessity to retain the integrity and structure of education even in times of economic difficulty; and if he will make a statement on the matter. [2834/12]

37. **Deputy Clare Daly** asked the Minister for Education and Skills the reason DEIS band 2 category does not appear on the teacher allocation staffing schedule 2012-2013 for primary schools. [2821/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 26, 37 and 36 together.

The requirement to find savings and control the increase in public sector numbers and remain within the new climate of fixed ceilings on teacher numbers, which is a key aspect of the EU/IMF Programme of Support and Ireland’s overall budgetary strategy, is particularly challenging for my Department.

Providing for increased enrolments is a key priority but making some adjustment to teacher numbers is unavoidable given the budgetary constraints. The net impact on overall teacher numbers in our schools has been minimised to the greatest extent possible.

The reason DEIS Band 2 schools are not specifically mentioned in the Teacher Allocation Staffing Schedule is because they are entitled to the same pupil teacher ratio as all other mainstream schools. This has always been the case. The Deputy will be aware that while DEIS Band 2 schools have the same pupil teacher ratio as other mainstream schools, they receive additional supports under the DEIS scheme that are not offered to mainstream schools.

The announcement I made on the 11th January in relation to my Department reporting to me within four weeks refers only to the impact of the withdrawal of certain posts allocated under previous disadvantaged schemes in DEIS Band 1 and Band 2 primary schools.

This report will detail the facts for each individual school affected by this measure, applying the most up to date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example increasing and decreasing enrolments and the reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for 2012/13 school year.

It is only when this report is made available to me that I will be in a position to make a decision on the final outcome for the individual schools involved.
27. **Deputy Niall Collins** asked the Minister for Education and Skills if he will outline in further detail the structure of the review to be carried out by him into the effect of the removal of legacy DEIS posts on a case by case basis; the way this review will operate; and if he will make a statement on the matter. [2910/12]

32. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will outline and publish the terms of reference for the DEIS schools review under budget 2012. [2953/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 27 and 32 together.

I announced in the house on 11th January that my Department will be reporting to me within four weeks on the impact of the withdrawal of certain posts allocated under previous disadvantaged schemes in DEIS Band 1 and Band 2 primary schools, following concerns raised by some schools with me that will be adversely affected by these budget measures.

This report will detail the facts for each individual school affected by this measure, applying the most up to date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example increasing and decreasing enrolments and the reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for 2012/13 school year.

It is only when this report is made available to me that I will be in a position to make a decision on the final outcome for the individual schools involved.

**Future Skills Needs**

28. **Deputy Denis Naughten** asked the Minister for Education and Skills the steps he is taking to meet the future skills needs of industry; and if he will make a statement on the matter. [2727/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The Expert Group on Future Skills Needs identifies future skills needs of enterprise outlining current provision of education & training and identifies gaps in provision, where enterprise requirements cannot be met from current supply. The Expert Group has a key role to play in the identification of skills shortages in the enterprise sector and its recommendations will continue to be reflected in all new Labour Market Activation programmes and its research will continue to inform education provision at all levels.

The timely training and upskilling of the country’s workforce through a variety of relevant training programmes, further education and higher education programmes is a vital step to meet the future skills needs of industry.

In 2011, the training and further education sectors provided almost 300,000 places. In addition enrolments in the third level sector reached 166,000. The Department of Education and Skills expects to maintain this general level of place provision in 2012.

Following on the Labour Market Activation Fund which operated in 2010 and 2011, a new fund will be introduced in 2012 specifically targeted at the long term unemployed. This fund amounting to €20 million, from the National Training Fund, will deliver upwards of 6,500 education and training places.

There will be a further roll out of the Higher Education Springboard initiative. The precise number of places to be provided will be determined by the results of an open competitive tendering process which will be conducted in the first quarter of 2012.
One of the areas which has been identified by the EGFSN with emerging skills shortages is the ICT sector. In response, the Government through the Departments of Education and Skills and the Department of Jobs, Enterprise and Innovation has developed an action plan to address the ICT skills demands articulated by business through a recent Forfás study. The Action Plan sets out clear timed actions that will be commenced in 2012 to ensure a sustainable domestic supply of suitably qualified graduates from the education system in the future and will be published shortly.

Skillnets which is an enterprise-led body funded through the National Training Fund (NTF) to provide companies with new opportunities to develop relevant, effective answers to their training and development needs was set ambitious targets for 2011 to train 40,000 persons, of which up to 8,000 will be unemployed, with up to 50% of training being for the low basic skilled. Similar targets to 2011 have been set for 2012 which will target the long term unemployed.

Future Skills Needs Programme fund, Job-seekers Support Programme fund and New Certified Programme Development fund were introduced in 2011 by Skillnets to respond to labour market needs as identified by industry and policy makers. In July 2011, the Government decided to create a new further education and training authority called SOLAS, under the aegis of my Department to establish a single new authority with strategic responsibility for the training currently delivered by FÁS and the further education currently delivered by Vocational Education Committees (VECs).

SOLAS’s mandate will be to ensure the provision of 21st century high-quality further education and training programmes to jobseekers and other learners. SOLAS and the National Employment Service (NEES) will be involved in working on an integrated basis to provide targeted appropriate training and to provide for the first time a direct referral for both Further Education and Training Programmes.

An enterprise engagement forum was established by my Department in late 2011 and is chaired by the Secretary General of my Department. Its aim is to ensure that there are good communication channels between enterprise partners and the education system.

School Staffing

29. Deputy Joe Higgins asked the Minister for Education and Skills if he still intends to press ahead with cuts to learning support teachers under the general allocation model; if so, if he will detail those planned cuts and the timescale for them; and if he will make a statement on the matter. [2940/12]

33. Deputy Richard Boyd Barrett asked the Minister for Education and Skills if he still intends to press ahead with cuts to learning support teachers under the general allocation model; if so, if he will detail those planned cuts and the timescale for them; and if he will make a statement on the matter. [2939/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 29 and 33 together.

I wish to advise the Deputy that there are no plans to cut the overall number of learning support/resource teachers provided to schools under the General Allocation Model (GAM). The Deputy has misunderstood the changes that will be made to the General Allocation Model.

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. Classroom teacher posts are themselves based on the previous school year’s enrolment figures.
This will provide for a more equitable distribution of the existing GAM resources for schools, based on updated enrolments. The existing GAM resources were originally allocated in 2005 based on 2003/04 school year enrolments and for most schools, has not been updated since, despite the likely changes in the enrolment of individual schools since that time. In taking the decision to update the GAM the Government has also taken into account concerns expressed by the Ombudsman for Children that the GAM has not been updated.

While the overall level of learning support resources being provided under the GAM will not change, as the revised allocations will be based on updated enrolments, there will inevitably be some schools that will lose posts and other schools that will gain posts. Schools will be advised of their new GAM allocations for September 2012 in the coming weeks.

The revised allocation procedures will also allow GAM allocations to be updated annually based on the number of classroom teaching posts in each school in the previous school year.

Teaching posts previously designated for English Language Support will also now be combined with GAM allocations to create a single simplified allocation process to cover both the GAM and language support through general allocation.

Question No. 30 answered with Question No. 9.

School Patronage

31. **Deputy Catherine Murphy** asked the Minister for Education and Skills the meaning of the words “a development of the existing designated community college model or a new community school model” in part 2(a) of the clarification of patronage models for new second level schools issued by the forward planning section of his Department on 1 December 2011; if he will outline potential consequences for future patronage models under these terms; and if he will make a statement on the matter. [2903/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The existing designated community college model is one in which the VEC is the sole patron but colleges are “designated” as being of a particular denomination due to the composition of the Board of Management and the provision of other supports. The current community school model involves joint patronage between the VEC and one or more denominational patrons.

Developing the existing designated community college model would allow for a partnership approach, whereby a VEC could make applications for patronage on a partnership basis with another patron body. This is happening in Clonburris, Lucan, where Co. Dublin VEC is finalising an agreement with Educate Together. Developing the current community school model would require consideration of issues around the existing Deeds of Trust in relation to property and other matters.

These issues are being considered by my Department in consultation with the relevant education partners, and will inform the basis of any future patronage models to be established.

Question No. 32 answered with Question No. 27.

Question No. 33 answered with Question No. 29.

School Staffing

34. **Deputy Mick Wallace** asked the Minister for Education and Skills his plans to address the problem at a school (details supplied) in County Wexford at which three guidance counselor positions are about to be lost; his views that this is particularly serious in a school which
has had three suicide-related deaths in the past two years alone; and if he will make a statement on the matter. [2902/12]

38. **Deputy John Browne** asked the Minister for Education and Skills if he will confirm if schools are still required to provide an appropriate level of guidance provision following decisions taken in budget 2012; what he deems appropriate guidance to be; the way he will ensure that schools continue to provide a certain level of guidance provision; and if he will make a statement on the matter. [2905/12]

41. **Deputy Seán Crowe** asked the Minister for Education and Skills if the likely loss of school guidance posts contravene section 9(c) of the Education Act 1998 which states that one of a school’s functions is to ensure that students have access to appropriate guidance to assist them in their educational and career choices. [2948/12]

91. **Deputy Denis Naughten** asked the Minister for Education and Skills in view of the important pastoral role which guidance counsellors play and the scale of youth suicide, if he will review the changes as outlined in budget 2012; and if he will make a statement on the matter. [3101/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 34, 38, 41 and 91 together.

All schools must continue to provide guidance to their pupils. However, from September 2012 guidance provision will be managed by schools from within their standard staffing allocation. As things currently stand and before any changes are made, 42% of second level schools do not presently have a full-time guidance counsellor.

Schools will have autonomy on how best to prioritise its available resources to meet its requirements in relation to guidance and the provision of an appropriate range of subjects to its students. Decisions on how this is done will be taken at school level and I am confident that schools will act in the best interest of students when determining precisely how to use the teaching resources available to them.

Guidance is a whole school activity and under existing arrangements each school is expected to develop a school guidance plan as a means of supporting the needs of its students. These requirements have not changed and my Department’s forthcoming Circular will make this clear and point schools to the relevant documentation and guidance available to support such work by schools.

In this way, the main teacher allocation can be maintained at 19:1 for schools generally, while schools will have discretion to balance what they allocate for guidance against the competing demands of providing subject choice.

I have also provided for the filling of 300 Assistant Principal posts in second-level schools over the level originally planned. This will ensure that schools have sufficient management positions to ensure appropriate supports are available for all students.

A key priority for me is to continue to prioritise and target available funding at schools with the most concentrated levels of educational disadvantage. All 195 second-level school in DEIS will be given targeted support by a more favourable staffing schedule of 18.25:1. This is a 0.75 point reduction compared to the existing PTR of 19:1 that applies in non-fee-paying second-level schools.

**Proposed Legislation**

35. **Deputy John McGuinness** asked the Minister for Education and Skills the progress made
Minister for Education and Skills (Deputy Ruairí Quinn): Work on the drafting of the Residential Institutions Statutory Fund Bill is at an advanced stage and I hope to be in a position to publish the Bill in the coming weeks. When the Bill is published I will arrange for copies to be provided to the various survivor groups and I will of course be happy to receive any comments from former residents and anyone else in relation to its contents.

In that regard I had a very constructive meeting with groups representing survivors of residential institutional abuse on 22nd July last, when we discussed the Government’s approach to the proposed Statutory Fund to support the needs of victims of residential institutional abuse. Attendees at that meeting raised a number of issues regarding aspects of the proposed approach as set out in the General Scheme of the Residential Institutions Statutory Fund Bill. I have also received a number of submissions in relation to particular aspects of the proposed legislation, which are being considered as the drafting process continues.

The Government’s legislative proposals in relation to the Statutory Fund followed extensive consultations with survivors of residential abuse and the groups which support them, together with a public consultation process. In this context, the report on the consultation process and the General Scheme of the Residential Institutions Statutory Fund Bill were published on my Department’s website.

I acknowledge that some former residents advocated a simple distribution of the available money rather than the establishment of the Statutory Fund. However, as I outlined when I published the legislative proposals, I believe that the Fund should target resources at services to support former residents’ needs. The General Scheme provides for approved services to include, counselling, psychological support services and mental health services together with such health and personal social services, educational services and housing services as the Fund may determine. Further services can be prescribed as appropriate.

Questions Nos. 36 and 37 answered with Question No. 26.

Question No. 38 answered with Question No. 34.

School Staffing

39. Deputy Denis Naughten asked the Minister for Education and Skills the steps he is taking to reduce the impact of budget cuts on rural schools; and if he will make a statement on the matter. [2728/12]

57. Deputy Bernard J. Durkan asked the Minister for Education and Skills if arising from budgetary curtailments affecting small and rural schools, he is prepared to accommodate technical structures at local level which will allow for the pooling of resources and retention of existing structures thereby preventing the possibility of any situation emerging which might affect the rural, social and economic fabric and recognising the high quality of education traditionally provided in small rural schools; and if he will make a statement on the matter. [2835/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 39 and 57 together.

The staffing schedule at primary level disproportionately benefits small primary schools. It is worth noting that we have 3,200 primary schools across Ireland. Over two thirds of those
schools have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure. For example a two teacher school with 32 pupils has an average class size of 1 teacher for sixteen pupils. In contrast, a typical ten teacher school with 272 pupils has an average class size of 27.2 pupils.

It is important to retain a sense of perspective and balance when discussing this matter and to realise the exceptionally favourable supports my Department will continue to provide for small schools.

For that reason, as part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014.

While I acknowledge the concerns raised by the Deputies the budget measure must be seen in the context of the major challenges we have as a Government in trying to shelter public services to the greatest extent that we can in these exceptional times.

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible. The numbers of pupils in these schools is relatively small so it is not necessarily the case that capital investment would be needed to support amalgamation. Each case will have to be assessed on an individual basis to determine the extent and type of accommodation required taking into account the condition of buildings, site capacity etc. My Department would discuss the issues arising with the boards of management of the schools and would aim to provide an appropriate accommodation solution subject to available resources.

Arising from this specific budget measure, I wish to re-emphasise that no small schools will be forcibly closed by my Department and, if amalgamations do take place, they will be voluntary and follow decisions taken by local communities and not by my Department.

40. Deputy Aengus Ó Snodaigh asked the Minister for Education and Skills the number of posts allocated to primary schools in each county for the teaching of English as an additional language; the number of posts allocated to second level schools in each county for the teaching of English as an additional language and skills; the number of appeals submitted this year by primary schools against a decision by him not to sanction the appointment of a teacher of English as an additional language; and the number of schools to which posts were allocated on appeal. [2962/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Significant support is given to schools by way of language support provision. The level of extra teaching support provided in respect of language support to any school is determined by the numbers of eligible pupils enrolled and the associated assessed levels of those pupils’ language proficiency. There are circa 920 full-time teaching posts in respect of English as an additional language (EAL) allocated to primary schools in the current school year. The corresponding whole time equivalent figure for post primary schools is 210 posts.

72 primary schools appealed their EAL allocation to the Primary Staffing Appeal Board. 29 schools were successful. The Appeal Board operates independently of the Department and its decision is final.

I regret that my Department is not in a position to provide the requested breakdown on a county by county basis. The main focus of the Teacher Allocation Section within my Department at this time is the allocations process for the 2012/13 school year.

Under the proposed reforms for the coming school year the combined resources available for GAM (General Allocation Model) at primary level and learning support at post primary
level and language support will be used to create a single simplified allocation process to cover both the GAM and language support at primary level and learning support and language support at post primary level. Schools will have autonomy on how to deploy the resource between language support and learning support depending on their specific needs.

The new arrangements also provide for additional permanent teaching posts to be given to schools with high concentration of pupils that require language support. Further additional temporary EAL support will also be provided, as necessary, to schools that will have high concentrations of pupils that require language support in the 2012/13 school. These allocations will be made on the basis of appeals by any of these schools to the Staffing Appeals Board.

Question No. 41 answered with Question No. 34.

School Uniforms

42. Deputy Michael Colreavy asked the Minister for Education and Skills if he will provide a progress report into efforts to make school uniforms more affordable for parents. [2969/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In accordance with the provisions of the Education Act 1998, the Board of Management is the body charged with the direct governance of a school.

Individual school authorities are responsible for the drawing up of a school policy in relation to the wearing of school uniforms. However, my Department recommends that the formulation of such a school policy should allow for prior consultation with teachers, parents and pupils where appropriate and enable any concerns about the issue of cost to be raised and considered.

Decisions regarding school uniforms are a matter for the Board of Management of each individual school.

Equality Issues

43. Deputy Pearse Doherty asked the Minister for Education and Skills if he implements equality impact assessments similar to other countries when considering changes to legislation governing funding and changes in policy. [2970/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As with all Government Departments, when considering changes to legislation governing funding and changes in policy my Department complies with the procedures as outlined in the Cabinet Handbook. These require that where proposals for legislation relate to matters on which Government policy has not already been laid down or where they involve a new development or a material departure from existing policy, they should first be submitted to the Government by way of a memorandum for a decision in principle of the policy at issue.

Any such memorandum seeking approval for legislation involving changes to the regulatory framework or seeking approval for a Government Order involving changes to the regulatory framework must be accompanied by a Regulatory Impact Analysis, which includes an examination of possible impacts on the socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities.

Where no requirement for a RIA arises, each memorandum is required to indicate clearly, as appropriate, the impact of the proposal for employment including gender equality, the impact on persons experiencing or at risk of poverty or social inclusion and people with disabilities.
As regards any further or systematic equality impact assessments the IVEA and the Equality Authority have been developing guidelines and practice on Equality Impact Assessments. In 2007 the IVEA/ Equality Authority produced “Guidelines for conducting equality impact assessments on IVEA and VEC plans, policies and programmes”. These guidelines, inter alia: define equality impact assessments (EIAs); identify when an EIA should be carried out; identify equality target groups; illustrate how to undertake an EIA. They also include an EIA template.

Schools Refurbishment

44. Deputy Micheál Martin asked the Minister for Education and Skills if there is a provision in his capital budget for 2012 to continue the small annual devolved building grant scheme for schools; and if he will make a statement on the matter. [2929/12]

Minister for Education and Skills (Deputy Ruairí Quinn): It is not envisaged that a Minor Works Grant to primary schools will be issued in 2012 for the school year 2012/2013. The grant for the school year 2011/2012 was issued last November at a cost of €28m.

The focus of my Department’s capital allocation for the school sector in 2012 is on major school projects and smaller projects devolved to schools to meet demographic demands.

Third Level Charges

45. Deputy Dessie Ellis asked the Minister for Education and Skills in view of the fact that student contribution fee increases beyond 2012 were not included in the comprehensive expenditure report 2012 to 2014, if he will confirm that there will be no further increases beyond that announced in budget 2012. [2959/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The reality of our economic situation presents significant challenges that have to be reconciled with limitations on public resources. Ireland must adhere to its agreed economic recovery programme in order to reduce the budget deficit to 3% of GDP by 2015 and to restore our independence. This will mean that forthcoming budgets will involve further adjustments in taxation and public spending. Regrettably, education cannot be spared from this adjustment as the size of the challenge is so large, in this context I cannot rule out further increases to the Student Contribution in future years.

It should be noted that the contribution is paid by the Exchequer in respect of students who qualify under the third level grant schemes. Tax relief is also available for second and subsequent siblings to alleviate costs for families.

School Closures

46. Deputy Pearse Doherty asked the Minister for Education and Skills the criteria governing his decision to close small schools. [2971/12]

Minister for Education and Skills (Deputy Ruairí Quinn): There has been no decision to close small schools. However, the reality is that the staffing schedule at primary level disproportionately benefits small primary schools.

It is worth noting that we have 3,200 primary schools across Ireland. Over two thirds of those schools have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure. For example a two teacher school with 32 pupils has an average class size of 1 teacher for 16 pupils. In contrast, a typical ten teacher school with 272 pupils has an average class size of 27.2 pupils.
For that reason, as part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. Even when all of these phased increases are implemented, the threshold for small schools will still be significantly lower than the minimum of 28 pupils that were required for the appointment of the second teacher in schools prior to the mid 1990s. I wish to remind the Deputy that there were no forced closures of schools when the staffing schedule operated at the levels set in the 1990s so it is incorrect to say this will happen when we implement all of these phased increases.

This budget measure must be seen in the context of the major challenges we have as a Government in trying to shelter public services to the greatest extent that we can in these exceptional times.

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible and only where communities chose to do so.

**Teachers’ Remuneration**

47. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills in view of the announcement in budget 2012 that qualified teachers who undertake and complete further studies such as a masters or doctorate will no longer receive additional salary allowances, if he will clarify the position of teachers who were participating in or had recently completed courses at the time of the budget announcement; if he recognises that undertaking these courses requires a significant financial investment and can involve taking time off work and, consequently, loss of income and these teachers had legitimate expectation that their investment would be somewhat offset by an additional qualification allowance following graduation. [2961/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The position of teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances announced in Budget 2012 which is being led by the Department of Public Expenditure and Reform. I am aware that undertaking any course of further or higher education requires a high level of commitment and financial investment. In common with many professions, the additional qualifications achieved by teachers who undertake additional study should prove an advantage in securing employment in their chosen areas. The decision to cap allowances at current levels for existing teachers was taken due to the upward pressure on the cost of teacher allowances. Without immediate action, this upward pressure would have cancelled out the savings made elsewhere in the education system and would bring about even harsher adjustments to schools and services.

**Teaching Qualifications**

48. **Deputy Brian Stanley** asked the Minister for Education and Skills the updated supports that are in place to ensure the upskilling of teachers for the enhanced delivery of the literacy and numeracy strategy. [2972/12]

49. **Deputy Peadar Tóibín** asked the Minister for Education and Skills under the literacy and numeracy strategy, the in-service sessions that have been provided for teachers in Irish medium schools; and the plans he has put in place to ensure the rollout of the literacy and numeracy strategy in the Irish medium school sector. [2964/12]
Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 49 and 48 together.

The Professional Development Service for Teachers is charged with leading the teacher support element of the Literacy and Numeracy for Learning and Life strategy. An integrated plan to support the strategy has been developed by the PDST and the other support services. Thus far seminars have been held for all school leaders which outline the responsibility of the school in the implementation of the strategy at a local level.

Provision has been made for continued support 2012 and planning is advanced in this regard. Additional posts have been provided to the PDST for this purpose. All schools receive a similar level of support including schools who teach through the medium of Irish. A number of additional literacy and numeracy Summer courses were provided in 2011; there will be further development in this area in 2012 and all summer courses will include a school self-evaluation and school improvement focus. Access to summer courses will also be extended to post-primary teachers in 2012.

Student Support Schemes

50. Deputy Joan Collins 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. [36054/11]

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.

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.

Departmental Agencies

51. Deputy Caoimhghín Ó Caoláin asked the Minister for Education and Skills if any of the current management assigned to SOLAS from FÁS were investigated following the revealing of financial irregularities at FÁS; and if any such person investigated was sanctioned for actions during their time as senior manager or director in FÁS. [2960/12]
Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The legislation for the creation of SOLAS has not as yet been passed and no staff have been assigned to SOLAS.

Disciplinary issues in relation to FAS staff are an operational matter for FAS within the meaning of the Labour Services Act, 1987 and I have no role or function in these matters.

I have been informed by FAS that a number of staff were subject to disciplinary sanctions in relation to certain procedural findings concerning the Corporate Affairs Unit of FÁS. These sanctions were as a result of an independent investigation which is now complete. A small number of staff that were investigated still remain with FÁS. However, the findings against these staff resulted in the application of sanctions at the lower end of the scale due to the nature of the specific findings involved.

School Staffing

52. Deputy Seán Crowe asked the Minister for Education and Skills the consultation he and his officials have had with teachers from DEIS band schools affected by the phasing out of pre-DEIS school legacy posts. [2949/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I personally met with school principals, teachers, parents and communities in recent weeks, to hear their concerns and clarify the position in relation to changes announced under Budget 2012 to posts allocated to schools under previous schemes to tackle educational disadvantage.

I have also held many meetings with my Government colleagues, who have also met with schools, teachers, parents in their local communities. Consequently, I announced to the House on 11th January that my Department will report to me in the coming weeks on the impact of the withdrawal of these posts in DEIS Band 1 and Band 2 primary schools.

Stay Safe Programme

53. Deputy Pádraig Mac Lochlainn asked the Minister for Education and Skills the funding available from him to implement the stay safe programme; and if the training and the relevant support materials are easily accessible and available to teachers. [2950/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Stay Safe Programme is funded by my Department and the Health Services Executive. The Programme received approximately €172,000 in 2011 of which €120,000 was allocated by my Department. This funding covers salaries, materials and programme delivery costs. Funding for the programme is allocated following consultations with the Programme provider, the Professional Development Service for Teachers and has regard to the support needs of teachers and schools and the overall availability of resources. A total of €125,000 was allocated for resource development including booklets, DVDS, videos, parent materials over the last 5 years.

Materials and support are provided through visits to schools by the Programme Provider and members of the PDST. Materials are also readily available for download on the Safe Safe website.

Funding for 2012 is currently under consideration.

Youth Services

54. Deputy Gerry Adams asked the Minister for Education and Skills in view of the circular letter 00742011 relating to the cuts in funding to Youthreach services, if this will deter young persons from availing of this scheme. [2966/12]
Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Circular 74/2012 gave effect to the Budget 2012 decision to reduce allowances paid to Youthreach participants under 18 years of age from €76.65 (16 year olds) and €95.75 (17 year olds) per week to one rate of €40.00 per week. The new rates apply to new entrants under 18 years of age with effect from 1 January 2012.

I am conscious of concerns expressed by some educators that it is not correct to incentivise students to drop out of mainstream second level school so they can instead attend Youthreach courses and receive payments for doing so. However, I remain convinced that the Youthreach provision is an important part of our education system which helps those who find second level school is not for them. I listened carefully and reflected on these two arguments before making the decision to merge and reduce the two payments for Youthreach. I believe the changes made balance both sides of the argument and that Youthreach will remain a well used service.

I am also pleased to inform the Deputy that the number of places available in Youthreach has been maintained — there are almost 6,000 places nationally, with 3,700 provided by VECs in just over 100 Youthreach centres and the majority of the remainder provided by FÁS in Community Training Centres.

Youthreach participants also remain eligible for meal and travel allowances, which have not been reduced, and for free childcare, under the Childcare Education and Training Support (CETS) scheme, administered by the Department of Children and Youth Affairs.

School Staffing

55. Deputy Aengus Ó Snodaigh asked the Minister for Education and Skills the number of primary teachers who have applied for probation since September 2011; and the number of primary teachers who successfully completed the probationary process during the last academic year. [2963/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The total number of primary teachers who have applied for probation since September 2011 is 2,052. The number of primary teachers who successfully completed the probationary process during the 2010/11 academic year was 1,976.

Educational Projects

56. Deputy Brian Stanley asked the Minister for Education and Skills the importance of private sponsorship in encouraging the development of science and technology subjects; and the efforts he is making to ensure schemes such as the BT Young Scientist Award are replicated. [2973/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I would like to acknowledge the important sponsorship, both financial and in human resource input provided by BT to the Young Scientist competition. Industry in Ireland has engaged extensively with education at all levels. The Discover Science programme, the Engineers Ireland STEPS programme, Smart Futures, Chemistry in the Classroom, ICT Champions, are all examples of programmes supported by industry which encourage students to explore the world of science, technology, maths and engineering.

Project Maths which is under way in all second level schools, is being supported by an industry-education partnership implementation support group. An ICT Steering Group, led by Paul Rellis, head of Microsoft Ireland represents stakeholders including teachers, parents, industry, relevant Government Departments and students, and advises on ICT in schools.
There are many other examples, such as the role of the County Enterprise Boards in promoting Student Enterprise Awards, the Young Social Innovators Programme, and the Business in the Community initiative under which corporate and public enterprises work together to support the education sector. I believe such partnerships are essential to enrich the curriculum and give practical relevance to the ongoing work of schools.

*Question No. 57 answered with Question No. 39.*

**Irish Passports Statistics**

58. **Deputy Paudie Coffey** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of Irish passports that are in use around the globe; and if he will make a statement on the matter. [3014/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The total number of valid Irish passports in circulation in Ireland and around the world is approximately 4.5m. Of this figure it is estimated that approximately 3.85m are held in Ireland, including Northern Ireland; 380,000 are held by Irish citizens resident in Great Britain; and 270,000 held by Irish citizens resident in other countries around the world.

**Passport Service**

59. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of passports that have been stolen, lost or mislaid in each of the years 2009, 2010 and 2011; and if he will make a statement on the matter. [3225/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Details of the numbers of passports reported as lost, stolen or mislaid since 2009 are set out in the table below.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PASSPORTS ISSUED</th>
<th>LOST or MISLAID</th>
<th>STOLEN</th>
<th>TOTAL</th>
<th>% OF PASSPORTS ISSUED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>579,508</td>
<td>29,801</td>
<td>4,821</td>
<td>34,622</td>
<td>5.97%</td>
</tr>
<tr>
<td>2010</td>
<td>603,753</td>
<td>26,405</td>
<td>4,382</td>
<td>30,787</td>
<td>5.09%</td>
</tr>
<tr>
<td>2011</td>
<td>599,468</td>
<td>26,151</td>
<td>4,295</td>
<td>30,446</td>
<td>5.07%</td>
</tr>
</tbody>
</table>

Individual citizens are primarily responsible for the safe keeping of their own passports. In this regard the Department is constantly urging that passports should always be kept in a secure place and that citizens take particular care of the document when travelling. However, passports are lost and the Department strongly advises that citizens notify the Passport Service of any lost passport at the earliest opportunity.

Once a passport is reported lost, this information is relayed to Interpol through An Garda Síochána. Interpol receives these updates on a daily basis. The information is then made available immediately to police forces and border control officers worldwide. Any individual who attempts to travel on a lost or stolen passport will as a result most likely be stopped at border control points.

**Motor Industry**

60. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on a matter (details
Minister for Finance (Deputy Michael Noonan): I have no proposal at this stage for an alternative number to be put on next year’s registration plates. However, any proposals that are brought forward will be examined by my Department in advance of Budget 2013.

Tax Code

61. Deputy Terence Flanagan asked the Minister for Finance the position regarding grants to employers (details supplied); and if he will make a statement on the matter. [2993/12]

Minister for Finance (Deputy Michael Noonan): Sections 472A and 88A of the Taxes Consolidation Act 1997 provide tax incentives for both employers and employees, to help the long-term unemployed to return to employment. The relief under Section 472A, known as the Revenue Job Assist scheme, allows qualifying employees, in addition to their normal tax credits, to claim certain income deductions, including additional deductions for qualifying children, for the three year period after taking up employment. Section 88A provides an associated tax incentive for employers. Employers may claim a double deduction in computing the profits of the trade or profession in respect of the first 3 years’ wages paid to qualifying employees. This double deduction may also be claimed in respect of the employers’ PRSI contribution on such wages.

Both incentives apply in respect of individuals who have been unemployed for at least 12 months and are in receipt of a specified social protection payment or, who are in a category approved for the purposes of the scheme by the Minister for Social Protection with the consent of the Minister for Finance. I intend to bring forward an amendment in Finance Bill 2012 so that individuals signing on solely for credits with the Department of Social Protection can also qualify for the relief. This change is being operated on an administrative basis by the Revenue Commissioners currently. Application forms for this scheme are available at http://www.revenue.ie/en/tax/it/leaflets/it59.html. The Deputy may also wish to enquire of the Department of Jobs, Enterprise and Innovation as to whether there are grants available to employers through the various agencies under its aegis.

Financial Services Regulation

62. Deputy Terence Flanagan asked the Minister for Finance the position regarding bonuses (details supplied); and if he will make a statement on the matter. [3003/12]

Minister for Finance (Deputy Michael Noonan): I have outlined my position on this matter when replying to previous parliamentary questions on the same subject most recently on 11 January 2012 (refs: 41045/12, 41077/12 and 41429/11).

Tax Collection

63. Deputy Paudie Coffey asked the Minister for Finance the total amount of income tax that was paid by all persons who earn more than €100,000 per year in the year 2011; and if he will make a statement on the matter. [3019/12]

64. Deputy Paudie Coffey asked the Minister for Finance the number of persons who earned more than €100,000 in the year 2011; and if he will make a statement on the matter. [3020/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 63 and 64 together.
I am informed by the Revenue Commissioners that for the tax year 2009, the latest year for which the necessary detailed data is available, the number of income earners earning in excess of €100,000 was 109,109 and paid €4.9 billion in income tax. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Financial Services Regulation

65. **Deputy Pat Deering** asked the Minister for Finance if he will reconsider the lending restrictions imposed on credit unions (details supplied). [3048/12]

**Minister for Finance (Deputy Michael Noonan):** The imposition of lending restrictions is the responsibility of the Registrar of Credit Unions, who is the independent regulator for credit unions. Within his independent regulatory discretion, the Registrar acts to support the prudential soundness of individual credit unions, to maintain sector stability and to protect the savings of credit union members. This is part of normal regulation and supervision of the sector. As Minister for Finance, my role is to ensure that the legal framework for credit unions is appropriate for the effective operation and supervision of credit unions. It would not be appropriate for me, as Minister for Finance, to examine or adjudicate on whether the placing of lending restrictions is necessary on a case by case basis. I believe that such action would represent interference in the work of the independent regulator.

The Registrar has put lending restrictions in place in order to protect the savings of members in credit unions and to ensure that credit unions focus on risks when making lending decisions. Restrictions are imposed on a case-by-case basis and are reviewed regularly. The type of lending restrictions can include maximum individual loan size, overall maximum monthly lending limits and restrictions on business lending.

The Registrar has advised that about 50% of credit unions are subject to lending restrictions at present. Almost all credit unions with a lending restriction have a maximum individual loan size restriction. Of the credit unions with lending restrictions over 65% can lend €20,000 or more to an individual member. Less than 3% of credit unions are restricted to loans of less than €10,000 to an individual member, and less than 1% of credit unions are restricted to lending less than €5,000 per member. Commercial lending restrictions apply to approximately a third of credit unions.

Tax Code

66. **Deputy Arthur Spring** asked the Minister for Finance the possibility of 0% VAT being charged on the admission price to pet farms for educational school tours; and if he will make a statement on the matter. [3053/12]

**Minister for Finance (Deputy Michael Noonan):** Irish VAT law is subject to the provisions of the EU VAT Directive with which it must comply. Article 110 of that Directive provides that Member States may continue to apply reduced rates, including the zero rate and exemptions from VAT, where such reduced rates or exemptions were in place at 1 January 1991. As Ireland was not applying a zero-rate to admissions to pet farms at that date the zero rate cannot apply to those admissions. Up to 31 December 2011 admissions to historic houses and gardens, and open and pet farms were treated for VAT purposes as lettings and regarded as exempt from VAT. Having regard to certain decisions of the European Court of Justice (ECJ), where a letting was defined for VAT purposes, it was decided that such admissions could no longer be treated as exempt lettings and they became subject to VAT from 1 January 2012.
While admissions to pet farms became liable to VAT from 1 January last, I announced in the Budget that the VAT rate applicable to such admissions would be the reduced rate of 9% and not the standard 23% VAT rate, and this will be provided for in the forthcoming Finance Bill.

Schedule 1 to the VAT Consolidation Act 2010 does provide an exemption for the provision of children’s or young people’s education by educational establishments recognised by the State. This exemption does not extend to admissions to pet farms for educational school tours.

**Departmental Communications**

67. **Deputy Robert Dowds** asked the Minister for Finance if he will give guidance to the Revenue Commissioners on the way they should approach taxpayers in relation to taxation matters; and his views on the way the recent debacle between the Revenue Commissioners and pensioners could be best avoided in future. [3065/12]

**Minister for Finance (Deputy Michael Noonan):** Communications between the Revenue Commissioners and members of the public are the responsibility of the Commissioners and they use a variety of methods and means to explain the many complexities of taxation. The Chairman of the Revenue Commissioners has already explained at the recent Joint Oireachtas Committee meeting that due to the short timeframe available to update the PAYE records of DSP pension recipients from receipt of the information from DSP in time for the start of 2012, the standard of service that we come to expect from Revenue was not met on this occasion. The Chairman went on further at the Committee meeting to publicly apologise for the distress caused to some people on receipt of the letters concerned.

Lastly, as also indicated at the Joint Committee meeting, the Revenue Commissioners advise that they will be reviewing their approach to communications in light of the issues raised following on from the issue of the letters to DSP pension recipients and they will be working with Age Action and the Irish Senior Citizen’s Parliament as well as other groups representing pensioners and other DSP pension recipients to identify how they can improve their communications with that group.

**Illicit Trade in Tobacco**

68. **Deputy Tom Fleming** asked the Minister for Finance the steps he is taking to address the growing problem of cigarette smuggling here; and if he will make a statement on the matter. [3126/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of tobacco products tax, and for tackling the illicit trade in cigarettes and tobacco, that the strategy employed by Revenue to tackle this illicit trade is multi-faceted. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and detection technologies, and optimum deployment of resources at point of importation and inland, in order to intercept the contraband product and to prosecute those involved. Interception at the point of importation is achieved through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. Revenue enforcement officers also target this illicit trade at the post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises. Since mid-2010, Revenue has conducted a series of nationwide intensive tobacco “blitz” type operations, which concentrated additional Revenue resources at ports, airports and at various inland retail points.
including markets, for the purpose of identifying illicit tobacco products. To date, Revenue has conducted nine such national tobacco “blitz” operations resulting in the seizure of over 34.6m cigarettes and 1,715 kgs of tobacco. These intensive operations are of course additional to Revenue’s ongoing day to day illicit tobacco operations.

Revenue also carries out regular multi-agency operations, particularly in relation to large maritime importations. Revenue both provides and receives intelligence from other Customs Administrations and works closely with the European Anti- Fraud Office, OLAF, in its efforts to tackle the illicit sale of tobacco at an international level. This international cooperation and sharing of intelligence and expertise plays an important role in combating illegal tobacco smuggling on the global scale.

The Revenue Commissioners have established a high level internal group, chaired at Commissioner level, to examine the risks related to tobacco products tax evasion and to oversee and optimise the detection of contraband and counterfeit tobacco products. This group has promoted a number of initiatives aimed at countering the illicit trade in tobacco. These include the adoption of a comprehensive tobacco strategy, which is underpinned by annual action plans. This 3-year (2011-2013) strategy, which is published on Revenue’s website www.revenue.ie, includes a number of programmes, which are designed to complement each other in targeting the supply and demand sides of the market for contraband tobacco in Ireland.

Revenue’s strategic level plans include the taking of steps to ensure that the legitimate trade remains compliant, delivering more effective and visible interventions through enhanced capability and better deployment of its resources, further development of cooperation and intelligence sharing at organisational, national and international level, a commitment to prosecute all serious cases of tobacco tax evasion and a focus, in partnership with other Government agencies, on reducing the demand for contraband tobacco.

In the course of 2011 Revenue seized a total of 109 million cigarettes with a retail value of €46 million and 11,158 kgs of tobacco with a retail value of €4 million. In addition Revenue secured one hundred and one court convictions for cigarette smuggling, with thirty custodial sentences, of which twenty were suspended, and fines of €136,300 imposed. Another fifty-seven convictions were secured for the sale of unstamped tobacco products with thirteen custodial sentences, of which seven were suspended, and fines of €115,850 imposed.

There is no internationally recognised method for precisely determining the level of the illicit trade in cigarettes. However, a survey commissioned by Revenue and the Office of Tobacco Control in 2009 estimated that 20% of cigarettes consumed in the State had not been taxed in this jurisdiction. The 20% figure was further broken down as 14% illegal product and 6% legally imported by passengers arriving into the State from other jurisdictions. Revenue and the Office of Tobacco Control commissioned a similar survey in the last quarter of 2010 and the results of this latest survey show a consistency with the 2009 figures i.e. 20% of all cigarettes consumed in the State were not taxed in the State with 14% again classified as illegal product and 6% classified as legal non-Irish duty paid product. A further survey is currently underway.

**Tax Collection**

69. **Deputy Barry Cowen** asked the Minister for Finance the amount of money the office of the Revenue Commissioner incorrectly issued into taxpayer accounts in 2011 and subsequently requested its return.  [3132/12]

**Minister for Finance (Deputy Michael Noonan):** Monies incorrectly paid into a taxpayer’s bank account by Revenue would normally be as a result of an incorrect return filed by a
taxpayer or a processing error by Revenue — each of these cases would be dealt with on a case-by-case basis. Revenue does not maintain a central record of these instances — therefore the information as requested by the Deputy is unavailable.

70. **Deputy Barry Cowen** asked the Minister for Finance the amount of money the office of the Revenue Commissioner charged taxpayers in view of tax under payment in 2011. [3133/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that interest arises both in respect of late payment of tax and underpayment of tax — this would include interest that is part of a phased payment plan. In the year 2011, a total of €158.5m was charged in interest having regard to all of these circumstances. Penalties amounting to €32.34m arose during the course of audits in the same period.

71. **Deputy Barry Cowen** asked the Minister for Finance the online payment mechanisms the office of the Revenue Commissioner operates for taxpayers to pay any outstanding money due to the Revenue Commission and other pay methods available. [3134/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that online payment methods are provided through the Revenue On Line Service (ROS). This is an internet facility that provides taxpayers with a secure and efficient facility to pay tax liabilities and file tax returns. The ROS facilities are available 24 hours a day, 7 days a week, 365 days a year. The three payment methods currently available on ROS are:

1) ROS Debit Instruction (RDI) — This allows that taxpayer to authorise Revenue to deduct payment from the taxpayer’s nominated bank account

2) Debit/Laser Card

3) Online Banking (only available for payment of Income Tax)

It is planned to introduce payment by Credit Card on ROS during 2012. A facility to pay tax using a Credit Card over the phone is already available.

Taxpayers who are not already obliged to make payments and file returns using ROS can also avail of other payment methods including: Direct Debit; Single Debit Authority — This is a customised payslip issued by Revenue which allows the taxpayer to authorise Revenue to deduct a single payment from the his/her bank account; GIRO/EFT (Electronic Fund Transfer) — The taxpayer arranges payment into a nominated Revenue account; Cheque/bank draft/money order accompanied by Revenue’s pre encoded payslip.

**Tax Code**

72. **Deputy Billy Timmins** asked the Minister for Finance the position regarding tax credits in respect of persons (details supplied) in County Wicklow; and if he will make a statement on the matter. [3144/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a revised Tax Credit and Universal Social Charge Certificate issued to the persons concerned on 13 January 2012. This revised Certificate, which included the tax exemption credit, adjusted the allocation of tax credits against the respective incomes of the persons concerned so as to maximize their benefit to the taxpayers.
Revised certificates have also issued to the pension providers. This will allow the pension providers to refund any excess tax deducted since 1 January 2012 in accordance with the commitment made by Revenue to rectify such cases very quickly.

Banking Sector Regulation

73. **Deputy Pat Deering** asked the Minister for Finance the reason there is such a variation in mortgage interest rates charged by AIB and Permanent TSB, both State owned banks.

[3163/12]

**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.

Mortgage Assistance

74. **Deputy Joanna Tuffy** asked the Minister for Finance if he has any plans to assist mortgagees in negative equity; and if he will make a statement on the matter.  [3174/12]

**Minister for Finance (Deputy Michael Noonan):** I have no plans to introduce a general scheme to assist mortgage holders in negative equity. Trade down mortgages, in appropriate circumstances, were recommended in the report of the Inter-Departmental Mortgage Arrears Working Group. This Group reported in October 2011. In order to ensure that proposals in relation to such mortgages are consistent with the Central Bank’s consumer protection and prudential policy objectives, a maximum loan to value ratio and other parameters would need to be agreed between mortgage lenders and the Central Bank.

The Central Bank has advised me that they wrote to all mortgage lenders to ascertain whether they were offering, or intended to offer, a mortgage product that would allow home owners to sell their existing home and transfer the negative equity portion of the original loan to the new loan. In response to the Central Bank’s letter, only a small number of mortgage lenders said that they would consider offering such a facility. A trial period commenced in mid-2011 and was due to be assessed by the Central Bank and the institutions involved before the end of 2011. However, the low level of activity made it difficult to conduct a meaningful review at the end of 2011. Therefore, the proposed review will not take place until later this year. Any institution offering such a mortgage facility may do so only in accordance with criteria agreed with the Central Bank. In the circumstances, any further consideration of introducing this facility may only be undertaken on completion of the Central Bank’s review.

Tax Collection

75. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which his income is likely to be affected following the recent communication from the Revenue Commissioners
in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3188/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that there was a difference in the details received from the Department of Social Protection and their details on record in relation to the widowers’ pension of the person concerned for 2012. Department of Social Protection Pension details were €11,611 and the Revenue Commissioners figures were €10,473. These details have now been updated for 2012 and based on this information there may be a small increase in his tax liability for the year.

Financial Services Regulation

76. Deputy Michael McGrath asked the Minister for Finance his views on the need to ensure adequate protection for whistleblowers within the financial services sector; and if he will make a statement on the matter. [3215/12]

Minister for Finance (Deputy Michael Noonan): The Central Bank Supervision and Enforcement Bill, which was published in July 2011, provides protections from civil liability and penalisation by employers for whistleblowers within the Financial Services Sector. The provisions are flexible enough to provide for protection outside the strict employer/employee context. The Bill also provides a mandatory disclosure regime for those performing pre-approval controlled functions (senior or influential positions within financial service providers); failure to disclose could be grounds for an investigation and action under the fitness and probity regime.

EU-IMF Programme

77. Deputy Michael McGrath asked the Minister for Finance his views on the implications for Ireland’s funding programme of any possible change in the credit rating of the European Financial Stability Facility; and if he will make a statement on the matter. [3216/12]

Minister for Finance (Deputy Michael Noonan): On Monday January 16th 2012, Standard & Poor’s (S&P) announced the downgrade of the EFSF long term rating to AA+.

S&P’s downgrade of EFSF’s long term rating had been signalled in advance and was not a surprise. The financial markets have already priced in such a development for the EFSF. EFSF issuance has been pricing in line with French yields as opposed to German yields. The EFSF continues to be assigned the best possible credit rating by Moody’s (Aaa) and Fitch (AAA), underlining its solidity. Neither rating agency has indicated any rating action for EFSF in the immediate future. Clearly, it would be preferable for the EFSF to maintain the highest rating with all agencies.

I note that Mr Klaus Regling, the CEO of the EFSF, has indicated that the S&P’s decision will not reduce the EFSF’s lending capacity of €440 billion. The EFSF has sufficient means to fulfil its commitments under current and potential future adjustment programmes and will continue to be backed by unconditional and irrevocable guarantees by Euro Area Member States.

The EU Heads of State or Government (HoSG) decided on 9 December 2011 to advance the introduction of the permanent stability mechanism, the ESM, to July 2012. The ESM will have its own capital base and thus be less affected by ratings of Euro Area Member States. The adequacy of the overall lending ceiling of the EFSF/ESM of EUR 500 billion will be reassessed by March 2012.

There is no risk to the commitment to fund Ireland’s programme. The commitments from the EFSF to provide total funding of €17.5 billion in funding remain in place. The EFSF has
already successfully undertaken two short term funding auctions, one of which was after the downgrade.

The EFSF raised €1.5 billion in 6 month bills at an auction on Tuesday 17th January 2012 — at an annual rate of 0.2664%. There was strong interest in the auction with a bid cover ratio of 3:1. Some €0.48 billion of this is to be provided to Ireland.

In December 2011, the EFSF raised close to €2 billion (€1.971 billion of 3 month bills) at an annual interest rate of 0.222% of which some €1 billion was provided to Ireland.

For Ireland, the guarantee commitment fee of 0.1% is added to these amounts to bring the cost up to 0.3664% and 0.322% respectively. These yields are at similar levels to French yields on similar maturities.

Tax Code

78. **Deputy Michael McGrath** asked the Minister for Finance if his attention has been drawn to the fact that a combination of the recent VAT and excise duty increases, a weak euro and high crude oil prices has resulted in record motor fuel prices; his views on the impact this will have on consumers and business; and if he will make a statement on the matter. [3217/12]

79. **Deputy Michael McGrath** asked the Minister for Finance the additional VAT that will be collected in 2012 relative to budget day targets if average petrol and diesel prices remain at 155c per litre; if he will give consideration to a mid-year review of motor fuel excise duty rates such that consumers and business are protected from rising fuel prices without impacting his budget target for the combined VAT and excise duty taken from motor fuel; and if he will make a statement on the matter. [3218/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 78 and 79 together.

Ireland, as with other countries, has experienced an increase in the cost of petrol and auto-diesel. The increase in fuel prices is an international phenomenon. Fuel prices are driven by a number of factors including the price of oil on international markets, exchange rates, production costs and refining costs. The rise in oil prices over recent periods reflected additional factors such as geopolitical uncertainty in Northern Africa and the Middle East with potential supply disruptions.

The excise rates (including the carbon charge) in Ireland on motor fuels are 58.8 cent per litre of petrol and 47.9 cent per litre of auto-diesel. However, our rates remain lower than many of our main trading partners and significantly lower than our nearest neighbour the UK. The rates for petrol and auto-diesel were increased with effect from 7 December 2011, arising from an increase in the carbon charge for those fuels from €15 to €20 per tonne of CO\textsuperscript{2} emitted. This represented an increase of less than 1.5 cent per litre in the case of petrol and just over 1.5 cent per litre in the case of diesel, when VAT is included. The rate of VAT that applies to those fuels increased from 21% to 23% with effect from 1 January 2012.

The Exchequer yield from excise, as excise is set at a nominal amount, does not increase as the price of fuels increase. On the other hand, the yield from VAT per litre of fuel, as VAT is set as a percentage of the price, increases as the price of fuels increase. However, in this regard it should be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products, and away from other VAT liable spending, and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.
It should also be noted that businesses are of course entitled to reclaim VAT incurred on their business inputs, including VAT incurred on fuel. For example, VAT incurred on auto-diesel and marked gas oil (MGO or green diesel) used in the course of business is a deductible credit for business in the Irish VAT system. VAT on petrol can not be deducted/reclaimed.

There are no plans for temporary taxation adjustments, as to do so, could lead to significant costs to the Exchequer. The issue of rising fuel prices was discussed by EU Finance Ministers at an ECOFIN meeting last year where they reconfirmed the approach taken in 2005 and again in 2008, when oil prices were very high, which endorsed a coordinated approach towards not making distortionary fiscal adjustments.

EU-IMF Programme

80. **Deputy Michael McGrath** asked the Minister for Finance when the reduction in the interest rate being charged to Ireland from funds paid out of the EFSF and EFSM took effect; and if he will provide a complete schedule of the current interest rates being charged to Ireland on all sources of funding under the EU-IMF programme of assistance, including bilateral loans.  [3220/12]

**Minister for Finance (Deputy Michael Noonan):** The Euro Area Heads of State or Government (HOSG) agreed on 21 July 2011 to reduce the cost of the European Financial Stability Facility (EFSF) to lending rates equivalent to those of the Balance of Payments facility close to, without going below, the EFSF funding cost. In addition, further amendments to the EFSF framework have removed the interest rate margin on EFSF funds and were incorporated into a new legal agreement on the 27th of October in which the interest rate margin is now defined as zero. The agreement incorporates a guarantee commitment fee of 0.1% per annum and a service fee to cover the cost of operations of the EFSF. The NTMA has estimated that the overall net reduction in Ireland’s EFSF interest rate margin and other changes will be in the range of 2.7% to 2.8%. It should be noted that the EFSF’s cost of funds depends on the interest rate it pays for its market issuance when raising funds for programme countries.

In October, the EU Council of Ministers approved an EU Commission proposal to eliminate the margin of 2.925% on the EFSM facility. This change was incorporated into an amendment to the existing legal agreement on 28th of October and the margin is now defined as zero. This will apply to EFSM borrowings back to the date upon which they were issued. The actual cost of funding depends on the prevailing market rates at the time of each drawdown.

In relation to the schedule of the current interest rate being charged to Ireland on all forms of funding under the EU/IMF Programme of financial support, the following table supplied by the NTMA, provides the information for all amounts drawn down up to 16 January 2012.

<table>
<thead>
<tr>
<th>Drawdown Date</th>
<th>Maturity Date</th>
<th>Interest Rate</th>
<th>Currency</th>
<th>Principal</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFSF 01/02/2011</td>
<td>18/07/2016</td>
<td>2.75%</td>
<td>EUR</td>
<td>4,193,835,977</td>
</tr>
<tr>
<td>EFSF 14/11/2011</td>
<td>04/02/2022</td>
<td>3.60%</td>
<td>EUR</td>
<td>3,000,000,000</td>
</tr>
<tr>
<td>EFSF 15/12/2011</td>
<td>15/03/2012</td>
<td>0.32%</td>
<td>EUR</td>
<td>985,950,000</td>
</tr>
<tr>
<td>EFSF 12/01/2012</td>
<td>04/02/2015</td>
<td>1.73%</td>
<td>EUR</td>
<td>1,270,000,000</td>
</tr>
<tr>
<td><strong>Total EFSF</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>9,449,785,977</strong></td>
</tr>
<tr>
<td>EFSM 12/01/2011</td>
<td>04/12/2015</td>
<td>2.50%</td>
<td>EUR</td>
<td>5,000,000,000.00</td>
</tr>
<tr>
<td>EFSM 24/03/2011</td>
<td>04/04/2018</td>
<td>3.25%</td>
<td>EUR</td>
<td>3,400,000,000.00</td>
</tr>
<tr>
<td>EFSM 31/05/2011</td>
<td>04/06/2021</td>
<td>3.50%</td>
<td>EUR</td>
<td>3,000,000,000.00</td>
</tr>
<tr>
<td>EFSM 29/09/2011</td>
<td>04/09/2026</td>
<td>3.00%</td>
<td>EUR</td>
<td>2,000,000,000.00</td>
</tr>
</tbody>
</table>
Banking Sector Remuneration

81. **Deputy Michael McGrath** asked the Minister for Finance if he will confirm the date he instructed that a review be carried out into remuneration and severance packages at the covered institutions; the date the review commenced; and if he will confirm the person conducting the review. [3222/12]

**Minister for Finance (Deputy Michael Noonan):** I have indicated to the Deputy, in response to his previous questions on the subject (refs. 27135/11 and 27578/11 of 4 October 2011) the review is presently being conducted by my Department. The respective covered institutions were contacted by the NTMA, on behalf of the Department, in late April 2011 to initiate the review. Detailed work on data collection with the covered institutions took place over the summer and autumn of last year and work is on-going on the review which, as I have alluded to previously, is an iterative one as the data is examined and compared.

Disabled Drivers

82. **Deputy Tom Fleming** asked the Minister for Finance if he will examine an application for vehicle registration tax remission in respect of a person (details supplied) in County Kerry. [3255/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that Section 134(3) of the Finance Act 1992 (as amended) and Statutory Instrument No. 353 of 1994 (Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations, 1994 (as amended) provide for permanent relief from the payment of specified maximum amounts of VAT and VRT for persons registered under the scheme. An application for exemption under the Scheme was received in the Central Repayments Office on 4th October 2011 from the person (details supplied) and a Vehicle Chassis Number was included. On the basis of the information supplied, an Exemption Notification issued on 5th October 2011.
Under the terms of the Scheme, a vehicle must be purchased from an ‘authorised person’. On receipt of the invoice, it transpired that the Chassis Number quoted was not in respect of a vehicle purchased from an ‘authorised person’ and therefore it does not qualify for relief under the above Scheme.

The Certificate of Approval for relief from Vehicle Excise Duty (Road Tax) was withdrawn on 5th January 2012. The Motor Taxation Office, Tralee was notified accordingly on this date.

The vehicle in question was originally registered as a commercial vehicle and has recently been converted to a passenger vehicle. Additional VRT is now due on this vehicle as a result of the conversion (unless the person elects to convert the vehicle back to commercial use).

Departmental Staff

83. **Deputy Catherine Murphy** asked the Minister for Finance the number of civil servants from his Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3823/12]

**Minister for Finance (Deputy Michael Noonan):** My Department currently has 4 civil servants working in the Permanent Representation of Ireland to the European Union in Brussels in the following positions:

- Financial Counsellor
- Financial Services Attaché
- Fiscal Attaché
- Budget Attaché

Disadvantaged Status

84. **Deputy Joe Higgins** asked the Minister for Education and Skills the schools in Dublin 15 that will be affected by the DEIS cutbacks; the number of teachers that will be lost and the locations of same; and the impact this will have on education in Dublin West. [2979/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I announced in the house on 11th January that my Department will report to me within four weeks on the impact of the withdrawal of these posts in DEIS Band 1 and Band 2 primary schools. This report will detail the facts for each individual school affected by this measure, applying the most up to date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example increasing and decreasing enrolments and the reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for 2012/13 school year.

It is only when this report is made available to me that I will be in a position to make a decision on the final outcome for the individual schools involved and finalise and publish the staffing schedules for 2012/2013.

School Enrolments

85. **Deputy Paschal Donohoe** asked the Minister for Education and Skills if he will provide an update on the status of the review into enrolment policy; the date on which it will be completed; when he expects to be in a position to publish the report; and if he will make a statement on the matter. [2986/12]
Minister for Education and Skills (Deputy Ruairí Quinn): Earlier this year, I launched a discussion paper on school enrolment. The document, “Discussion Paper on a Regulatory Framework for School Enrolment” contains suggestions on how to make the process of enrolling in schools more open, equitable and consistent.

The paper was not meant to be prescriptive, nor have any decisions been made as to what elements will be contained in any final regulations or legislation. The purpose of the paper was to lead and provoke debate on enrolment policies and practices. I invited education partners and interested parties to submit their views to my Department by the 28th of October last and my officials are now co-ordinating the submissions received.

The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment.

Technological Universities

86. Deputy Paudie Coffey asked the Minister for Education and Skills if he has received the report in regard to the criteria for the establishment of technological universities; and if he will make a statement on the matter. [3013/12]

Minister for Education and Skills (Deputy Ruairí Quinn): In May of last year, I formally asked the Higher Education Authority to provide advice to me on draft performance criteria for a process for the designation of technological universities. Draft criteria had been developed by an international expert commissioned by my Department following the publication of the national strategy on higher education. In developing their advice, the Authority undertook a consultation process on the criteria which was completed last Autumn. Following from this, I understand that the Authority is at present finalising its advice and it is hoped to publish final criteria in the relatively near future. The criteria will set out a roadmap for the potential re-designation of institutes of technology, who can meet the performance requirements set out, as technological universities.

Pupil-Teacher Ratio

87. Deputy Robert Troy asked the Minister for Education and Skills if he will defer any reduction in pupil teacher ratio for schools of under 86 pupils until a substantial review takes place. [3022/12]

93. Deputy Michael McCarthy asked the Minister for Education and Skills if his attention has been drawn to the impact that changes to the staffing schedule in small schools 2012 will have on many rural communities; and if he will make a statement on the matter. [3147/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 87 and 93 together.

The staffing schedule at primary level disproportionally benefits small primary schools. It is worth noting that we have 3,200 primary schools across Ireland. Over two thirds of those schools have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure. For example a two teacher school with 32 pupils has an average class size of 1 teacher for 16 pupils. In contrast, a typical 10 teacher school with 272 pupils has an average class size of 27.2 pupils. It is important to retain a sense of perspective and balance when discussing this matter and to realise the exceptionally favourable supports my Department will continue to provide for small schools.
For that reason, as part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014.

While I acknowledge the concerns raised by the Deputies the budget measure must be seen in the context of the major challenges we have as a Government in trying to shelter public services to the greatest extent that we can in these exceptional times.

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible.

If amalgamations do take place, they will be voluntary and follow decisions taken by local communities and not by my Department.

### Schools Refurbishment

88. **Deputy Michelle Mulherin** asked the Minister for Education and Skills his plans to fund small scale building works under a summer works scheme during 2012; and if he will make a statement on the matter. [3038/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, the Government’s Medium Term Infrastructure and Capital Investment Framework, which was published on 10th November last, sets out the demographic challenge facing the education system. Total enrolment in both primary and post-primary schools is expected to grow by almost 70,000 between now and 2018 — over 45,000 at primary level and 25,000 at post primary — and will continue to grow up to at least 2024 at post-primary. In view of the very real need to ensure that every child has access to a school place, the delivery of new schools, together with extension projects, will be the main focus for capital investment in schools in the coming years.

In the context, therefore, of the financial constraints imposed by the need to prioritise available funding for the provision of school accommodation, it is not possible for me to advance with a summer works programme this year.

### Schools Amalgamation

89. **Deputy Michael McCarthy** asked the Minister for Education and Skills if his attention has been drawn to the extra costs involved in the amalgamation of small schools in the form of extra classrooms and school transport arrangements to accommodate new pupils; and if he will make a statement on the matter. [3062/12]

94. **Deputy Michael McCarthy** asked the Minister for Education and Skills if any provisions will be made for small schools who can prove that amalgamation will result in students having to travel unreasonable distances; the distance he considers to be a reasonable for a pupil to travel; and if he will make a statement on the matter. [3148/12]

107. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he or his Department has received communication from the relevant management authorities at local level in regard to any rationalisation in respect of smaller rural schools; if he will have regard for the local community needs and traditions with a view to meeting community requirements to the maximum extent possible; and if he will make a statement on the matter. [3312/12]

108. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if he will have regard for the necessity to recognise the danger of rural isolation and urban disadvantage in any reconfiguration of the network of school throughout the country arising from the budgetary
situation and put in place amelioration measures as required; and if he will make a statement on the matter. [3313/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 89, 94, 107 and 108 together.

It is worth noting that we have 3,200 primary schools across Ireland. Over two thirds of those schools have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure. For example a two teacher school with 32 pupils has an average class size of 1 teacher for 16 pupils. In contrast, a typical ten teacher school with 272 pupils has an average class size of 27.2 pupils.

For that reason, as part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. Even when all of these phased increases are implemented, the threshold for small schools will still be significantly lower than the minimum of 28 pupils that were required for the appointment of the second teacher in schools prior to the mid 1990’s.

This budget measure must be seen in the context of the major challenges we have as a Government in trying to protect public services to the greatest extent that we can in these exceptional times.

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible and only where communities chose to do so.

If amalgamations take place, they will be voluntary and follow decisions taken by local communities and not by my Department. The initiative for an amalgamation may come from a variety of sources, such as parents, staff, Board of Management and in particular, the Patron. The decision making authority for any amalgamation belongs to the Patron of a school, subject to the approval of the Minister for Education and Skills. The numbers of pupils in these schools is relatively small so it is not necessarily the case that capital investment would be needed to support amalgamation. Each case will have to be assessed on an individual basis to determine the extent and type of accommodation required taking into account the condition of buildings, site capacity etc. My Department would discuss the issues arising with the boards of management of the schools and would aim to provide an appropriate accommodation solution subject to available resources. When a community makes a decision to amalgamate, clearly travel distances will be an important factor and the judgement on this will be made locally in light of local circumstances. Under the terms of my Department’s Primary School Transport Scheme children are eligible for transport where they reside not less than 3.2 kms from and are attending their nearest national school as determined by the Department/Bus Éireann, having regard to ethos and language.

School Staffing

90. Deputy Brendan Smith asked the Minister for Education and Skills if he will give urgent consideration to a request made directly to him by a board of management (details supplied) in relation to the need for this school to retain its staffing complement as outlined in the detailed letter forwarded to him; and if he will make a statement on the matter. [3100/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I am aware of the correspondence referred to by the Deputy. The staffing schedule at primary level disproportionately benefits small primary schools. It is worth noting that we have 3,200 primary schools across Ireland.
Over two thirds of those schools have more than 86 pupils and, as a result, have far higher average class sizes than all of the schools affected by this measure. For example a two teacher school with 32 pupils has an average class size of 1 teacher for sixteen pupils. In contrast, a typical ten teacher school with 272 pupils has an average class size of 27.2 pupils. It is important to retain a sense of perspective and balance when discussing this matter and to realise the exceptionally favourable supports my Department will continue to provide for small schools.

For that reason, as part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. While I acknowledge the concerns raised the budget measure must be seen in the context of the major challenges we have as a Government in trying to shelter public services to the greatest extent that we can in these exceptional times.

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible. If amalgamations do take place, they will be voluntary and follow decisions taken by local communities and not by my Department. The announcement I made on the 11th January in relation to my Department reporting to me within four weeks refers only to the impact of the withdrawal of certain posts allocated under previous disadvantaged schemes in DEIS Band 1 and Band 2 primary schools.

This report will detail the facts for each individual school affected by this measure, applying the most up to date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example increasing and decreasing enrolments and the reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for 2012/13 school year.

It is only when this report is made available to me that I will be in a position to make a decision on the final outcome for the individual schools involved. The school referred to by the Deputy is a DEIS rural primary school and will continue to receive the following supports: — additional capitation funding based on level of disadvantage. — additional funding for schools books. — access to the School Meals Programme — access to numeracy/literacy supports and measures. — access to planning supports. — access to a range of professional development supports.

**Question No. 91 answered with Question No. 34.**

**Special Educational Needs**

92. **Deputy Tom Fleming** asked the Minister for Education and Skills the action he is taking to assist children with autism in County Kerry; and if he will make a statement on the matter. [3127/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware of the Government’s ongoing commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

Many children with autism are fully integrated into mainstream classes. The National Council for Special Education (NCSE) provides additional resource teaching hours and special needs assistant support to schools in respect of fully integrated enrolled students with autism.
Some students with autism require further support in school. The establishment of a network of autism-specific special classes in schools across the country to cater for these children with autism has been a key educational priority in recent years. My Department supports provision in mainstream schools, some 450 special classes for autism attached to mainstream and special schools and 18 special schools for children with autism throughout the State which cater for the educational needs of some 5,000 children with autism. These figures include 17 classes for autism in Co. Kerry. The NCSE will continue to establish more classes as required.

Children in these classes benefit from having a reduced pupil-teacher ratio of 6:1. Class teachers are required to be fully-qualified and have access through the Special Education Support Service to training in a range of autism-specific interventions, including Applied Behavioural Analysis (ABA), the Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) and the Picture Exchange Communication System (PECS). A minimum of 2 special needs assistants are provided for each class. Other special needs assistant posts may be allocated in line with the needs of the enrolled children. These students have the option, where appropriate, of full or partial integration and interaction with other pupils. Funding is also provided for assistive technology and specialist equipment as required and special school transport arrangements may also be put in place.

My Department’s home tuition scheme provides a grant to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children with special educational needs awaiting an educational placement and provide early education intervention for pre-school children who have been assessed as having autism. The grant provides for ten hours’ home tuition per week for each child with autism aged between 2.5 and 3 years of age. This increases to twenty hours per week on the child’s 3rd birthday.

The Deputy will be aware that the NCSE is responsible, through its network of local Special Educational Needs Organisers (SENOs), for processing applications from primary, special and post primary schools for special needs supports on the basis of applications in respect of individual pupils. The SENOs operate within the policy outlined in my Department’s circulars for allocating such support.

Each SENO works in an assigned local area with parents, schools, teachers, psychologists, health professionals and other staff who are involved in the provision of services in that area for children with special educational needs. All schools have contact details of their local SENO. It is also open to parents to contact their local SENO directly to discuss their child’s special educational needs.

Question No. 93 answered with Question No. 87.
Question No. 94 answered with Question No. 89.

Disadvantaged Status

95. **Deputy Terence Flanagan** asked the Minister for Education and Skills the teacher numbers affected in DEIS band 1 and 2 schools in an area (details supplied); and if he will make a statement on the matter. [3149/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I announced in the House on 11th January that my Department will report to me within four weeks on the impact of the withdrawal of these posts in DEIS Band 1 and Band 2 primary schools.
This report will detail the facts for each individual school affected by this measure, applying the most up to date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example increasing and decreasing enrolments and the reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for 2012/13 school year. It is only when this report is made available to me that I will be in a position to make a decision on the final outcome for the individual schools involved.

**Schools Building Projects**

96. **Deputy Brendan Smith** asked the Minister for Education and Skills the stage of a proposed building project (details supplied); when the project is likely to proceed to the next stage and to construction stage; and if he will make a statement on the matter. [3154/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A Master Plan for the site on which the proposed school, referred to by the Deputy, is to be constructed is currently being finalised. The production of the Master Plan is the first step in the process for the delivery of a primary, post primary and special school on the site. My Department is due to meet with the Local Authority in early February to discuss the Plan. The outcome of the meeting will influence the delivery dates for all schools to be constructed on the site.

I have previously committed to publishing shortly a five year plan outlining the school building projects to be constructed in that time.

**Disadvantaged Status**

97. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will provide the names and addresses of schools that have DEIS 1 and DEIS 2 status on a county basis. [3156/12]

**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/blobserver/deis—school—list.htm](http://www.education.ie/servlet/blobserver/deis—school—list.htm).

**Higher Education Grants**

98. **Deputy Pat Deering** asked the Minister for Education and Skills if he will consider reviewing the criteria for third level grants in view of the fact that qualified persons now find themselves unemployed and who wish to reskill but the course they are considering is often at a similar or lower level than their existing qualifications which means they are ineligible for grant aid and must also give up their social welfare as they are no longer available for work. [3160/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** To satisfy the terms and conditions of the student grant scheme in relation to progression, a student must be moving from year to year within a course having successfully completed the previous year or be transferring from one course to another where the award for the subsequent course is of a higher level than the previous course.

The objective of this policy is to help as many students as possible to obtain one qualification at each level of study. Given the level of demand on the student grant budget from first time students and students that are progressing with their studies to a higher level, there are no plans at present to change the arrangements in place.
The key objective of the Springboard higher education initiative introduced for the first time in 2011 was to support unemployed people, including graduates, to obtain new qualifications in areas of emerging skills needs. Programmes were offered on a flexible part time basis and participants were able to pursue a qualification at the same level or lower than their existing qualifications while continuing to receive Jobseekers Benefit or Allowance. The Springboard initiative will be further expanded in 2012.

**Home Tuition Scheme**

99. **Deputy David Stanton** asked the Minister for Education and Skills his plans to make changes to the home tuition and July provision schemes; the budget allocated for all the home tuition schemes for 2012; if he has details of the number of tutors delivering tuition under this scheme this year; and if he will make a statement on the matter. [3170/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that my Department’s home tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement and also to provide early educational intervention for pre-school children with autism. A separate strand of the home tuition scheme provides for children who are unable to attend school for reasons other than medical condition or special education needs.

This latter scheme includes cases where a child is currently without a school placement or the offer of a school placement. My Department is currently reviewing operational elements of the home tuition schemes, including the appointment of tutors. The number of tutors who have been approved to deliver tuition in the 2011/2012 school year to date is 1,157. The scheme cost €10,348,098 in 2011. The Deputy will be aware that provisional figures for expenditure in my Department for 2012 have been published. However the process is not yet finalised therefore the actual allocation for the scheme is not currently available.

The July Education Programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. My Department also provides for a July Programme for pupils with a severe/profound general learning disability. Where school based provision is not feasible, home based provision may be grant aided.

The Deputy may be aware that the scheme is currently under review. Future improvements to the administration of the scheme will be considered in the context of this review.

**Vocational Education Committees**

100. **Deputy Gerald Nash** asked the Minister for Education and Skills the progress made to date in respect of the amalgamation of the Louth and Meath Vocational Education Committee bodies; when he expects the amalgamated body to move to Drogheda; and if he will make a statement on the matter. [3214/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In October 2011, my officials concluded an agreement with SIPTU, the trade union representing the Chief Executive Officers (CEO) of VECs, on a redeployment scheme for CEOs in the context of the Croke Park agreement. This scheme will be used, in the first instance, for determining the appointment of CEOs to the new Education and Training Boards, following the enactment of the relevant legislation.
The agreed scheme provides an opportunity for those appointed (other than in a temporary acting capacity) in the grade of CEO of a Vocational Education Committee to elect for redeployment to the new CEO positions. Where there is more than one volunteer for any of the new CEO positions, the scheme provides for the position to be offered, in the first instance, to the most senior eligible volunteer.

In the event that the elective process does not result in the filling of all of the posts, the scheme provides for assignment of an existing permanent CEO to a post for which s/he has not volunteered or for appointment of a holder of an analogous post in the Public Service to any of the available positions in accordance with the provisions of the Croke Park agreement.

In October of last year, I finalised and announced my decision in relation to the location of headquarters of the merged VECs. My officials are currently in discussion with SIPTU regarding the salary scales which each of the CEO positions will attract. Details of the salary which each of the CEO positions in the new Boards will attract are required under the scheme in order to inform the elective redeployment of Chief Executive Officers.

Also in October of last year, following approval of the Government, in a new way of doing business, I referred the General Scheme of an Education and Training Boards Bill to the Joint Committee on Jobs, Social Protection and Education. This Bill is a substantial piece of legislation which will consolidate the existing nine Vocational Education Acts and will provide for the legal establishment of the Education and Training Boards. I have been invited to appear before the Joint Committee later this month, to discuss the Joint Committee’s report on the Heads of the Bill, which it published last month. The Bill is expected to be introduced to the Oireachtas in the first half of this year and I am hopeful that the new Boards will be in place and that CEOs will have been appointed to them before the end of this calendar year.

In relation to the specific merger of Co. Louth VEC and Co. Meath VEC as you know I have decided that the headquarters of the Education and Training Board will be in Drogheda. Redeployment of staff from both Dundalk and Navan to Drogheda is possible under the Croke Park agreement. However I expect that the offices in both Dundalk and Navan will remain open for some time and that the approach to redeployment will be measured and considered.

It will be a matter for the CEO of the new Education and Training Board to work through and judge what the best approach is to ensure the optimum approach to service delivery. The establishment of SOLAS is also likely to have a bearing on the precise arrangements to be made.

I want to make clear that my Department will not be forcing any one size fits all approach to staff deployment and office accommodation by the new Education and Training Boards. We will be receptive to any reasonable and sensible arrangements that are the best fit for the needs of the areas served by the new board.

**Departmental Funding**

101. **Deputy David Stanton** asked the Minister for Education and Skills the amount allocated to the National Council for Special Education in 2010, 2011 and the amount expected to be allocated in 2012; and if he will make a statement on the matter. [3227/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to inform the Deputy that my Department allocated funding of €9,215,000 in 2010 and €9,015,000 in 2011 to the National Council for Special Education. My Department is currently finalising the funding allocation to the National Council for Special Education for 2012.
102. **Deputy David Stanton** asked the Minister for Education and Skills the amount allocated to National Education and Psychological Service in 2010, 2011 and the amount expected to be allocated in 2012; and if he will make a statement on the matter. [3229/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly. In 2010 my Department's expenditure in support of this service amounted to €16.65m, in 2011 to €17.79m (provisional) and the allocation in this regard in the 2012 budget is €18.72m. The number of individual psychologists currently employed by NEPS is 173 and it is envisaged that this number will increase by 6-7 in the coming year.

---

103. **D’fhiafraigh Éamon Ó Cuív** den Áire Oideachais agus Scileanna an bhfuil aon athrú déanta nó an bhfuil aon athrú beartaithe do na scéimeanna scoláireachta tríú leibhéal 1916, Gaeilge agus Gaeltacht agus aon scéim scoláireachta tríú leibhéal eile de chuid na Roinne; agus an ndéanfadh sé ráiteas ina thaobh. [3230/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Mar a dh’éagain m‘faoi Bhuiséad 2012, tá sé i gcéist scéim aonair nuair, stil sparántachta agus bunaithe ar bhuíntas, a chur in iomad 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 dámhchtainí foain scéim nua socraith ag €2,000 an mac léinn. Beidh an sparántacht mar thacaíocht bhreise mar spárgadh agus chun ard-gróntacht aithint do mhic léinn ó scoileanna DEIS. Beidh na mpleinín sin a mbronnar na dámhchtainí orthu i dtéideal freisin iarratas a dhéanamh ar dheon-tais ardoideachais. Tá an t-athrú seo déanta agam d’fhonn an úsáid is fearr a bhaint as acmhainní gann chun díríú ar na mic léinn is fearr feidhmithe sa chóhort doibh siúd is mó a bhfuil cúnamh airgeadais ag teastáil uathu.

Ní bheidh aon éifeacht ag na hathruithe seo orthu siúd a bhfuil scoláireachtaí acu cheana féin.

---

**Employment Support Services**

104. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he has examined the full extent of the training, upskilling or temporary placements for the long-term unemployed to emerge in the coming year with particular reference to SOLAS and the need to make a serious and positive impact on unemployment levels; and if he will make a statement on the matter. [3309/12]

105. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the total expected number of positions to be created for the unemployed through SOLAS in each of the next four years; the extent to which the area’s most seriously affected by unemployment are likely to benefit; and if he will make a statement on the matter. [3310/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 104 and 105 together.
The funding provision for further education and training is decided annually as part of the Estimates process. In 2011, the further education and training sector provided almost 300,000 places. In addition, enrolments in the third level sector reached 161,000 and 5,900 places were provided through Springboard. While the final configuration of places is yet to be determined, my Department expects that the level of funding in 2012 will be maintained at these levels. All of these places are open to the unemployed. In addition, the Department of Social Protection will provide almost 49,000 job placement and work experience places in 2012. FÁS and the VECs have been requested to prioritise the long-term unemployed in their 2012 provision. Interim referral protocols, which will facilitate the referral of unemployed people from welfare offices to VEC further education programmes, have been agreed to complement existing referral protocols between welfare offices and FÁS. The establishment of SOLAS, which will have strategic responsibility for the further education and training sector, is part of a wider process of reform, which includes the roll-out of the National Employment and Entitlements Service by the Department of Social Protection. The service will act as a ‘one stop shop’ for unemployed people. Together, these structural reforms will help to ensure unemployed people can speedily access more of the upskilling and reskilling opportunities they need to re-enter the labour market.

Unemployment Levels

106. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the degree to which experiences throughout Europe in dealing with the needs of the young unemployed can be incorporated in future policies; and if he will make a statement on the matter. [3311/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** As in other areas of policy and provision, international experience including that of EU Member States in dealing with the needs of the young unemployed can provide a very useful input to the formulation of policies in Ireland that relate to the needs of this cohort. Reviews by the OECD can also provide a useful input. The Government also welcomes the increased visibility that the Youth on the Move initiative, as a flagship initiative of EU2020, will give to education, training and improving the employment situation of young people in policies and programmes at European level in the coming years. Ireland is committed to further promoting the mobility of young people in the context of Youth on the Move and to working towards a more joined-up approach between national and European initiatives in this regard in the future.

*Questions Nos. 107 and 108 answered with Question No. 89.*

Third Level Courses

109. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the number of students known to have dropped out of third level education in each of the past three years to date in 2012 for whatever reason; and if he will make a statement on the matter. [3314/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The HEA is responsible for collection data on student progression. The most recent report by the HEA entitled ‘A study of Progression in Higher Education’ is available on the HEA website. The table from the report that follows this reply illustrates the non-presence rates of new entrants in their second year of study by sector, NFQ level and course duration. New entrants are classified as ‘not present’ if they do not appear in the statistical returns of that institution in the following academic year. The proportion of new entrants in 2007-08 who were not present one year later was 15% on average across all sectors and NFQ Levels. Prior educational attainment is a very significant factor.
Non-Presence Rates for New Entrants by Sector and NFQ Level (2008-09)

<table>
<thead>
<tr>
<th>Sector</th>
<th>Level</th>
<th>Most Common Points Attained</th>
<th>% Not Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutes of Technology</td>
<td>Level 6</td>
<td>250-300</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>Level 7</td>
<td>250-300</td>
<td>26%</td>
</tr>
<tr>
<td></td>
<td>Level 8</td>
<td>300-350</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>L8 3 yr duration</td>
<td>300-350</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>L8 4 yr duration</td>
<td>300-350</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>L8 4+ yr duration</td>
<td>450-500</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>All New Entrants</td>
<td>300-350</td>
<td>22%</td>
</tr>
<tr>
<td>Universities</td>
<td>Level 8</td>
<td>400-450</td>
<td>9%</td>
</tr>
<tr>
<td></td>
<td>L8 3 yr duration</td>
<td>350-400</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>L8 4 yr duration</td>
<td>450-500</td>
<td>9%</td>
</tr>
<tr>
<td></td>
<td>L8 4+ yr duration</td>
<td>550-600</td>
<td>3%</td>
</tr>
<tr>
<td>Other Colleges</td>
<td>Level 8</td>
<td>450-500</td>
<td>4%</td>
</tr>
<tr>
<td></td>
<td>L8 3 yr duration</td>
<td>450-500</td>
<td>2%</td>
</tr>
<tr>
<td></td>
<td>L8 4 yr duration</td>
<td>400-450</td>
<td>7%</td>
</tr>
<tr>
<td>All Institutions</td>
<td>Level 8</td>
<td>350-400</td>
<td>11%</td>
</tr>
<tr>
<td>All Institutions</td>
<td>All New Entrants</td>
<td>350-400</td>
<td>15%</td>
</tr>
</tbody>
</table>

Third Level Enrolments

110. Deputy Bernard J. Durkan asked the Minister for Education and Skills the total number of third level places available at third level institutions in each of the past three years to date in 2012; the extent to which this meets the requirements for third level places; his intentions if any to increase or make provisions for an increased number of places; and if he will make a statement on the matter. [3315/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The number of full time enrolments in publicly funded higher education institutions over last three years are: 2008/09 — 148197; 2009/10 — 157946; 2010/11 — 161647. The actual enrolments in 2010/11 slightly exceed the projected demand for that year (161089). The number of places made available to students is a matter for higher education institutions. Projected demand calculations are published on the Department of Education and Skills website and show a sharp increase in demand to 2030.

At my request the HEA completed an initial report late last year on the implications of increased growth in numbers, funding challenges and measures of quality on the sustainability of the system. The report is published on the HEA website, captures the changes in funding over the last number of years, and provides some evidence to the impact of reductions. However, the HEA Authority has emphasised that the study and the report are interim only and that substantial additional work now needs to be undertaken before comprehensive proposals as to how we can fund higher education on a sustainable basis into the future can be developed. The HEA is continuing its work in this area and I expect to receive further advice later this year.

Bullying in Schools

111. Deputy Bernard J. Durkan asked the Minister for Education and Skills the extent to which school bullying continues to be monitored and identified as a problem in all schools
throughout the country; if any particular initiatives are being considered to address this issue; and if he will make a statement on the matter. [3316/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Under the Education (Welfare) Act 2000, all schools are required to have in place a Code of Behaviour and this code must be drawn up in accordance with the guidelines of the National Educational Welfare Board (NEWB). The NEWB guidelines were issued to schools in 2008 and make it clear that each school must have policies to prevent or address bullying and harassment and schools must make clear in their code of behaviour that bullying is unacceptable. The guidelines further state that as well as making explicit that bullying is prohibited in the school, and having an anti-bullying policy, the code of behaviour should indicate what action the school will take in relation to alleged breaches of the school’s bullying policy.

Every school therefore must have in place a policy, within the framework of the school’s overall school code of behaviour, which includes specific measures to deal with bullying behaviour. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

Responsibility for tackling bullying falls to the level of the individual school, as it is at local level that an effective anti-bullying climate must be established and at that level that actions should be taken to address allegations of bullying.

My Department has issued Guidelines on Countering Bullying Behaviour as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school.

As a further aid to post-primary schools my Department published in 2007 a template that can be used by post-primary schools in developing an anti-bullying policy. The anti-bullying policy template is based primarily on the key document Guidelines on Countering Bullying Behaviour. However, it also takes account of more recent legislative and regulatory changes, and reference is made to issues of contemporary concern such as the need to tackle text bullying, cyber-bullying and homophobic bullying.

When a Whole School Evaluation (WSE) is conducted by my Department’s Inspectorate, the code of behaviour, including its anti-bullying policy, is reviewed by the inspection team to check that it is in line with the Department’s guidelines. Inspectors normally meet with the principal, the board, post-holders, year heads, class teachers, programme co-ordinators, the pastoral care team, representatives of the students and parents. During these meetings there is a particular emphasis on the quality of student care and support. The inspectors’ evaluation is also informed by observations in classroom settings and throughout the school. Where there are weaknesses in a school’s policy or implementation of policies clear recommendations for improvement are made and are included in the published report of the inspection.

Revised procedures for WSE in schools have recently been put in place. A new element of the revised WSE process involves the issuing of questionnaires directly to pupils and parents. Children and parents are asked to respond to questions about how the school deals with bullying, discipline in the school and whether or not the school provides a safe environment for children. This enhanced engagement with parents and pupils through questionnaires aims to further support all schools to implement effective measures to counter bullying.

The Deputy will also be aware that the education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the Social, Personal and Health
[Deputy Ruairí Quinn.]

Education (SPHE) curriculum. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools. Since 2001, national professional development support services have provided ongoing support to schools in planning policies on child protection and the code of behaviour and in supporting teachers and principals in the implementation of SPHE. In addition, training on The Stay Safe Programme is offered on an ongoing basis to primary schools.

Other measures in place include the Webwise Internet Safety Initiative, the EU Safer Internet Programme campaign and the establishment of the National Behaviour Support Service (NBSS) which is currently working with over 80 post-primary schools to promote and support positive student behaviour.

Pupil-Teacher Ratio

112. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if he is satisfied that the pupil-teacher ratios in all schools throughout County Kildare are likely to remain within the average nationally; and if he will make a statement on the matter. [3317/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Statistics section of my Department’s website contains extensive information relating to pupil teacher ratio (PTR) and class size in primary schools. The source of this data is the National School Annual Census. Statistical information in respect of the current school year is currently being compiled in my Department and is due for publication in September 2012. The Deputy will be aware from the recent budget announcements that there is no increase in the general average of 28:1 for the allocation of classroom teachers at primary level. However the staffing arrangements in schools for the 2012/2013 school year can also be affected by changes in their enrolment, the impact of other budget measures and the reforms to the teacher allocation process. The reform of the allocation process is designed to bring a more equitable distribution of existing posts between schools so there will inevitably be some schools that will lose posts and some schools that will gain posts. My Department will be notifying schools in the coming weeks of the new staffing arrangements for 2012/13 school year.

Special Educational Needs

113. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if he is satisfied that the requirements of special needs pupils in mainstream education will be addressed on an ongoing basis notwithstanding the budgetary situation; and if he will make a statement on the matter. [3318/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that in relation to special needs education it should be noted that there has been no reduction in the number of Special Needs Assistants (SNAs) which will be available for schools next year, with 10,575 posts remaining available for allocation.

There has also been no reduction in the overall number of resource teaching posts which will be available for allocation to mainstream schools next year, either through the General Allocation Model or which are available for individual allocation by the National Council for Special Education.

The fact that the number of special needs assistant and resource teaching posts are being maintained at current levels is a reflection of this Government’s commitment to prioritising supports for children with special educational needs, at a time when there is a requirement to make expenditure savings across a range of areas. This commitment to protecting frontline
services for children with special educational needs will ensure that the requirements of special needs pupils in mainstream education can continue to be provided for on an ongoing basis, despite overall budgetary pressures.

**Departmental Staff**

114. **Deputy Catherine Murphy** asked the Minister for Education and Skills the number of civil servants from his Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3821/12]

Minister for Education and Skills (Deputy Ruairí Quinn): One Assistant Principal Officer has been assigned as Education and Skills attaché at the Irish Permanent Representation to the European Union. This officer represents the Department in dealings with EU institutions, including the European Commission and European Council working groups which deal with education and skills issues. She also keeps the Department informed of EU policy developments and contributes to the development and promotion of the Irish position at an EU level.

**Coast Guard Service**

115. **Deputy Michael McNamara** asked the Minister for Public Expenditure and Reform when the conveyance of lands for the development of a new Coast Guard station at Doolin, County Clare, will be complete; when construction will commence; and if he will make a statement on the matter. [2981/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Chief State Solicitors Office is in ongoing correspondence with the vendor’s Solicitors to complete the legal formalities for the conveyance of the site in Doolin for the provision of a Coast Guard Station. The matter is being treated as a priority and will be complete as soon as possible. The construction of the Station will commence, following the completion of the conveyance and a tender process, when the Irish Coast Guard confirm that funding is in place.

**Departmental Properties**

116. **Deputy Paschal Donohoe** asked the Minister for Public Expenditure and Reform if his attention has been drawn to a matter (details supplied) regarding charges for using the Phoenix Park, Dublin; if he will review this decision; and if he will make a statement on the matter. [2985/12]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): It is the policy of the Office of Public Works to charge a fee for any commercial enterprise which makes use of State property for profit. In the case of ‘boot camps’, the fee is set at €10 plus VAT per day. The level of fees charged for the use of State property is judged to be appropriate and no fees are charged for charitable or non-profit making enterprises.

**Departmental Staff**

117. **Deputy Joanna Tuffy** asked the Minister for Public Expenditure and Reform if he will provide an analysis of Revenue staff at the following grades, higher executive officer, assistant principal and principal officer, on the basis of gender and age, at 31 December 2011 and the
likely position at 1 March 2012 based on notifications of intended retirements; and if he will make a statement on the matter. [3115/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Revenue Commissioners have provided me with the information in Tables 1 and 2 in response to the Deputy’s question. Officials from my Department, the Revenue Commissioners and the Department of Finance are in discussions on how to address critical skills losses that will arise due to these retirements.

Table 1: Staff Serving at 31 December 2011

<table>
<thead>
<tr>
<th>Grade</th>
<th>Gender</th>
<th>Age</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>20-29</td>
<td>30-39</td>
<td>40-49</td>
<td>50-54</td>
<td>55-59</td>
<td>Over 60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO</td>
<td>F</td>
<td>7</td>
<td>7</td>
<td>10</td>
<td>7</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>3</td>
<td>11</td>
<td>29</td>
<td>35</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>84</td>
</tr>
<tr>
<td>PO Total</td>
<td></td>
<td>10</td>
<td>18</td>
<td>39</td>
<td>42</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>117</td>
</tr>
<tr>
<td>AP</td>
<td>F</td>
<td>2</td>
<td>29</td>
<td>34</td>
<td>41</td>
<td>21</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>133</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>2</td>
<td>4</td>
<td>55</td>
<td>76</td>
<td>125</td>
<td>24</td>
<td></td>
<td></td>
<td></td>
<td>286</td>
</tr>
<tr>
<td>AP Total</td>
<td></td>
<td>4</td>
<td>33</td>
<td>89</td>
<td>117</td>
<td>146</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
<td>419</td>
</tr>
<tr>
<td>HEO</td>
<td>F</td>
<td>2</td>
<td>47</td>
<td>121</td>
<td>176</td>
<td>118</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td>471</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>37</td>
<td>136</td>
<td>205</td>
<td>124</td>
<td>17</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>519</td>
</tr>
<tr>
<td>HEO Total</td>
<td></td>
<td>2</td>
<td>84</td>
<td>257</td>
<td>381</td>
<td>242</td>
<td>24</td>
<td></td>
<td></td>
<td></td>
<td>990</td>
</tr>
</tbody>
</table>

Table 2: Estimated Staff Serving 1 March 2012

<table>
<thead>
<tr>
<th>Grade</th>
<th>Gender</th>
<th>Age</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>20-29</td>
<td>30-39</td>
<td>40-49</td>
<td>50-54</td>
<td>55-59</td>
<td>Over 60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO</td>
<td>F</td>
<td>7</td>
<td>7</td>
<td>10</td>
<td>6</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>3</td>
<td>11</td>
<td>29</td>
<td>29</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>77</td>
</tr>
<tr>
<td>PO Total</td>
<td></td>
<td>10</td>
<td>18</td>
<td>39</td>
<td>35</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>107</td>
</tr>
<tr>
<td>AP</td>
<td>F</td>
<td>2</td>
<td>29</td>
<td>34</td>
<td>40</td>
<td>18</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>2</td>
<td>4</td>
<td>55</td>
<td>75</td>
<td>106</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td>252</td>
</tr>
<tr>
<td>AP Total</td>
<td></td>
<td>4</td>
<td>33</td>
<td>89</td>
<td>115</td>
<td>124</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td>377</td>
</tr>
<tr>
<td>HEO</td>
<td>F</td>
<td>2</td>
<td>47</td>
<td>121</td>
<td>174</td>
<td>100</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>448</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>37</td>
<td>136</td>
<td>204</td>
<td>103</td>
<td>7</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>487</td>
</tr>
<tr>
<td>HEO Total</td>
<td></td>
<td>2</td>
<td>84</td>
<td>257</td>
<td>378</td>
<td>203</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td>935</td>
</tr>
</tbody>
</table>

Members Allowances

118. Deputy Catherine Murphy asked the Minister for Public Expenditure and Reform the annual amount paid to each qualifying party leader and each Independent Deputy and Senator under section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act
2001 for the period of 1 January 2011 to 31 December 2011; the frequency and number of payments made to each qualifying party leader and each Independent Deputy and Senator under the terms of section 1 of the aforementioned Act; the formula by which such annual payment amounts are calculated; and if he will make a statement on the matter. [3118/12]

119. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the annual amount paid to each qualifying party under the Electoral Acts, and not section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001, for the period of 1 January 2011 to 31 December 2011; the frequency and number of such payments made to each qualifying party; the formula by which such annual payment amounts are calculated; and if he will make a statement on the matter. [3119/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 118 and 119 together.

The Party Leader’s Allowance is provided for in the Oireachtas (Ministerial and Parliamentary Offices) Act, 1938, as amended by the Oireachtas (Ministerial and Parliamentary Offices (Amendment) Act, 2001.

As indicated in my reply to Parliamentary Question No. 40637 on 15th December last, I intend to bring proposals to Government shortly in relation to the Party Leader’s Allowance.

The allowance is paid to the parliamentary leader of a qualifying party in relation to expenses arising from the parliamentary activities, including research, of the party. Payments are made in respect of members of the party elected to Dáil Éireann and members elected/nominated to Seanad Éireann at the last preceding general election, or a subsequent by-election or, in the case of Seanad Éireann, nominated to it after the last preceding general election. The conditions governing entitlement to payment of the allowance are set out in the Act. The primary restriction in the Act on the use of the allowance is that it may not be used in respect of election expenses.

Under the legislation, the amounts paid to the parliamentary leader of a qualifying party are calculated on the following basis:

<table>
<thead>
<tr>
<th>TDs</th>
<th>€ Opposition Parties</th>
<th>€ Government Parties*</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 10 members</td>
<td>71,520</td>
<td>47,680</td>
</tr>
<tr>
<td>11 members to 30</td>
<td>57,214</td>
<td>38,143</td>
</tr>
<tr>
<td>30 members and over</td>
<td>28,616</td>
<td>19,077</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Senators</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 5 members</td>
<td>46,766</td>
</tr>
<tr>
<td>Over 5 members</td>
<td>23,383</td>
</tr>
</tbody>
</table>

*The legislation provides that, in the case of a qualifying party forming part of the Government, allowances due in respect of TDs of that party are reduced by one third.

The legislation also provides that payments may be made to a member of Dáil Éireann, who at the last preceding general election or at a subsequent by-election was elected as a member other than as a member of a qualifying party. Such qualifying Independent TDs are entitled to an annual rate of €41,152. A similar provision in the Act provides for an annual payment of €23,383 for Independent Senators.
A table setting out the total amounts paid in 2011 in the case of each qualifying party, Independent T.D. and Senator, is set out below in Appendix I. The allowances are generally payable monthly in arrears. Because of the change in Government during 2011, there was not a full 12 months entitlement to payment in some cases.

Provision is also made for two payments to be made to qualifying political parties under the Electoral Acts.

Section 50 (c) (ii) (I) (a) of the Electoral (Amendment) Act 2001, provides for an annual sum of €4.948 million to be shared among qualified political parties. Payments are calculated on the basis of the share of first preference votes obtained by an individual qualified party at the previous general election.

Section 50(c) (i) (a) of the Electoral (Amendment) Act 2001, also provides for an annual payment in each period of 12 months to each qualified party of €126,973.81.

Payments in respect of both amounts are generally made quarterly in arrears and details of the amounts paid to qualifying parties in the year 2011, including in respect of the last quarter of 2010, are detailed in Appendix II. As a result of the General Election held in February 2011, five payments rather than the usual four were made in 2011. Appendix I

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Total paid in 2011 €</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fianna Fáil</td>
<td>1,746,500.88</td>
</tr>
<tr>
<td>Green Party</td>
<td>75,583.10</td>
</tr>
<tr>
<td>Fine Gael</td>
<td>2,579,029.69</td>
</tr>
<tr>
<td>Labour</td>
<td>1,634,607.19</td>
</tr>
<tr>
<td>Sinn Féin</td>
<td>933,875.54</td>
</tr>
<tr>
<td>Socialist Party</td>
<td>120,902.86</td>
</tr>
<tr>
<td>People before Profit</td>
<td>120,902.86</td>
</tr>
</tbody>
</table>

**Independent TDs**

<table>
<thead>
<tr>
<th>TD</th>
<th>Total paid in 2011 €</th>
</tr>
</thead>
<tbody>
<tr>
<td>F McGrath</td>
<td>39,437.30</td>
</tr>
<tr>
<td>M Lowry</td>
<td>39,437.30</td>
</tr>
<tr>
<td>M O Sullivan</td>
<td>39,437.30</td>
</tr>
<tr>
<td>J Healy Rae</td>
<td>4,654.09</td>
</tr>
<tr>
<td>S Ross</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Michael Wallace</td>
<td>0.00</td>
</tr>
<tr>
<td>Michael Healy Rae</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Noel Grealish</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Stephen Donnelly</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Luke Flanagan</td>
<td>34,783.20</td>
</tr>
<tr>
<td>John Halligan</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Mattie McGrath</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Catherine Murphy</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Thomas Pringle</td>
<td>34,783.20</td>
</tr>
<tr>
<td>Tom Fleming</td>
<td>34,293.30</td>
</tr>
<tr>
<td>Seamus Healy</td>
<td>34,783.20</td>
</tr>
</tbody>
</table>

**Independent Senators**

<table>
<thead>
<tr>
<th>Senator</th>
<th>Total paid in 2011 €</th>
</tr>
</thead>
<tbody>
<tr>
<td>D Norris</td>
<td>23,112.33</td>
</tr>
<tr>
<td>S Ross</td>
<td>3,618.79</td>
</tr>
<tr>
<td>Political Party</td>
<td>Total paid in 2011 €</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>F Quinn</td>
<td>23,112.32</td>
</tr>
<tr>
<td>J O Toole</td>
<td>7,198.92</td>
</tr>
<tr>
<td>E Harris</td>
<td>7,198.92</td>
</tr>
<tr>
<td>R Mullen</td>
<td>23,112.32</td>
</tr>
<tr>
<td>John Crown</td>
<td>15,913.40</td>
</tr>
<tr>
<td>Sean Barrett</td>
<td>15,913.40</td>
</tr>
<tr>
<td>Martin McAleese</td>
<td>3,247.63</td>
</tr>
<tr>
<td>Fiach Mac Conghaíl</td>
<td>14,394.35</td>
</tr>
<tr>
<td>Eamon Coghlan</td>
<td>14,394.35</td>
</tr>
<tr>
<td>Dr. Katherine Zappone</td>
<td>14,394.35</td>
</tr>
<tr>
<td>Mary Ann O Brien</td>
<td>14,394.35</td>
</tr>
<tr>
<td>Marie Louise O Donnell</td>
<td>14,394.35</td>
</tr>
<tr>
<td>Jillian Van Turnhaut</td>
<td>14,394.35</td>
</tr>
</tbody>
</table>

Appendix II

Payments made under section 50 (c) of the Electoral (Amendment) Act 2011

1 January 2011-31 December 2011

<table>
<thead>
<tr>
<th>Party</th>
<th>First preference vote payment</th>
<th>Flat rate payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fianna Fáil</td>
<td>1,508,733.78</td>
<td>126,973.81</td>
</tr>
<tr>
<td>Fine Gael</td>
<td>1,869,664.07</td>
<td>126,973.81</td>
</tr>
<tr>
<td>Sinn Féin</td>
<td>502,301.67</td>
<td>126,973.81</td>
</tr>
<tr>
<td>Green Party (Paid in respect of 30th Dáil Éireann)</td>
<td>100,149.53</td>
<td>51,142.23</td>
</tr>
<tr>
<td>Labour Party</td>
<td>909,076.40</td>
<td>126,973.81</td>
</tr>
<tr>
<td>Overall Total</td>
<td>4,889,925.45</td>
<td>559,037.47</td>
</tr>
</tbody>
</table>

**Election Management System**

120. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform if he will provide a detailed cost breakdown for the count centre, and associated count personnel, for the recent Dublin West by-election, including the additional cost incurred due to the recount called by one of the candidates. [3120/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Returning Officers are required to submit accounts to the Department of Finance within six months of holding an election. The accounts for the recent by-election have not yet been submitted and an accurate break down of costs will not be available until that time. However, €231,000 was advanced to the returning officer to cover the estimated cost of holding the by-election.

**Flood Relief**

121. **Deputy Paudie Coffey** asked the Minister for Public Expenditure and Reform the amount of funding that will be allocated for a scheme (details supplied); and if he will make a statement on the matter. [3012/12]
Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Waterford County Council, as the commissioning authority, will shortly seek tenders for the second phase of the Waterford Flood Relief Scheme. Pending the receipt of tenders, it would not be appropriate to indicate the expected cost of the contract. The capital allocation for the Office of Public Works will allow the scheme to commence in 2012.

Departmental Staff

122. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the measures the Civil Service has in place to allow members of the Irish public service gain work experience within the European Commission or to be seconded to the Commission from relevant Irish Departments; the number of Irish civil servants who are working within the European Commission under any such arrangement; their titles and functions; and if he will make a statement on the matter. [3039/12]

123. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the number of civil servants from each Government Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3040/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 122 and 123 together.

The Civil Service participates in the EU Commission programmes allowing for the secondment, on a temporary basis, to the EU Commission of national experts in order to foster the exchange of professional experience and knowledge of European policies. The decision to participate in these programmes is a matter for individual Departments in the context of their business needs. Heads of Departments have delegated sanction to award special leave under the terms of Circular 33/1991:- Special leave without pay to take up an appointment with an institution of the European Communities or other international organisation of which Ireland is a member.

Special leave to serve with organisations within the EU may be granted for a maximum of ten years or up to the minimum retiring age, whichever is the shorter, including extensions and regardless of the number of institutions served.

My Department currently has no staff member working in the Permanent Representation of Ireland to the European Union in Brussels.

Public Service Recruitment Embargo

124. **Deputy Gerald Nash** asked the Minister for Public Expenditure and Reform in which areas he will focus his plans for the partial lifting of the public service recruitment embargo announced in his budget 2012 contribution to Dáil Éireann in 2012; the number of posts he intends to sanction; if he will give specific details on the nature of the posts involved; and if he will make a statement on the matter. [3226/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government is committed to reducing Public Service numbers to 282,500 by 2015. Given the importance of meeting this challenging numbers target, any recruitment will be limited and targeted towards areas of most need.

Public Service Organisations must fully use all options for discharging work through reorganisation and redeployment of staff. Only after this will the issue of recruitment for current or emerging business needs arise. Each Sector in the Public Service has been establishing its own
Strategic Workforce Planning Group to ensure that sectoral employers are developing plans to deal with the operational and strategic consequences arising from staffing reductions. The sectoral groups are feeding into a central Strategic Workforce Planning Forum under the Department of Public Expenditure and Reform. Factors such as emerging demographic gaps in management grades will also be considered, for example with a competition for Administrative Officers to be held in the Civil Service.

**Job Creation**

125. **Deputy Ciara Conway** asked the Minister for Jobs, Enterprise and Innovation in view of the creation of more than 13,000 Industrial Development Agency supported jobs in 2011 announced by that agency earlier this month, and in view of the net increase of IDA supported jobs of 6,000 compared with 2010, the number of these new jobs that were created in County Waterford; and if he will make a statement on the matter. [2997/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** In making his 2011 end of year statement, the Chief Executive Officer of IDA Ireland announced that IDA Ireland’s client companies created over 13,000 new jobs, up 20% on the previous year’s level of 10,897, increasing the total number of those employed by IDA client companies to almost 146,000. Overall there was a net employment increase of over 6,000.

IDA Ireland has informed me that there are 31 IDA Ireland supported client companies in County Waterford employing 5,196 people. 72 new jobs were created in Waterford in 2011.

One of the targets in IDA Ireland’s strategy document ‘Horizon 2020’ is the creation of 62,000 direct new jobs with 105,000 total jobs impact in Ireland over the period 2010-2014, with 50% of these investments to be based in locations outside of Dublin and Cork. Central to IDA’s strategy is to build on existing regional strengths to ensure Ireland’s economic development, while optimising regional spread, in line with the National Spatial Strategy.

IDA Ireland’s Strategy for the South East region is to market the region to overseas clients to acquire new greenfield investments, to work with existing clients by encouraging them to engage in transformation of their businesses and to ensure that the necessary infrastructure is in place to attract Foreign Direct Investment (FDI). In recent years, the Agency has re-positioned the South East region as a knowledge-based industry centre, while marketing the Waterford Gateway as an investment location.

The implementation of this Strategy is resulting in employment creation in the region. Last June I announced that Mycroft Inc., the global innovation leader in delivering IT identity and security solutions, would be establishing an Operations Centre in Waterford with 50 employees. In October I officially opened a €150 million expansion of Genzyme’s Biotechnology Campus, which will greatly add to the South-East’s reputation as a valued location for foreign direct investment.

The South East Employment Action Plan, which I published last month, outlines the extent of IDA’s activities in seeking to attract additional investment to Waterford, drawing on the skill sets of the Talk Talk employees and the available facility, which is ready for use. IDA Ireland has assured me that it is targeting overseas companies based in Ireland, by bringing the existence of the vacant facility and its skilled workforce to their attention. The Agency has developed a prospectus on the Waterford facility, particularly focussing on the skill sets of the workforce, the structure of the facility and its suitability as a modern call centre, which has been circulated to IDA’s offices worldwide.

The global economy, and in particular the European economy, which is the primary target market for FDI clients in Ireland, is in a low growth phase. The challenge for IDA Ireland is
to win FDI in this low growth environment. In addition, the agency faces the challenge of intense international competition to win FDI, which is mainly dominated by Metro City Regions with populations in excess of 1 million people i.e. London, Manchester, Boston, Los Angeles etc. Ireland has one Metro Region, the Greater Dublin area, so in order to achieve balanced regional development, IDA focuses on marketing Gateway locations, such as Waterford. IDA Ireland also highlights the opportunities provided by Hub locations, which are within commuting distances of these Gateways, in addition to other locations as part of its marketing efforts and in response to specific client queries.

While the global outlook for foreign direct investment remains challenging, IDA Ireland has assured me that it will continue to compete vigorously for these projects and will continue to promote the South East Region and Waterford in line with the objectives set out in “Horizon 2020”.

Waterford also received a major jobs boost within the last week with the announcement that Eishtec, a Waterford-based company providing consumer contact centre services, is to create 250 new jobs by mid-2012 as part of a major new expansion at its new custom built facility situated at the Cleaboy Business Park. This investment is part funded by the Government through Enterprise Ireland. Recruitment for the new positions is currently under way.

**Enterprise Support Services**

126. **Deputy Paudie Coffey** asked the Minister for Jobs, Enterprise and Innovation the progress that has been made to recommence the enterprise platform programme; the new format that it will take; and if he will make a statement on the matter. [3018/12]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** The Enterprise Platform Programme (EPP) comprises a suite of entrepreneurship development courses operated by the Institutes of Technology (IoTs). The Programme has become an established mechanism for the development of entrepreneurs and the creation of start-up businesses across the regions. The Programme was funded until mid-2010 by the Higher Education Authority at which point budgetary responsibility transferred to Enterprise Ireland.

During 2011 Enterprise Ireland and the IoTs conducted a review of the current programme, with the objective of improving programme performance and increasing value for money. Arising from this review the operation of the programme has been redesigned in an effort to ensure increased value for money through more competitive operating costs, greater economies of scale through, for example, partnerships and consortia of IoTs, higher standards of entry and progression, and more focus on output metrics. The overarching aim of the programme is to accelerate the development of sustainable new businesses which have strong employment and export potential. The enterprises developed on the programme will be primarily based on a technology or innovative business application. Enterprise Ireland anticipates that approximately 100 business starts of varying scale will emerge from the programme annually and that of these a significant proportion will evolve to become HPSUs.

The revised EPP will operate as an intensive programme focusing on developing the entrepreneur’s skills and the business concept. It will be targeted at scaleable businesses based on innovative or knowledge intensive product or service and will seek high-quality potential entrepreneurs who show both the commitment and the capability to develop sustainable businesses.

The following IoTs will operate the programme and are currently phasing in the new programme.
— Waterford IT in partnership with IT Carlow
— Cork IT
— Limerick IT in partnership with IT Tralee
— Galway Mayo IT
— IT Sligo in partnership with Letterkenny IT
— Dundalk IT
— IT Tallaght in partnership with IT Blanchardstown
— Dublin IT
— Athlone IT

Enterprise Ireland will provide expertise and support to the IoTs and will engage in promotion of the programme both nationally and overseas to high-quality potential entrepreneurs.

**Employment Rights**

127. **Deputy John Deasy** asked the Minister for Jobs, Enterprise and Innovation the reason for the delay in obtaining a decision from the Employment Tribunal for a hearing held in September 2011 in respect of a person (details supplied) in County Wexford; and when a decision will be made in this regard. [3223/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Employment Appeals Tribunal (EAT) is independent in the exercise of its quasi-judicial function and I have no direct involvement in its day-to-day operations. However, having made inquiries, I understand that in the case of the person referred to, a Determination issued to the parties on 12 January 2012.

Delays currently being experienced in the EAT are a regrettable consequence of the significant increase in its caseload that has occurred in recent years. Between 2007 and 2009, the number of claims referred to the EAT trebled and this has increased the time it takes for cases to be heard and for subsequent determinations to issue.

While various short-term steps have been taken to address these delays, the functions of the EAT will be more comprehensively addressed in the context of my planned reform of the State’s employment rights and industrial relations structures and institutions. As part of this, I am chairing an Implementation Group charged with overseeing the restructuring of five existing employment rights and industrial relations bodies into a simplified two-tier structure. This reform and streamlining project is aimed at producing measurable improvements in the quality of services provided to users of the State’s employment rights and industrial relations dispute resolution services and reduce the burden of accessing such services for users and reduce costs to the State. The project has already provided some early improvements including the development of a single complaint form for use in all existing bodies; the establishment of a single contact portal for centrally administering the receipt of complaints; and the creation of a centralised website containing information on all relevant bodies. Further improvements are planned for early 2012.

**Departmental Staff**

128. **Deputy Catherine Murphy** asked the Minister for Jobs, Enterprise and Innovation the
number of civil servants from his Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3824/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I assume the Deputy is referring to the Permanent Representation to the EU in Brussels.

My Department has five staff on secondment to the Department of Foreign Affairs and Trade, i.e. two Counsellors and three First Secretaries working in the Permanent Representation in Brussels.

The role of the Permanent Representation Brussels (PRB) is to represent Ireland’s position on a wide variety of topics to the EU Council, the Commission, the European Parliament and other Member States and to keep the Department informed of relevant developments.

The PRB comprises of staff that have been seconded from all Government Departments. The primary function is to serve the Committee of Permanent Representatives (COREPER), other key EU Committees, Working Groups and to liaise with EU Affairs Section and relevant Policy Sections in the various Departments. The 5 representatives in the PRB from my Department are working in the area of Trade, Company Law, Consumer Issues, Competition, Research and Development, Intellectual Property and Patents, Industrial Policy, State Aids, Internal Market and Employment.

Departmental Offices

129. Deputy Caoimhghín Ó Caoláin asked the Minister for Social Protection when the births-deaths certificates office will be reopened at Bunratty Road Civic Centre, Coolock, Dublin 17. [2978/12]

Minister for Social Protection (Deputy Joan Burton): As this is a matter for the Health Service Executive, it has been referred to the HSE for their attention and direct reply to the Deputy.

Redundancy Payments

130. Deputy Willie Penrose asked the Minister for Social Protection the position regarding an application for redundancy payment in respect of a person (details supplied) in County Westmeath; if same will be expedited; and if she will make a statement on the matter. [2987/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 29 July 2011. Redundancy lump sum claims received at the start of June 2011 are currently being processed.

131. Deputy Willie Penrose asked the Minister for Social Protection the position regarding an application for redundancy payment in respect of a person (details supplied) in County Westmeath; if same will be expedited; and if she will make a statement on the matter. [2988/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 23 September 2011. Redundancy lump sum claims received at the start of June 2011 are currently being processed.

Employment Support Services

132. Deputy Terence Flanagan asked the Minister for Social Protection the position regard-
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.

There are significant benefits for organisations taking part in the JobBridge scheme including the following:

— Give an unemployed person the opportunity to gain relevant work experience
— Access potential future employees
— Enhance the performance of your organisation by offering an internship to motivated individuals with enthusiasm and a passion for developing their careers
— Bring in fresh talent, fresh ideas and new thinking
— Access newly trained interns with recent skills sets or skilled workers that add real value to your organisation.

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.

There are no grants made to employers and there are currently no plans to make such grants available.

Social Welfare Benefits

133. Deputy Seán Ó Fearghail asked the Minister for Social Protection the reason the period for assessment of applications for rent allowance has become so protracted since the community welfare service has transferred to her Department; the reason rent allowance applications which could be processed within days when being dealt with by the local community welfare officer are now taking months to process since the system was centralised; and if she will make a statement on the matter. [3041/12]

Minister for Social Protection (Deputy Joan Burton): The centralisation of rent supplement payments has been on-going over the past number of years within the Community Welfare Service in Dublin, Wicklow and Kildare. The service transferred to the Department of Social Protection in October 2011. Rent supplement claims which are processed in central units are dealt with through a P.O. Box No. Claims are normally paid within four weeks and any back logs pertinent to the rent units have been cleared in the recent past. Claims outstanding are mainly due to the fact that further documentation is awaited from the client. Any queries can be directed to the relevant Locall phone numbers for the units.
134. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if any statistical address has been done on the rate of applications for rent allowance, the approval, refusal and appeal rates on rent allowance applications; the average length of time to process an application; the percentage of cases in which further information requests have issued since the system was centralised; and if she will make a statement on the matter.  [3049/12]

**Minister for Social Protection (Deputy Joan Burton):** The information requested by the Deputy is currently being compiled and will be issued to him shortly.

135. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for domiciliary care will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter.  [3051/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 19th October 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 5th January 2012 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. Alternatively, they may appeal the decision directly to the Social Welfare Appeals Office within twenty one days.

**Social Welfare Appeals**

136. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding a rent allowance appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter.  [3071/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 1 December 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 6 January 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

137. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if she will review a matter in respect of a person (details supplied).  [3107/12]

**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 7 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred 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

138. **Deputy Joe Higgins** asked the Minister for Social Protection if there has been a change in criteria for persons applying for domiciliary care allowance; and if the conditions for eligibility have changed to make it more difficult to qualify. [3142/12]

**Minister for Social Protection (Deputy Joan Burton):** There has been no change in the qualifying criteria for Domiciliary Care Allowance. In general, the Allowance can be payable in respect of children under 16 years of age who have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time, so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Eligibility for the Allowance is not based primarily on the medical or psychological condition, but on the resulting lack of function of body or mind necessitating the degree of extra care and attention required. Each application is assessed on an individual basis taking account of the evidence submitted. In addition, the person claiming the Allowance for the child must be providing for the care of the child and must be considered habitually resident in the State.

Where a person is not satisfied with the decision of a Deciding Officer, they may seek to have the decision reviewed or they may appeal the decision to the Social Welfare Appeals Office.

139. **Deputy Joe Higgins** asked the Minister for Social Protection if there has been an increase in refusal of applications and renewal applications for domiciliary care allowance since March 2011. [3143/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department has been accepting new claims for domiciliary care allowance (DCA) since 1st April 2009. The number of applicants for DCA that were received, awarded and refused in 2010 and 2011 (to end November) is detailed in the table below. There has been no significant change in the overall rate of refusal for the allowance.

**Domiciliary Care Allowance applications — 2010-Nov 2011**

<table>
<thead>
<tr>
<th>Year</th>
<th>Applications received</th>
<th>Applications fully processed in year</th>
<th>Applications allowed incl. on review</th>
<th>Applications refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>5,457</td>
<td>5,333</td>
<td>2,576</td>
<td>2,757 (51%)</td>
</tr>
<tr>
<td>2011 (to 30th November)</td>
<td>5,226</td>
<td>5,118</td>
<td>2,347</td>
<td>2,771 (53%)</td>
</tr>
</tbody>
</table>

140. **Deputy Jack Wall** asked the Minister for Social Protection if rent allowance has been reinstated in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [3146/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is in receipt of his full entitlement to rent supplement based on his household circumstances. A payment issued to the person concerned in December and will continue to issue from January onwards as the necessary documentation was recently received.

Social Welfare Appeals

141. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will expedite
Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 13th June 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 2nd August 2011 and the appeal was assigned to an Appeals Officer on 4th January 2012 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

142. Deputy Brendan Smith asked the Minister for Social Protection when an appeal will be determined in respect of a person (details supplied) in County Cavan; and if she will make a statement on the matter. [3153/12]

Minister for Social Protection (Deputy Joan Burton): An application for invalidity pension, by the person concerned, was disallowed by a Deciding Officer of the Department on 6th September 2011. I am informed by the Social Welfare Appeals Office that there is no trace of appeal against this decision by the person concerned.

In the normal course, an appeal against the decision of a Deciding Officer must be made within 21 days of a decision being notified. Appeals received outside of this time limit may be accepted at the discretion of the Chief Appeals Officer. This limit is not rigidly enforced but in view of the length of time which has elapsed since the person concerned was notified of the decision and in the absence of any explanation for the failure to make the appeal within the prescribed time, it is considered that the acceptance of an appeal would not be warranted at this late stage.

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

143. Deputy Anne Ferris asked the Minister for Social Protection if her attention has been drawn to recent media reports that the Government was considering withdrawing or restricting the free travel scheme; if her further attention has been drawn to the concerns this has created among those who depend on the scheme, particularly elderly citizens; if she is considering any such proposals and, if so, when any changes are likely to take effect; and if she will make a statement on the matter. [3157/12]

Minister for Social Protection (Deputy Joan Burton): I do appreciate the important role that free travel plays in promoting social inclusion and preventing the isolation of elderly people.

Funding for the scheme was frozen by the previous Government at 2010 levels of expenditure as outlined in the National Recovery Plan 2011-2014 and the 2011 Budget. This cap was confirmed in the 2012 Budget. The Department, therefore, is not in a position to make payments in excess of that level of expenditure during 2012. The Department has written to all companies operating the free travel scheme and has had discussions with a number of them regarding the
current position of the scheme and in order to try to minimise the impact of the cap on expenditure on our customers. This may have given rise to some media speculation. The Department has not proposed any changes to the operation of the scheme.

The current free travel scheme operated by the Department provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 90 private transport operators. At the end of December 2011, there were over 726,000 people in receipt of Free Travel at a cost of almost €76 million.

All of the schemes operated by the Department of Social Protection, including free travel, were examined in the context of the Comprehensive Review of Expenditure and continue to be kept under review given the ongoing need for savings. The Review continues to inform the Department’s decisions in relation to future spending.

**Social Welfare Appeals**

144. **Deputy Anne Ferris** asked the Minister for Social Protection the position regarding an appeal on an application for invalidity pension in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [3167/12]

**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 22nd October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

145. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [3168/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that there is no registered appeal for the person concerned. However, because of the large number of appeals currently being lodged, there is a backlog in the office in registering appeals. If the appeal has been submitted in recent weeks the appeal will be registered and acknowledged in due course. The Chief Appeals Officer has assured me that all appropriate measures are being taken to address this situation.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 146 withdrawn.*

**Social Welfare Benefits**

147. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if an application for disability allowance in the case of a person (details supplied) in County Kildare has been
Minister for Social Protection (Deputy Joan Burton): I can confirm that the Department is in receipt of an application for disability allowance from the person concerned. On completion of the necessary investigations on all aspects of the claim a decision will be made and the person concerned will be notified directly of the outcome. The average time taken to process a claim for disability allowance to completion, including assessment of the claimant’s means, medical condition and habitual residence status is currently approximately 17 weeks.

148. Deputy Bernard J. Durkan asked the Minister for Social Protection if and when disability allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [3207/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused a disability allowance on the ground that, based upon the medical assessor’s assessment of the medical evidence supplied in support of the claim, the person is not medically suitable for disability allowance. The deciding officer accepted this opinion and the person was notified in writing of this decision on 5 September 2011.

Further medical evidence was subsequently supplied and was referred to the Department’s medical assessor who was also of the opinion, based on the information supplied, that she was not medically suitable for disability allowance. Accordingly, the deciding officer decided that there were no grounds to revise the original decision and the person concerned was notified in writing of this outcome on 29 December 2011.

149. Deputy Bernard J. Durkan asked the Minister for Social Protection if and when domiciliary care allowance will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [3208/12]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on 31 May 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 26th October 2011 advising of the decision. In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed. Alternatively, they may appeal the decision directly to the Social Welfare Appeals Office within twenty one days.

150. Deputy Bernard J. Durkan asked the Minister for Social Protection when jobseeker’s allowance will be approved in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [3212/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has an appointment at her local social welfare office on 18 January 2012 regarding an application for jobseeker’s benefit. Once all details are to hand a decision will be made on her claim as soon as possible.

151. Deputy Charlie McConalogue asked the Minister for Social Protection the position regarding a domiciliary care allowance application review in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [3236/12]
Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on 18 July 2011. The person concerned informed the Department that additional information would follow. However, no additional information was received. The application was referred to one of the Department’s Medical Assessors who found that the child was not medically eligible for the allowance and a decision to this effect issued on 4 November 2011.

The person concerned requested a review of this decision and subsequently submitted additional supporting information. The application has been forwarded to one of the Department’s Medical Assessors for review. When this medical opinion is received, a decision will issue to the customer.

Departmental Staff

152. Deputy Catherine Murphy asked the Minister for Social Protection the number of civil servants from her Department who are based in the European Commission working in the relevant permanent representative offices; and their titles and functions. [3825/12]

Minister for Social Protection (Deputy Joan Burton): The Department currently has two civil servants at Assistant Principal level based in Brussels in the following roles:

Title: Attaché seconded to the Department of Foreign Affairs working in the Permanent Representation of Ireland to the European Union

Function: The officer represents and promotes the concerns and interests of the Department of Social Protection to the EU Institutions and representatives of other Member States.

Title: Seconded National Expert to the European Commission working in the Directorates-General Employment, Social Affairs and Inclusion

Function: The officer contributes to the monitoring and assessment by the European Commission of employment, social inclusion and social protection policies in Ireland.

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department has a single EU Attaché at Assistant Principal level based in the European Commission. The EU Attaché is seconded to the Department of Foreign Affairs and Trade for the period of his assignment and is based in Ireland’s Permanent Representation in Brussels.

The purpose of the post is to represent Ireland in relation to EU developments in respect of the functions of my Department. The Attaché participates in, monitors and reports on such developments and liaises with the European Commission and with other Member State representatives, while keeping in close contact with relevant Government Departments and Agencies in Ireland. The Attaché also helps to shape Ireland’s approach to EU developments in relation to my Department’s functions and our approach to the upcoming Irish Presidency of the EU in 2013.

Inland Fisheries

154. Deputy Thomas Pringle asked the Minister for Communications, Energy and Natural
Resources if he will consider appointing a fisherman’s representative from Lough Foyle, County Donegal, to the board of the Loughs Agency to ensure that their views are taken into consideration in the work of the agency.  [3002/12]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O’Dowd): I can advise the Deputy that Board appointments to North South Bodies are a matter for the North South Ministerial Council in accordance with the British Irish Agreement Act 1999.

The term of appointment of the previous Boards of the North South Implementation Bodies and Tourism Ireland came to an end on 12 December, 2011 and new appointments to these Boards were approved by the North South Ministerial Council at its plenary meeting of 18 November, 2011.

All twelve positions on the Board of Loughs Agency have been filled and there are no vacancies at present. Any future appointments to the Board are a matter for the North South Ministerial Council.

Telecommunications Services

155. Deputy Paudie Coffey asked the Minister for Communications, Energy and Natural Resources the progress he has made in communicating with the National Roads Authority to ensure that access is provided to its duct network to strengthen the resilience of the broadband network in the south east, as outlined in the recent Forfás report; and if he will make a statement on the matter.  [3016/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010, which amended the Communications Regulation Act 2002, permits the National Roads Authority (NRA) to make its road ducts on national roads available to facilitate the roll-out of backhaul fibre networks by the industry.

The legislation allows the NRA to make a charging scheme for access to these ducts, subject to the approval of the Minister for Transport, Tourism and Sport — who has policy responsibility for roads in Ireland. The legislation also provides for consultation with the Minister for Communications, Energy and Natural Resources and the Minister of Finance on this charging scheme. Following this consultation, the Department of Transport, Tourism and Sport notified the NRA, in 2011, that approval was granted for the NRA’s proposed charging scheme, subject to a number of specified conditions.

Since then my Department has maintained ongoing contact with the Department of Transport, Tourism and Sport and the NRA to pursue the objective of making its road ducting available for broadband bearing in mind that the operational arrangements surrounding the granting and managing of access to the ducts are the responsibility of the NRA.

My officials have been informed by the NRA, that it intends to shortly publish its policy regarding the use of underground national road capacity by electronic communications network operators.

Departmental Programmes

156. Deputy Brendan Ryan asked the Minister for Communications, Energy and Natural Resources if he will consider opening the better energy scheme to local authority tenants on
the proviso that the tenants will pay any balance of costs above the individual grant threshold; and if he will make a statement on the matter. [3026/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Better Energy programme, which is administered by the Sustainable Energy Authority of Ireland on behalf of my Department, provides energy efficiency upgrades in privately owned homes. The Warmer Homes Scheme specifically fully funds energy efficiency upgrades in vulnerable private owned houses. Since 2004, retrofitting measures in local authority housing are undertaken as part of the local authority-owned housing improvement works programme. The Programme is the responsibility for the Minister for Environment, Community and Local Government.

The Department of Environment, Community and Local Government advise that the Social Housing Improvement Programme, is provided to Housing Authorities to undertake improvement works to occupied and vacant social housing units, including works to improve the energy efficiency and general standard of the houses concerned. Some €31 million was made available for this purpose in 2011.

Telecommunications Services

157. Deputy Michael Healy-Rae asked the Minister for Communications, Energy and Natural Resources if he will review a matter (details supplied) regarding broadband; and if he will make a statement on the matter. [3075/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The provision of electronic communications services, including broadband services, is in the first instance, a matter for private sector service providers operating in Ireland’s fully liberalised telecommunications market. Decisions relating to the provision of broadband services are commercial matters for the commercial service providers.

Neither I nor ComReg, the telecommunications regulator, have statutory power to compel any service provider to offer higher levels of broadband service at any particular location, nor is it appropriate for me to intervene in relation to private sector investment plans.

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.

Electric Vehicles

158. Deputy Jerry Buttimer asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that the electric charging points being
installed across the country are not compatible with all electric vehicles available to consumers; his plans to legislate for a uniform charging socket on all electric vehicles; and if he will make a statement on the matter. [3098/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am advised by ESB that the charge points being installed by the company are compatible with the latest standards for electric vehicles which are being supported by the major motor manufacturers. ESB also advises that some earlier models of electric vehicles, such as legacy quadricycles, may not be able to use the charge points.

I have no plans at present to introduce legislation in relation to electric vehicle charging infrastructure.

**Tax Code**

159. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will review a matter (details supplied) regarding haulage contractors; and if he will make a statement on the matter. [3083/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The current arrangements for charging motor tax on the basis of whole calendar months for periods of three, six or twelve months have applied since the 1960s, and in a more restricted form since the 1950s. These arrangements are intended to provide a stable source of funding to meet the costs of local services while giving reasonable flexibility to those taxing a vehicle. A tax period of three months is already shorter than in many other countries, and motor tax is only one element of the overall costs of staffing, maintaining, running and insuring a vehicle.

The introduction of an option for a monthly tax period would increase the administrative costs and complexity of the motor tax system, including the necessity to issue monthly renewal notices in such cases, and add to administrative costs for hauliers.

**Water Services**

160. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government if he is satisfied that public water supply pipelines which are asbestos based are non-health hazardous and that the interior insulating coating is corrosion free. [3250/12]

189. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government his policy on public water pipelines which are asbestos based; and if he is satisfied that the insulation coating is adequate to withstand corrosion and is up to standard regarding posing any health hazards. [3253/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 160 and 189 together.

Asbestos cement piping formerly used in local authority water mains was required to meet the specifications defined in Irish Standard 188 to include bitumen lining and coating. The main health risk associated with asbestos products relates to inhalation of airborne asbestos particles. The potential exposure to such risk has led to a decline in the use of asbestos materials generally. With the availability of more robust materials, asbestos cement piping is no longer used in Ireland for new public water mains or sewer pipes.
The World Health Organisation’s position on asbestos in drinking water is that there is no consistent evidence that ingested asbestos is hazardous to health and that there is no need to establish a health-based guideline value for asbestos in drinking water.

**Local Authority Charges**

161. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government if he will specify the actual houses in each housing estate entitled to avail of the unfinished housing estate waiver in the list of estates for Mayo County Council.  [3007/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The list of housing developments which have been designated eligible for a waiver from the household charge were extracted from the National Housing Survey 2011, having regard to the categorisation of estates by local authorities under the Unfinished Housing Developments Public Safety Initiative. This list is set out under the Local Government (Household Charge) Regulations 2012. All households resident in a development prescribed as an unfinished housing estate for the purposes of the Act are covered by the waiver.

**Planning Issues**

162. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the status and details of the planning enforcement proceedings or any other legal action which has been instituted by Mayo County Council or Ballina Town Council against the developer of a housing estate (details supplied) in County Mayo together with details of all reports prepared by the councils or at its request pertaining to outstanding planning matters including sanitary and road problems affecting this estate.  [3024/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The enforcement of the conditions attached to a planning permission is a matter for the relevant planning authority and I have no role in the matter. Under section 30 of the Planning and Development Act 2000, I am specifically precluded from exercising any power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned, including cases of planning enforcement.

**Local Authority Housing**

163. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government with regard to the €31 million allocated to local authorities to improve the insulation of local authority houses, the amount of the €31 million that was drawn down by local authorities; the amount that went to each local authority; the number of local authority houses that benefited from the scheme; and if he will make a statement on the matter.  [3025/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under my Department’s Social Housing Investment Programme, local authorities were allocated capital funding in 2011 in respect of a range of measures to improve the standard and overall quality of their social housing stock. The programme included a retrofitting measure aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers. My Department is currently compiling detailed information in relation to the outputs achieved across all local authorities under the retrofitting measure in 2011. On the basis of a preliminary assessment of the figures, it would appear that in excess of 2,500 properties were improved under this measure.
Information in relation to the amounts allocated and paid to each local authority in 2011 in respect of improvement works carried out under the retrofitting measure is set out in the following table:

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Amount Allocated €</th>
<th>Amount Paid €</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow County Council</td>
<td>310,000</td>
<td>222,579</td>
</tr>
<tr>
<td>Cavan County Council</td>
<td>620,000</td>
<td>621,638</td>
</tr>
<tr>
<td>Clare County Council</td>
<td>675,000</td>
<td>947,201</td>
</tr>
<tr>
<td>Cork County Council</td>
<td>1,375,000</td>
<td>1,184,352</td>
</tr>
<tr>
<td>Cork City Council</td>
<td>1,840,000</td>
<td>1,170,000</td>
</tr>
<tr>
<td>Dún Laoghaire/Rathdown County Council</td>
<td>875,000</td>
<td>920,066</td>
</tr>
<tr>
<td>Donegal County Council</td>
<td>1,090,000</td>
<td>1,098,643</td>
</tr>
<tr>
<td>Dublin City Council</td>
<td>5,500,000</td>
<td>7,500,000</td>
</tr>
<tr>
<td>Fingal County Council</td>
<td>925,000</td>
<td>926,716</td>
</tr>
<tr>
<td>Galway County Council</td>
<td>640,000</td>
<td>623,847</td>
</tr>
<tr>
<td>Galway City Council</td>
<td>450,000</td>
<td>225,000</td>
</tr>
<tr>
<td>Kerry County Council</td>
<td>1,275,000</td>
<td>1,275,522</td>
</tr>
<tr>
<td>Kildare County Council</td>
<td>700,000</td>
<td>847,262</td>
</tr>
<tr>
<td>Kilkenny County Council</td>
<td>425,000</td>
<td>1,299,110</td>
</tr>
<tr>
<td>Laois County Council</td>
<td>400,000</td>
<td>391,027</td>
</tr>
<tr>
<td>Leitrim County Council</td>
<td>360,000</td>
<td>368,283</td>
</tr>
<tr>
<td>Limerick County Council</td>
<td>2,425,000</td>
<td>2,045,043</td>
</tr>
<tr>
<td>Limerick City Council</td>
<td>1,150,000</td>
<td>702,223</td>
</tr>
<tr>
<td>Longford County Council</td>
<td>425,000</td>
<td>388,860</td>
</tr>
<tr>
<td>Louth County Council</td>
<td>880,000</td>
<td>873,895</td>
</tr>
<tr>
<td>Mayo County Council</td>
<td>745,000</td>
<td>686,258</td>
</tr>
<tr>
<td>Meath County Council</td>
<td>470,000</td>
<td>737,499</td>
</tr>
<tr>
<td>Monaghan County Council</td>
<td>315,100</td>
<td>315,100</td>
</tr>
<tr>
<td>North Tipperary County Council</td>
<td>593,000</td>
<td>1,098,270</td>
</tr>
<tr>
<td>Offaly County Council</td>
<td>375,000</td>
<td>375,000</td>
</tr>
<tr>
<td>Roscommon County Council</td>
<td>400,000</td>
<td>200,000</td>
</tr>
<tr>
<td>Sligo County Council</td>
<td>450,000</td>
<td>498,889</td>
</tr>
<tr>
<td>South Tipperary County Council</td>
<td>1,420,000</td>
<td>1,089,481</td>
</tr>
<tr>
<td>South Dublin County Council</td>
<td>2,050,000</td>
<td>1,229,868</td>
</tr>
<tr>
<td>Waterford County Council</td>
<td>350,000</td>
<td>297,575</td>
</tr>
<tr>
<td>Waterford City Council</td>
<td>600,000</td>
<td>426,534</td>
</tr>
<tr>
<td>Westmeath County Council</td>
<td>415,000</td>
<td>385,316</td>
</tr>
<tr>
<td>Wexford County Council</td>
<td>850,000</td>
<td>1,053,525</td>
</tr>
<tr>
<td>Wicklow County Council</td>
<td>905,000</td>
<td>702,440</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32,278,100</strong></td>
<td><strong>32,727,022</strong></td>
</tr>
</tbody>
</table>

Departmental Bodies

164. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government his plans for the future of the Dublin Docklands Development Authority; if the existing authority or Dublin City Council has responsibility for planning the development of the Poolbeg area; if his attention has been drawn to any meetings that have taken place
between the authority and the National Asset Management Agency with regard to develop-
ments in the Poolbeg area; and if he will make a statement on the matter. [3042/12]

168. **Deputy Paschal Donohoe** asked the Minister for the Environment, Community and Local Government the position regarding the future status of the Dublin Docklands Development Authority; and if he will make a statement on the matter. [3061/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 164 and 168 together.

Since its establishment in 1997, the Dublin Docklands Development Authority (DDDA) has overseen the urban regeneration of the Docklands area into a vibrant city quarter, realising considerable achievements in the delivery of its statutory mandate to secure the social and economic regeneration of the Dublin Docklands area on a sustainable basis, as well as to secure improvements in its physical environment. These achievements include attracting substantial private and public investment, increasing numbers employed in the area, delivering quality commercial space, facilitating thousands of new residential units and ensuring considerable social and community enhancements.

As part of the Government’s commitment to securing ongoing savings and efficiencies, the scope for agency reform and rationalisation will continue to receive careful consideration. The future position of the Authority remains under review in that context.

Regarding responsibility for planning in the Docklands area, a developer may choose to either make a planning application to Dublin City Council or to apply to the Authority for a certificate of exemption, pursuant to section 25 of the Dublin Docklands Development Authority Act 1997, for a development in areas in the Docklands that are covered by planning schemes; these are prepared by the Authority to assist in the realisation of the Authority’s Master Plan objectives and require the approval of the Minister for the Environment, Community and Local Government. As there is no planning scheme in place in respect of the Poolbeg area, planning applications may be made only to Dublin City Council.

Engagements between the DDDA and the National Asset Management Agency (NAMA) are a matter, in the first instance, for the Authority itself. As outlined in the DDDA’s 2010 Annual Report & Financial Statements, copies of which have been laid before the Houses of the Oireachtas, an agreement was concluded between the DDDA and NAMA in 2011 in relation to the Authority’s loan liabilities in respect of the purchase of the ten-hectare former Irish Glass Bottle site at Poolbeg. The effect of the agreement was to extinguish any obligations on the DDDA under guarantees of principal and interest on loans taken over by NAMA in exchange for the transfer to NAMA of certain DDDA properties.

**Appointments to State Boards**

165. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he intends to appoint additional board members to An Bord Pleanála; if so, the prospective timelines for such appointments; and if he will make a statement on the matter. [3043/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The statutory process of filling a number of the current vacancies on the Board is now underway and I expect to make the first of the new appointments shortly. I will be taking into account, when appointing new board members, the balance of skill sets and expertise required at Board level for the effective discharge of An Bord Pleanala’s complex and wide ranging functions.
Local Authority Charges

166. **Deputy Caoimhghin Ó Caoláin** asked the Minister for the Environment, Community and Local Government if a person with self-catering accommodation is liable for the non-principal private residence charge; if there are exemptions for those who have been funded by an enterprise board and are registered with Fáilte Ireland; and if he will make a statement on the matter. [3044/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**
The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities through the introduction of the charge on non-principal private residences (NPPR). The charge is set at €200 and is being levied and collected by local authorities. The charge is payable by the owners of private rented accommodation, holiday homes, self-catering accommodation and other non-principal private residences.

Section 2(d) of the Act provides that a building in respect of which local authority rates are payable and that is wholly used as a dwelling is not a residential property for the purposes of the Act and is not liable for the NPPR charge. There are no specific exemptions in the legislation for persons or property funded by an enterprise board or registered with Fáilte Ireland.

167. **Deputy Caoimhghin Ó Caoláin** asked the Minister for the Environment, Community and Local Government if a person with self-catering accommodation is liable for the household charge; if liability or non-liability for paying the non-principal private residence charge affects liability for paying the household charge; and if he will make a statement on the matter. [3045/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**
The Local Government (Household Charge) Act 2011 and the Local Government (Charges) Act 2009 set out the legislation underpinning the household charge and the charge on non-principal private residences respectively.

Under the legislation, owners of residential property, including self-catering accommodation, are liable for the household charge. Owners of residential property that have a liability to pay the charge on non-principal private residences would have a liability to the household charge, unless otherwise exempt or entitled to a waiver under the legislation.

*Question No. 168 answered with Question No. 164.*

Waste Management

169. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government in view of the fact that persons who have bin waivers in south Dublin will lose their waivers in April, when he is going to make waivers available on a national basis. [3063/12]

**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 would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service.

A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. 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 avail-
able on my Department’s website, www.environ.ie. 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 position regarding waivers for low income households will be among the issues for consideration in this context.

Local Authority Charges

170. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government if he will be willing to write to each household affected by the household charge asking them to pay the charge, on the basis that taxpayers deserve to be approached directly when the State imposes a new charge. [3064/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Significant efforts will be made to ensure that property owners are aware of the household charge and the liability and payment dates. The Local Government Management Agency (LGMA) and local authorities have commenced 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.

It is also intended that a household charge information leaflet will be issued shortly to residential properties in the State. I am confident that those liable to the household 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

171. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding the Water Services Amendment Bill 2011; and if he will make a statement on the matter. [3070/12]

174. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government with regard to the new proposed regulations regarding septic tanks, the position regarding a person required to carry out large scale works if they fail to meet the required regulations; if they will have to apply to the local authority for planning permission; and if he will make a statement on the matter. [3085/12]

175. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if a person’s septic tank does not meet the required regulations and if they live on a site that is less than 0.5 of an acre, if they have to apply for planning permission and the local authority say that the area of ground was insufficient to deal with the effluent, if he will clarify the result in a case like this; and if he will make a statement on the matter. [3086/12]

176. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if a house owner fails to meet the required standard in the new regulations proposed by him and if remedial works are to be carried out which would involve spending a large sum of money and if the householder has no money and can prove an absolute inability to pay, if he will clarify this case; and if he will make a statement on the matter. [3087/12]
177. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will clarify a matter (details supplied) regarding septic tanks; and if he will make a statement on the matter. [3088/12]

180. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government when a decision will issue on financial assistance being made available to households that will not be in a position to afford the cost of upgrading or replacing their septic tanks; and if he will make a statement on the matter. [3128/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 171, 174 to 177, inclusive, 177 and 180 together.

I consider that the appeals procedures provided for in the Bill are adequate. Persons aggrieved by the requirements of an Advisory Notice issued by a water services authority can appeal that decision and seek a re-inspection by an authorised person of a water services authority and, following a re-inspection may subsequently appeal a decision of the water services authority to confirm the advisory notice to the District Court on the grounds set out in the Bill.

With regard to any remediation works required, I have previously signalled my intention to introduce planning exemptions for works arising from the Bill. Any necessary exemptions will be put in place in advance of the commencement of inspections.

It is not intended to apply new standards, for example as set out in the EPA’s 2009 Code of Practice, to older on-site systems as part of the new inspection system. Where an inspection reveals a problem, issues such as existing site size, hydrological and geological conditions etc. will be considered so as to identify the most appropriate and cost-effective remediation works necessary.

My Department will keep under review all possible options to provide financial support to householders whose systems are deemed, following inspection, to require substantial remediation or upgrading. Any such support would have to have regard to the overall budgetary situation and to the financial position of individual households.

On 23 November 2011, the European Commission submitted an application to the European Court of Justice (ECJ) seeking the imposition of a lump-sum penalty and daily fines against Ireland for failing to comply with the October 2009 ruling against Ireland. In its submission, the Commission argued that more than enough time had elapsed since the ruling and that the Irish authorities should have achieved compliance already. The Commission requested that the fines, including the daily penalty, should be calculated from the date of the ruling. The deadline for the submission of Ireland’s rejoinder in this case is 3 February 2012. The central strand of Ireland’s defence will be that the necessary legislative measures have been put in place. 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.

**Meitheal Forbartha na Gaeltachta**

172. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his plans for the Dingle Peninsula, Kerry, considering that Meitheal Forbartha na Gaeltachta Teoranta has disbanded and it is not under any Leader programme; the way he will address this situation; and if he will make a statement on the matter. [3077/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Questions Nos. 362 and 391 of 29 November 2011.
Significant progress is being made; all relevant Rural Development Programme RDP (LEADER) project files have been released by the liquidator and are now with my Department. All project promoters will be contacted shortly. My Department has had discussions with the European Commission and the Department of Agriculture, Food and the Marine with regard to the RDP and is working with them to ensure appropriate regulatory compliance in respect of any solution put forward.

My intention is to find a solution that will be efficient and effective and applied at the earliest possible opportunity to all Gaeltacht areas including Kerry and all relevant stakeholders will be informed as soon as an appropriate solution is determined.

Water Services

173. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will make an order to local authorities that when fitting water meters that there would be some system put in place which would have the capacity of alerting the house holder if there was a leak in the system; and if he will make a statement on the matter. [3079/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The Programme for Government also committed to the establishment of Irish Water, a State company that will take over the water investment and maintenance programmes of the 34 county and city councils with the key aim of supervising and accelerating the significant investment needed to update the State’s water and sewage infrastructure.

On 16 January, my Department commenced a public consultation on these proposed reforms, seeking views from the public on the establishment of Irish Water and the introduction of water charges.

The Government has indicated its intention to commence the installation of water meters in households connected to public water supplies later in 2012. Specifications for the meters and associated equipment will be based on the best technical solutions available and international best practice. The specifications will not be finalised until after the public consultation period.

*Question Nos. 174 to 177, inclusive, answered with Question No. 171.*

Local Authority Charges

178. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will clarify the proposals by him to take money at source from house-holders who are unable to pay the new household charge; and if he will make a statement on the matter. [3089/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have no proposals to collect the household charge from homeowners by deduction from earnings. The Question may be referring to the proposals that my colleague the Minister for Justice and Equality is developing, in line with a commitment in the Programme for Government, to allow for collection of unpaid court fines by attachment of earnings or deduction from social welfare benefits. These proposals are intended to improve the collection of unpaid fines and to reduce the number of people committed to prison for non-payment of fines, and they are being progressed by the Minister for Justice and Equality.

363
Questions— 19 January 2012. Written Answers

Water and Sewerage Schemes

179. Deputy Brendan Griffin asked the Minister for the Environment, Community and Local Government if he will prioritise progress on a sewerage scheme (details supplied) in County Kerry; and if he will make a statement on the matter. [3108/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Kerry. The Programme includes contracts under construction and to commence to the value of over €92 million in Kerry during the period of the Programme. However, the Kilgarvan Sewerage Scheme was not amongst the priority contracts and schemes selected for inclusion in the current Programme.

The Programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth. A key input to the development of the Programme was the assessment of needs prepared by local authorities, including Kerry County Council, in response to my Department’s request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were subsequently appraised in the Department in the context of the funds available and key criteria that complemented those used by the authorities. Inevitably, through this process, certain projects that had been proposed had to give way to others that were more strategically important at that time. Progress under the Water Services Investment Programme 2010-2012 was reviewed in mid-2011 and through this process, consideration was given to any newly emerging priority contracts and schemes submitted by local authorities for addition to the Programme. No proposal for the Kilgarvan Sewerage Scheme was received from Kerry County Council in response to the review process.

Question No. 180 answered with Question No. 171.

181. Deputy Jim Daly asked the Minister for the Environment, Community and Local Government if a contractor has been appointed for the construction of the Bandon main drainage scheme in County Cork; when he expects work to commence; the expected duration of the works; and if he will make a statement on the matter. [3145/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Water Services Investment Programme 2010-2012 a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Cork. The Programme includes contracts under construction and to commence to the value of some €231 million in the county during the period of the Programme.

Contracts for both a wastewater treatment plant upgrade and network for the Bandon Sewerage Scheme Phase 2 are included as contracts to start during the life of the Programme.

In October 2011 my Department approved the revised Design Brief submitted by Cork County Council for the appointment a Consultant to prepare a Preliminary Report for the upgrade of the Bandon Wastewater Treatment Plant.

The Council has recently completed the Tender Evaluation Process in relation to the network element of the scheme and has sought my Department’s approval of the necessary funding to allow for award of the contract. A decision in the matter will be conveyed to the Council as soon as possible.

Tax Code

182. Deputy Pat Deering asked the Minister for the Environment, Community and Local
Questions— 19 January 2012. Written Answers

Government if he will consider not including houses that are paying fees to a management company for the proposed property tax. [3161/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I intend to bring proposals to Government shortly on the establishment, membership and terms of reference of an inter-Departmental expert group to be tasked with designing 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.

Local Authority Charges

183. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government the percentage of commercial rates that have been collected in 2011 by local authority area and in each local authority area the percentage of rate payers that have paid their full rates for 2011; the amount outstanding in each local authority area at the end of 2011; and if he will make a statement on the matter. [3164/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Audited information in relation to the collection of commercial rates in 2011 is not yet available in my Department. Local authorities are required to publish their 2011 Annual Financial Statements by 1 July 2012. The audit of the 2011 Annual Financial Statements is scheduled for completion by 31 March 2013.

Pension Provisions

184. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government if he will report on the implementation of the decision taken to approve a revised system of pension entitlements for local government non-officer grade whose pensions are integrated with social welfare and which was to be applied retrospectively to the 1 January 2004; if the scheme has been applied in all local authority areas and retrospective payments made to pensioners prior to the implementation of the scheme; and if he will make a statement on the matter. [3165/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The calculation and revision of pensions for former local authority employees is a matter for local authorities under the provisions of the Local Government Superannuation Scheme.

My Department issued a circular letter to all local authorities in August 2005 to advise them of the revised method of calculation of pension entitlement for public servants whose pensions are integrated with social welfare benefits. The revised integration system is being fully implemented by local authorities. However, there may be a small number of cases that are still being processed.

Water and Sewerage Schemes

185. **Deputy Willie Penrose** asked the Minister for the Environment, Community and Local Government if he will indicate the level of grant aid available for group sewerage schemes; the criteria for qualification for same; and if he will make a statement on the matter. [3172/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The rate of grant available for Group Sewerage Schemes under my Department’s Rural Water Programme is €2,031.58 per house or 75% of the cost of the scheme, whichever is the lesser.
Responsibility for the administration of the Rural Water Programme has been devolved to local authorities since 1997. The selection and approval of individual group scheme proposals for funding and advancement under the programme, within the overall priorities and guidance set by my Department and subject to the block grant allocation provided, is therefore a matter for the water services authorities. Information on the application process and qualifying conditions are available from local authorities.

Local Authority Charges

186. Deputy Michael McCarthy asked the Minister for the Environment, Community and Local Government the reason various phases of an estate (details supplied) are obliged to pay the household charge when its final phase was exempted from the fee; if his attention has been drawn to the fact that a number of other estates in the locality in similar unfinished states have been exempted from the charge in their entirety; if there is scope to include the remaining phases of the estate onto the list in view of the reasons outlined; and if he will make a statement on the matter. [3237/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): The list of housing developments which have been designated eligible for a waiver from the household charge was extracted from the National Housing Survey 2011, having regard to the categorisation of estates by local authorities under the Unfinished Housing Developments Public Safety Initiative. This list is set out under the Local Government (Household Charge) Regulations 2012.

My Department’s analysis of unfinished housing developments, and the ongoing work being carried out by my Department and the local authority sector on the issues facing the residents of such developments, refer to the relevant planning reference of each development. Any households resident in such a development, prescribed as an unfinished housing estate for the purposes of the Act, are covered by the waiver.

Community Development

187. Deputy Dara Calleary asked the Minister for the Environment, Community and Local Government when Leader funds will be paid to an organisation (details supplied) in County Mayo; the reason for the delay in this payment; and if he will make a statement on the matter. [3239/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): There are 35 Local Action Groups contracted, on my Department’s behalf, to deliver Axes 3 & 4 of the Rural Development Programme (RDP) throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategy of the individual groups and in line with Departmental operating rules and EU regulations.

All funding requests are subject to a risk assessment process to determine whether or not they will be subject to a control procedure. The programme is required by EU regulation to conduct controls on a certain percentage of the expenditure incurred under the RDP; these controls are conducted when a request for the drawdown of funds is received (pre-payment controls) and subsequent to the payment of the RDP grant aid (post-payment controls).

Bonniconlon Community Centre Ltd has already received an RDP grant payment of €56,150.43 in October 2011 as part of the phased payment process allowable under the RDP. Mayo North East Leader Partnership, on behalf of Bonniconlon Community Centre Ltd,
requested a second drawdown of funds for €105,419.54 on 10 November 2011. This request was subsequently chosen through the risk assessment process for a pre-payment control check. As part of this check the file was examined and my Department has requested clarification on a number of issues and is awaiting response to its queries.

This process is part of the overall management of the RDP and is required by EU regulation. Mayo North East LEADER Partnership and Bonniconlon Community Centre Ltd will be advised of the results of this process once it is complete.

Water Services

188. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government his policy regarding lead piping for public water supply; and if he is satisfied that these pipes are non-health hazardous. [3252/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The European Communities (Drinking Water) (No. 2) Regulations, 2007 designate water services authorities (the 34 county and city councils) as the authorities which are primarily responsible for public water distribution systems including the maintenance of pipes under their control and ownership. The Regulations stipulate that all appropriate measures must be taken to reduce the concentration of lead in water intended for human consumption as much as possible during the period needed to achieve compliance with the parametric value for lead. The current limit for lead in drinking water is 25ug/l and this value reduces to 10ug/l from 25 December 2013.

The 2007 Regulations provide that the EPA is the supervisory authority for drinking water supplied by water services authorities. Guidance Notes published by the EPA in April 2009 advises water services authorities to develop and implement a planned annual programme for the replacement of lead communication and service pipes causing or likely to cause exceedances in the 2013 lead limit, using a risk-based approach.

My Department’s Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, provides funding for works by water services authorities for water conservation. 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.

*Question No. 189 answered with Question No. 160.*

**Departmental Staff**

190. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the number of civil servants from his Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3822/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department has two civil servants working in the offices of the Irish Permanent Representation to the European Union in Brussels, an Environment Counsellor (Principal Officer level post) and an Environment Attaché (Assistant Principal Officer level post). The staff are seconded to the Department of Foreign Affairs for the duration of their assignment. Their functions include:

— Managing the overall work programme of the Environment Unit in the Permanent Representation;
Servicing the meetings of the Environment Working Group and other Council groups in the environment area and arranging attendance, where appropriate, by Department officials at such meetings;

Preparing briefing on national positions for COREPER meetings and providing necessary briefing and support throughout co-decision procedures with the European Parliament;

Briefing and assisting Ministers at meetings of the Council of Environment Ministers;

Servicing, as necessary, meetings convened by the Commission;

Maintaining an overall view of developments at EU level on matters of concern to the Department, assessing the significance of the various matters and transmitting information and reports to the Department in regard to them;

Advising and assisting in the assessment of Commission proposals and in the development of negotiating positions in relation to them;

Developing contact and liaising with the European Parliament and its Environment Committee in the context of ongoing negotiations;

Enhancing contact and liaison with the Commission and within the Permanent Representation, as appropriate, in relation to matters relevant to any of the Department’s functions,

Co-ordinating the preparation of briefing material, as required, for Irish MEPs.

### Departmental Funding

191. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will restore funding to an organisation (details supplied); and if he will make a statement on the matter. [3080/12]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** As I informed the Deputy in response to a previous question on the issue, 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 disabilities who will be able to bring their lived experience directly to bear on the very important work of this high level group. This will ensure the voice and perspective of people with disabilities will continue to be heard in a more focused and cost effective way.

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.

**Proposed Legislation**

192. *Deputy Joanna Tuffy* asked the Minister for Justice and Equality the position regarding proposals to set up an insolvency service for debt settlement; if this service will be independent of the Government and the banks; and if he will make a statement on the matter. [3228/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In line with a commitment in the Programme for Government, the Personal Insolvency Bill is in the course of being urgently developed in my Department to provide for a new framework for settlement and enforcement of debt and for personal insolvency. It is intended that the Heads of the Bill, which are expected to be finalised in the near future, will be forwarded to the Joint Oireachtas Committee on Justice, Defence and Equality for its consideration. The issue of the establishment of an independent Insolvency Service will be addressed in the Heads of the Bill. The commitment under the EU/IMF Programme of Financial Support for Ireland is to publish the Personal Insolvency Bill in Quarter 1 of 2012.

**Garda Strength**

193. *Deputy Ciara Conway* asked the Minister for Justice and Equality in each of the years between 2007 and 2011, the number of full-time gardaí who were stationed in areas (details supplied); the number of gardaí based in these areas that are likely to retire in 2012; the number of these gardaí who will not be replaced once they have retired in tabular form; and if he will make a statement on the matter. [3004/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the personnel strength of An Garda Síochána assigned to each Garda District in the Waterford Garda Division in the years referred to by the Deputy and as at the latest date for which figures are readily available, is set out in the following table.

<table>
<thead>
<tr>
<th>District</th>
<th>31/12/07</th>
<th>31/12/08</th>
<th>31/12/09</th>
<th>31/12/10</th>
<th>31/12/11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dungarvan*</td>
<td>62</td>
<td>61</td>
<td>66</td>
<td>67</td>
<td>61</td>
</tr>
<tr>
<td>Tramore</td>
<td>47</td>
<td>50</td>
<td>53</td>
<td>51</td>
<td>47</td>
</tr>
<tr>
<td>Waterford*</td>
<td>169</td>
<td>179</td>
<td>190</td>
<td>184</td>
<td>182</td>
</tr>
</tbody>
</table>

*2007 and 2008 figures take account of boundary changes*

I am further informed that the number of Gardaí who have applied to retire on a voluntary basis from the Waterford Division during 2012 is 7 (2 Sergeants and 5 Gardaí). The allocation of all resources, including personnel, is a matter for the Garda Commissioner in consultation with his senior management. Garda Management closely monitors the allocation of resources in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public.
Notwithstanding this, there is no getting away from the reality that public expenditure and public service numbers have to be reduced in the context of the agreement with the EU and the IMF. I am determined that this will be accompanied by real and substantive reform, reform which will make the delivery of public services more efficient and cost-effective. Our Programme for National Recovery recognises that a key objective of this reform is the protection of frontline services, and I regard that as a priority for the Garda Síochána.

Departmental Properties

194. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the number of residential units, originally intended for occupation by members of the Defence Forces, Garda Síochána or Prison Service that are currently subject to overholding, that is, that are occupied by former members or by the widowed spouses or other family members of former personnel; the number of overheld units located within military barracks and other institutions; the way liability for the household charge is to be determined on any overholding situation; and if he will make a statement on the matter. [3005/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that the number of official accommodation properties occupied by former members of An Garda Síochána is 31. There are no such properties within the Irish Prison Service. I am further advised that accommodation which forms part of the State portfolio of properties is exempt from the household charge.

Peace Commissioners

195. **Deputy Eric Byrne** asked the Minister for Justice and Equality further to Parliamentary Question No. 645 of 11 January 2012, the qualifications and criteria required to obtain the position of peace commissioner; the duties and functions of same; and if he will make a statement on the matter. [3030/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Office of Peace Commissioner is an honorary appointment under section 88 of the Courts of Justice Act, 1924 for which there is no remuneration or compensation by way of fees or expenses for their services. An application for appointment may be submitted by a person who is interested in obtaining an appointment, or a third party may submit a nomination in respect of a person considered suitable for appointment. Nominations are generally received from public representatives. A local Garda Superintendent can also request an appointment in a particular area in the public interest.

There is no qualifying examination involved but appointees are required to be of good character and they are usually well established in the local community. Persons who are members of professions or employed in occupations which engage in legal work or related activities and members of the clergy are, as a matter of practice, not appointed because of their occupation. Civil servants are usually only appointed where the performance of their official duties requires an appointment (i.e. ex-officio). Persons convicted of serious offences are considered unsuitable for appointment.

At present, the powers and duties of a Peace Commissioner are mainly:

- the taking of statutory declarations;
- witnessing signatures on documents, if that is required by various authorities;
- signing certificates and orders under various Acts; and
signing search warrants for An Garda Síochána.

**Garda Stations**

196. **Deputy Denis Naughten** asked the Minister for Justice and Equality the reason for the closure of a garda station (details supplied); if an evaluation of the impact on the local community has been completed; if he will reconsider this decision; if he will ensure that a community garda is appointed to the area serviced by the station; and if he will make a statement on the matter. [3094/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In reaching a decision on the closure of Garda stations, the Commissioner reviewed all aspects of the Garda Síochána’s policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all Divisional Officers were asked to assess the level of activity in each Garda Station in their area. In the case of the Garda Station in Tarmonbarry, the decision formally recognises the closure of the station which, while still listed as a Garda station, has already been non-operational for some time.

Tarmonbarry is in the Boyle District in Roscommon /Longford Garda Division and the personnel strength of that District, on the latest date for which figures are readily available, was 35. It is intended, where possible, that the resources currently available in Tarmonbarry Garda Station will remain in the Boyle Garda District, subject at all times to the operational requirements as determined by the Commissioner. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the frontline if these particular stations no longer had to be staffed and maintained.

The Garda Commissioner has reiterated the commitment of An Garda Síochána to providing a professional and effective service to the community. Each Divisional Officer with responsibility for a Division that will be affected by this decision has been tasked with developing a comprehensive consultation strategy together with a tailored implementation plan that will meet the particular needs of their Division. They will consult with the various stakeholders within their respective Divisions during this process. The priority will remain, that an effective and professional policing service is provided to every part of the community, both rural and urban.

**Airport Security**

197. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the costs of policing arrangements at Shannon Airport in 2011; and if he will provide the breakdown for salaries and allowances, overtime, travel and subsistence expenses, and other expenditure. [3105/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the cost of policing arrangements at Shannon Airport for 2011 is €994,052. A detailed breakdown of the figures is set out in the following table:

<table>
<thead>
<tr>
<th>Subhead description</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Allowances</td>
<td>657,576</td>
</tr>
<tr>
<td>Overtime</td>
<td>315,633</td>
</tr>
</tbody>
</table>
Security Industry

198. Deputy Michelle Mulherin asked the Minister for Justice and Equality the position regarding an application to the Private Security Authority for a licence in respect of a person (details supplied) in County Mayo; the reason for the delay in processing applications; if successful, the length of time they will have to wait for the licence; and if he will make a statement on the matter. [3111/12]

199. Deputy Michelle Mulherin asked the Minister for Justice and Equality the position regarding an application to the Private Security Authority for a licence in respect of a person (details supplied) in County Mayo; the reason for the delay in processing applications; if successful, the length of time they will have to wait for the licence. [3112/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 198 and 199 together.

The Private Security Authority (PSA) is the regulatory body with responsibility for the regulation of the security industry in Ireland. The Authority is an independent body under the aegis of my Department and so the processing of licence applications is a matter solely for the PSA. The Authority has however informed me that the average processing times for applications, such as those referred to by the Deputy, is currently approximately 6 weeks. This arises mainly from the need to arrange for the vetting of all such applicants, which, the Deputy will appreciate, is an integral part of the licensing system.

Citizenship Applications

200. Deputy Paschal Donohoe asked the Minister for Justice and Equality if he will review the current fees in place for those wishing to apply for citizenship who are married to Irish citizens; and if he will make a statement on the matter. [3150/12]

Minister for Justice and Equality (Deputy Alan Shatter): The fees payable under the Irish Nationality and Citizenship Act, 1956 were most recently reviewed by me in late 2011. In November 2011, I signed into law Statutory Instrument 569/11, which left certification of naturalisation fees unchanged at €950 and introduced an application fee of €175 for all applications for naturalisation.

Managing and dealing with incomplete applications consumes scarce processing resources and the application fee is designed to recoup some of the costs associated with the application process. The application fee is also intended to help cover costs associated with the processing of unsuccessful applications that often consume more processing time and resources than successful applications, but which heretofore attracted no fee.

I might point out to the Deputy that the current certification fees, which have not changed since August 2008, do not recoup the full cost of processing. In the circumstances, I have no plans at present to review the fees payable by spouses of Irish citizens who wish to apply for Irish citizenship. http://www.inis.gov.ie/en/INIS/Pages/Citizenship Application Forms
Prisoner Transfers

201. Deputy Jonathan O’Brien asked the Minister for Justice and Equality if he will provide clarification regarding the status of the proposed transfer of a prisoner (details supplied); and if he will make a statement on the matter. [3152/12]

Minister for Justice and Equality (Deputy Alan Shatter): Having considered the matter, I wish to inform the Deputy that I am not prepared to approve a transfer at this time. The situation will be kept under review.

Citizenship Applications

202. Deputy Jonathan O’Brien asked the Minister for Justice and Equality when a person (details supplied) in Dublin 13 will have their application for Irish citizenship processed. [3159/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in August, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Court Staff

203. Deputy Willie Penrose asked the Minister for Justice and Equality whether a person who was appointed a peace commissioner some years ago and who has mislaid or lost the warrant of appointment, which is necessary for production in terms of their position in regard to various warrants, affidavits and so on, can have a replacement warrant issued to them; and if he will make a statement on the matter. [3171/12]

Minister for Justice and Equality (Deputy Alan Shatter): Peace Commissioners are appointed under section 88 of the Courts of Justice Act, 1924. On the date of their appointment, Peace Commissioners are issued with a Warrant of Appointment which is signed and sealed by the Minister for Justice and Equality. As such Warrants are considered to be a unique document, it is not the practice to issue copies or replace those which have been lost or otherwise mislaid.

Residency Permits

204. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the current and likely future residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3190/12]
Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the name of the person detailed in the Deputy’s question is not showing an exact match in INIS records. However, a person of similar name with matching reference number has permission to remain in the State on the basis of her marriage to an Irish national until 14 April 2012. This permission may be renewed by the person attending with her Irish spouse at her local registration office shortly prior to the expiry date of her current immigration permission.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

Asylum Applications

205. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in County Laois; and if he will make a statement on the matter. [3191/12]

Minister for Justice and Equality (Deputy Alan Shatter): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th April, 2010, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

Citizenship Applications

206. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the current position in regard to the determination of naturalisation entitlement in the case of a person (details supplied) in Dublin 24; when their national passport and travel documents will be returned to them; and if he will make a statement on the matter. [3192/12]
Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted permission to remain in the State in 1999 under the arrangements then in place for the non-EEA parents of Irish born children. This permission has been renewed on a regular basis and is currently valid until 21 May, 2012. I have been informed by the Garda National Immigration bureau (GNIB) that the person concerned was in possession of three valid Angolan passports when he went to register for renewal in September, 2011. Two of the Angolan passports were forwarded to the Angolan Embassy by GNIB and have been retained by them to carry out enquiries. The third passport was returned to the person concerned. I should add that a request for a name change on behalf of the person concerned, is being considered in INIS at present.

A valid application for a certificate of naturalisation was received from the person referred to by the Deputy in September, 2006 and my predecessor decided in his absolute discretion to refuse the application. The person concerned was informed of that decision in a letter issued to him in December, 2009, and re-issued in April, 2010. It is open to the person concerned to make a new application at any time.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

207. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the position regarding, and procedure to date, in the determination of naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3193/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in August, 2010. The application has been initially assessed and is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. Queries in relation to the status of individual immigration cases may be made direct 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.

208. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the position regarding, and progress and sequence of events to date, in the determination of residency and naturalisation status in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [3194/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to parliamentary Question No. 247 of 15 December, 2011 which is set out below. The position is unchanged since then.
I am advised by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy was granted permission to remain in the State in 2002 under the arrangements then in place for the non-EEA parents of Irish born children. The permission has been renewed on a regular basis and is currently valid until 22 April, 2012. An application for a certificate of naturalisation from the person referred to was received in the Citizenship Division of INIS in June 2006. On examination of the application submitted, it was determined that the person in question did not meet the statutory residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. The person concerned was informed of this in a letter issued to him on 21 October, 2006.

Section 15 of that Act provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must -

- be of full age
- be of good character
- have had a period of one year’s continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- have, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—
  
  (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
  
  (ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

In the context of naturalisation, certain periods of residence in the State are excluded. These include -

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study
- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the prescribed statutory requirements. To date no new application has been received.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.
209. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current procedures to date, and expectation in, the determination of residency and naturalisation in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [3195/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is a failed asylum applicant. Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 29th September, 2008, that the then Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the a final decision is made. Once a decision has been made, this decision, and the consequences of the decision, will be conveyed in writing to the person concerned. The Deputy should note that as the person concerned has not established a right of legal residency in the State, the issue of an application for citizenship does not arise at this time.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

210. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when naturalisation will be awarded in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3196/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received in October 2009 from the person referred to by the Deputy. The application is at an advanced stage of processing and will be finalised as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may
consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when procedures to determine naturalisation will be concluded in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter.  [3197/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that they can find no record of an application for a certificate of naturalisation from the person referred to in the Deputy’s question.

Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must -

- be of full age
- be of good character
- have had a period of one year’s continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- have, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—
  (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and
  (ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

In the context of naturalisation, certain periods of residence in the State are excluded. These include —

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

Section 16 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, waive some or all of the statutory conditions in certain circumstances i.e. where an applicant is of Irish descent or of Irish associations; where an applicant is a person who is a refugee within the meaning of the United Nations Convention relating to the Status of Refugees; or where an applicant is a Stateless person within the meaning of the United Nations Convention relating to the Status of Stateless persons.

A foreign national who is married to, or is the Civil Partner of, an Irish citizen for at least three years may apply for naturalisation under section 15A of the Irish Naturalisation and Citizenship Act 1956, as amended, where they have been continuously resident in the island of Ireland for the year immediately prior to the date of their application and for two out of the four years prior to that year. The marriage or civil partnership must be subsisting and recog-
nised under Irish law. It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

**Deportation Orders**

212. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedures and sequence of events to date in the determination of entitlement to residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [3198/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy has no application pending for residency. The person concerned is the subject of a Deportation Order, signed on 23 November 2011, following a comprehensive and thorough examination of his asylum claim and his application for subsidiary protection, and a detailed examination of the representations he submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. 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.

**Citizenship Applications**

213. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position and sequence of events to date in the determination of entitlement to naturalisation in the case of a person (details supplied) in County Longford; and if he will make a statement on the matter. [3199/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in November, 2008. The required information has been compiled for this case and the application is at an advanced stage of processing. It will be submitted to me for decision as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without
the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Asylum Applications

214. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position in regard to residency status in the case of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [3200/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my detailed Reply to Parliamentary Question No. 181 of Thursday, 20th October, 2011 — copied as follows. The position is unchanged since then.

The person concerned is a failed asylum applicant. Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 25th February, 2010, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

Deportation Orders

215. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [3201/12]

Minister for Justice and Equality (Deputy Alan Shatter): The first named person concerned had a Deportation Order made against him, following the refusal of his asylum application and his application for Subsidiary Protection and the subsequent consideration of his case under Section 3 (6) of the Immigration Act 1999 (as amended). He lodged judicial review proceedings in the High Court, challenging the decision to make a Deportation Order against him. These proceedings were ‘settled’ with the consequence that the first named person concerned was
afforded the opportunity to submit, within a specified period, fresh representations pursuant to Section 3 of the Immigration Act 1999 (as amended). Such representations have been submitted and will be considered, along with all other information on file, before a final decision is taken in this case. Once a decision has been made, this decision, and the consequences of the decision, will be conveyed in writing to the first named person concerned.

In relation to the second named person concerned, she, too, is a failed asylum applicant. Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the second named person concerned was notified, by letter dated 21st May, 2010, that the then Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The second named person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the second named person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the second named person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the second named person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

**Asylum Applications**

216. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in regard to the determination of residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [3202/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is a failed asylum applicant. Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 31st August, 2006, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. He was subsequently notified of his entitlement to submit an application for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006. Representations have been submitted on behalf of the person concerned.
Questions—Written Answers

19 January 2012.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

Citizenship Applications

217. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the current or expected position in regard to determination of naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3203/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that an application for a certificate of naturalisation was received from the person referred to by the Deputy in November, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

Residency Permits

218. Deputy Bernard J. Durkan asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [3204/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned has had her permission to remain in the State renewed for a further two year period, to 7th June, 2012. This decision was conveyed in writing to the person concerned by letter dated 21st July, 2010. This communication advised the person concerned of the conditions attaching to her permission to remain and of the requirement that she attend at her local Garda Registration Office to have the registration process completed. Given that the person concerned does not appear to have completed the registration process to date, it is recommended that she should attend at her local Garda Registration Office without further delay so that the registration formalities can be completed.
Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy’s view, inadequate or too long awaited.

**Coroners Service**

219. **Deputy John Deasy** asked the Minister for Justice and Equality the Government agency or Department responsible for the retention and archiving of post mortem reports and coroners reports; the regulation in law for the retention of such records by that Government agency; and if he will make a statement on the matter. [3224/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Under the Coroners Act, 1962, coroners are independent office holders with responsibility under the law for the medicolegal investigation of the circumstances of sudden, unexplained, violent and unnatural deaths. They are required under the Coroners Act 1962 (section 29) to retain relevant records of an inquest, including post-mortem examination reports, and to transfer the records to the County Registrar on vacating office.

**EU Agencies**

220. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will explain the operations of an organisation (details supplied); the financial costs and legal obligations associated with this network here; and if he will make a statement on the matter. [3241/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) is the European Union agency responsible for border security cooperation. While ultimate responsibility for the control of the external borders of the European Union lies with the Member States the Agency strengthens border security by ensuring the proper coordination of Member States’ actions in the implementing of EU relating to the management of the external borders. FRONTEX is headquartered in Warsaw and became operational for the first time in 2005. The Agency was established on the basis of Council Regulation (EC) 2007/2004 which was subsequently amended by Regulation (EC) 1168/2011.

While Ireland is excluded from full participation in FRONTEX, because the legal base of the Regulation falls outside those provisions of the Schengen acquis in which Ireland has applied to participate, we have continued to build up a close relationship with the Agency since its inception. On that basis Ireland agrees an annual programme of work with the Agency and made a financial contribution (€250,000) to the Agency in 2011 and in previous years. Ireland participates, as appropriate, in a range of operations (air border and joint return) and the risk analysis network of the Agency. Ireland benefits significantly from cooperation with FRONTEX in terms of the interception of illegal migrants on route to Ireland and, in particular, joint return operations which means that the cost to the State of deportation operations is much lower than it would be if my Department was to organise such operations on its own. By way of illustration, of the 25 aircraft chartered for deportation flights since June 2009, 22 of these were arranged through FRONTEX and operated in conjunction with immigration authorities in other EU Member States.
Deportation Orders

221. *Deputy Dara Calleary* asked the Minister for Justice and Equality the details of other occasions in the past five years when deportation flights were returned; the number of deportees involved and their subsequent situations; the cost of each flight returned to the company involved and to the taxpayer; and if he will make a statement on the matter. [3242/12]

*Minister for Justice and Equality (Deputy Alan Shatter):* Other than the flight which returned in July 2011 which was dealt with in my reply to PQ 1241/12 (Order Number 647), there was one other occasion where a deportation flight was returned to Ireland with the deportees on board. This occurred on 15th December 2010 when a flight travelling to Lagos, Nigeria via Athens, Greece, could not continue due to the aircraft developing a technical fault at Athens airport.

The flight was organised in conjunction with our European partners in the FRONTEX network where individual Member States co-operate with each other in returning immigrants to their country of origin. In addition to the 35 persons being returned from Ireland, there were 64 other persons from the following countries, UK, Austria, Hungary, Norway, France, Luxembourg, the Netherlands, Poland, Greece and Germany due to return to Nigeria on this flight.

On arrival in Athens airport where the persons being returned from Greece and Austria were boarded, the plane developed an unforeseen technical fault while it was on the ground. After consideration of the limited options available (which also involved consultation with the representatives of other countries who were returning deportees) the flight was abandoned and all persons on board were returned to the countries where they had originated.

Twenty two persons from the Irish contingent on board were subsequently removed from the State, seven continue to evade their deportation and are liable for arrest, detention and removal if they are encountered by members of the Garda National Immigration Bureau. In general, the experience has been that persons evading their deportation have already left the jurisdiction. Six persons were subsequently granted permission to remain in the country. The status of the other 64 persons who were being removed from the 10 other EU Member States is not known.

The full cost of the flight — €372,960 — was borne by the company chartered to provide aircraft and ancillary services for deportations. There was no charge to my Department in that respect. Approximately €8,300 was incurred by my Department in ancillary costs relating to this flight such as securing documentation for the returnees and sending an advance party of Garda National Immigration Bureau (GNIB) members to Lagos to ensure that the landing permit and all other requirements were obtained in advance.

As I indicated in my earlier reply, enforced deportation is a hugely difficult and complex task involving the acquisition of landing permits, travel documents, permission for over flights, and so on. As the Deputy will be aware, aircraft, irrespective of whether they are being used for normal commercial activities or flights such as this, do occasionally develop technical faults. That is a fact of life and in itself is not a sound policy reason for the non-enforcement of immigration law — either in this jurisdiction or others. It should be noted that the flight in question was the first such instance in over 50 flights in which a technical aircraft fault forced the return of an aircraft.

222. *Deputy Dara Calleary* asked the Minister for Justice and Equality the position regarding the 20 persons who were not subsequently deported; and if he will make a statement on the matter. [3243/12]
Minister for Justice and Equality (Deputy Alan Shatter): In reply to the Deputy’s Question, of the 20 persons returned to Ireland, one has been removed to Nigeria, 14 persons are still due for deportation; however nine of these are currently evading deportation. They are liable for arrest, detention and removal if encountered by the Garda National Immigration Bureau. However, in general, the experience has been that persons evading their deportation have already left the jurisdiction. Arrangements are being made to deport the remaining five persons as soon as possible.

Of the remaining five persons, one person has had their Deportation Order revoked. The remaining four persons are all part of the same family; a mother and three children. The youngest child had not previously claimed asylum and on returning to Ireland, an application for asylum was made on behalf of the child by its mother. Accordingly, an undertaking not to deport the family unit has been given until an outcome has been reached on the youngest child’s asylum claim.

Pension Provisions

223. Deputy Tom Fleming asked the Minister for Justice and Equality if he will investigate the delay in a decision regarding the granting of pension to the estate of a person (details supplied) in County Cork; and if he will make a statement on the matter. [3249/12]

Minister for Justice and Equality (Deputy Alan Shatter): Payment of the gratuity will be made to the estate of the person in question on receipt of grant of probate or letters of administration. Payment of a spouse’s pension to the person’s spouse will be made on receipt of documentation recently requested by my Department in correspondence with the spouse’s legal representatives in this case.

Defence Forces Property

224. Deputy Maureen O’Sullivan asked the Minister for Defence the number of residential units, originally intended for occupation by members of the Defence Forces, Garda Síochána or Prison Service that are currently subject to overholding, that is, that are occupied by former members or by the widowed spouses or other family members of former personnel; the number of overheld units located within military barracks and other institutions; the way liability for the household charge is to be determined on any overholding situation; and if he will make a statement on the matter. [3006/12]

Minister for Defence (Deputy Alan Shatter): There are 48 married quarters currently being occupied by overholders throughout the country — 34 in the Curragh Camp, 11 in Cathal Brugha Barracks Rathmines, 2 in Dublin 7 and 1 in Fort Templebreedy, Co Cork. 10 of the properties at Cathal Brugha Barracks are in the process of being sold to the current occupants. The number of quarters with overholders located within military barracks is 34 all of which are in the Curragh Camp. The charge for married quarters ranges from €36.90 to €70.67 per week for enlisted personnel and €411.22 to €616.85 per month for officers. Overholders, if they are in receipt of a pension or gratuity pay an additional 10% on these charges which is deducted at source. There are some cases where there is no pension or gratuity and as a result it is not possible to deduct at source the relevant charge. In February 1997 the then Minister for Defence set out policy on married quarters on the basis that they were largely an anachronism and that they should be discontinued in a managed and orderly way. At that time there were 500 married quarters of which 380 were occupied.

In the intervening period over 150 quarters located outside of barracks have been sold to occupants while many more have been demolished or converted to other uses. As part of the
process of discontinuing the use of married quarters my Department will, in the near future, be addressing the remaining overholding issue. This will see a small number of people being granted continued occupancy of the properties for the remainder of their lives. In the other cases the Department will be beginning the process of seeking vacant possession of the properties. The first phase of this will involve those concerned being, yet again, made aware of their responsibility to vacate the quarters and advised of the need for them to make alternative arrangements. The Department will provide supporting material to those applying for Local Authority housing.

The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act an owner of a residential property is liable to the household charge. Under section 2 (2) (b) of the Act, a building vested in a Minister of the Government is not a residential property for the purposes of the Act and is not liable to the household charge.

**Defence Forces Operations**

225. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence the costs to the Defence Forces for personnel on duty at Shannon Airport in 2011; and other related costs associated with Shannon Airport. [3106/12]

**Minister for Defence (Deputy Alan Shatter):** The total cost of the assistance provided by the Defence Forces to An Garda Síochána at Shannon Airport during 2011 was €259,739. This figure comprises the cost of Security Duty Allowances, rations and fuel.

**Army Barracks**

226. **Deputy Dara Calleary** asked the Minister for Defence the position regarding negotiations between him and the local authorities in County Longford regarding Connolly Barracks; if a figure has been agreed for the sale of the barracks; and if he will make a statement on the matter. [3244/12]

**Minister for Defence (Deputy Alan Shatter):** Discussions are ongoing between my Department and Longford County Council in relation to the disposal of the former Connolly Barracks, Longford. As these discussions are confidential to the parties concerned the Deputy will appreciate that it would not be appropriate for me to comment further on the matter at this stage.

**Departmental Staff**

227. **Deputy Catherine Murphy** asked the Minister for Defence the number of civil servants from his Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3820/12]

**Minister for Defence (Deputy Alan Shatter):** The number of civil servants from the Department of Defence assigned to the Permanent Representation of Ireland to the EU in Brussels is five: one Principal Officer, two Assistant Principal Officers, one Executive Officer and one Clerical Officer. Their work involves participation in the development and monitoring of the Common Security and Defence Policy, the European Defence Agency and Partnership for Peace (PfP). An additional officer at Higher Executive Officer level, whose work includes participation in the development and monitoring of PfP, is assigned to the Embassy of Ireland in Brussels. The role played by these officials is important in ensuring Ireland’s needs and concerns in the nature of defence policy are addressed at European level, mainly via the
Ambassador to the Political and Security Committee and by their representation at Political Military Group meetings and the Steering Board of the European Defence Agency. Other Committees on which Ireland is represented in this regard are the European Security and Defence College, Athena Special Committee and the European Union Satellite Centre.

**Grant Payments**

228. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding payment in respect of a person (details supplied); and if he will make a statement on the matter. [3069/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in June 2009 and received payments for the first two years of the contract. REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any 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. This issue has now been resolved and payment will issue shortly.

229. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding a payment in respect of a person (details supplied); and if he will make a statement on the matter. [3072/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue. During these checks a query arose in respect of land parcels declared which will require digitisation of the areas concerned. This is being dealt with by my Department at present and once the digitisation process is completed, the application will be processed with a view to making payment at the earliest opportunity.

230. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding an application in respect of a person (details supplied); and if he will make a statement on the matter. [3082/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010 and full payment has issued in respect of 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, had to be completed before any payment could issue in respect of 2011. These administrative checks, including checks on the Capital Investments elements of the applicant’s plan are currently being carried out and once successfully completed payments in respect of 2011 will commence.

231. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine when a REP scheme 4 payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3130/12]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in February 2008 and received payments for the first three years of the 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 applications to be completed before any payments can issue. The administrative checks in respect of 2011 payments have been finalised. During 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.

232. Deputy Tom Fleming asked the Minister for Agriculture, Food and the Marine when a REP scheme 4 payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3131/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in January 2008 and received payments for the first three years of the contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and accordingly is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any payments can issue. The administrative checks in respect of 2011 payments have been finalised. During 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.

Departmental Agencies

233. Deputy Éamon Ó Cuív asked the Minister for Agriculture, Food and the Marine further to parliamentary Question No. 721 of 11 January 2012, if he or his Department consulted the Standards in Public Office Commission in relation to the matter raised by this Deputy; if they were consulted on the reply they gave his Department; and if he will make a statement on the matter. [3176/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As outlined in my answer to the Deputy’s previous question, it does not appear at this point that there is any conflict of interest issue arising in this matter. I am not in a position to comment any further at this time.

Departmental Staff

234. Deputy Catherine Murphy asked the Minister for Agriculture, Food and the Marine the number of civil servants from his Department who are based in the European Commission working in the relevant permanent representative offices; their titles and functions; and if he will make a statement on the matter. [3818/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Five Civil Servants from my Department are currently assigned to the Permanent Representation of Ireland to the EU in Brussels. Details are outlined below. The role of office is to represent Ireland’s interests in the Agriculture and Fisheries sectors at EU Institutional level; the European Commission,
the European Parliament and the Council. In addition the Agricultural Counsellor and the Attachés liaise with their counterparts from other Member States on issues of mutual interest.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Dermot Ryan</td>
<td>Agricultural Counsellor</td>
</tr>
<tr>
<td>Mr Brian Kilgallon</td>
<td>Agriculture Attaché</td>
</tr>
<tr>
<td>Mr Martin Crowley</td>
<td>Fisheries Attaché</td>
</tr>
<tr>
<td>Mr JP Mulherin</td>
<td>Agriculture Attaché</td>
</tr>
<tr>
<td>Ms Elaine Croke</td>
<td>Executive Officer</td>
</tr>
</tbody>
</table>

Adoption Services

235. **Deputy Joanna Tuffy** asked the Minister for Children and Youth Affairs if there are any plans to allow civil partners adopt and to be considered as joint adoptive parents; and if she will make a statement on the matter.  [3178/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Under the provisions of the Adoption Act, 2010, the only persons who can jointly adopt are married couples. There are currently no proposals to change the legislation in this regard.

Health Service Staff

236. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs in relation to the proposed relocation of the Ballymun social work department to Park House on the North Circular Road, the assessment that has taken place regarding the impact on the clients; the social workers’ capacity to meet their statutory obligations; the consultation that has taken place with the clients and social workers; the way the concerns of the social workers in relation to the move have been addressed; the way this move can be justified when it is actively departing from the principles of Children First, the National Children’s Strategy and the very essence of the new Child and Family Support Agency; and if she will make a statement on the matter.  [3187/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Foreign Adoptions

237. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the position regarding Irish citizens adopting children from Florida, USA; the progress that was made during the most recent visit by Irish officials to Florida to hold meetings on the issue; when it is likely that Irish citizens will be able to undertake adoptions from the State of Florida; and if she will make a statement on the matter.  [3140/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Following a request to the US Central Authority a delegation from the AAI travelled to Washington on 17th November 2011 to meet with representatives of the State Department (the Central Authority for the USA under the Hague Convention) to discuss certain issues which have arisen concerning adoptions from Florida. The AAI inform me that these discussions are ongoing and will be addressed in the context of an administrative arrangement, or equivalent arrangements, under section 72 of the Adoption Act 2010.
Inter-Country Adoptions

238. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the countries and locations to which Irish citizens can currently apply to adopt children; and if she will make a statement on the matter. [3141/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** With effect from 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention or with which Ireland has a bilateral agreement. 57 countries have ratified the Hague Convention and Ireland currently has no bilateral agreements in respect of intercountry adoption. As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the 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.

Under the provisions of section 73 of the Adoption Act, 2010, “the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State.” The Authority and my officials held exploratory meetings with Russian authorities in December in relation to preliminary discussions around the potential for a bilateral on intercountry adoption with that State. In addition, I have recently given the AAI approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The assessment of non-Hague countries and the possibility of entering discussions on a bilateral is complex and resource intensive. I have to have regard to the resources available to the AAI and to my Department, and to the work priorities of both.

Children in Care

239. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 538 of 15 November 2011, when a reply will issue from the Health Service Executive. [3179/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have been advised by the HSE that the Office of the National Director, Children and Family Services does not routinely collect data regarding discharges from care. However the HSE is currently looking at collecting this information with effect from January 2012.

I have requested that the HSE provide me with information on how many children were discharged from the care of the State on reaching the age of 18 years in 2010 and 2011 and how many children under the age of 18 were discharged from the care of the State in 2010 and 2011.

I will furnish a copy of this information to the Deputy on receipt of same.

240. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 33 of 15 December 2011, when a reply will issue from the Health Service Executive. [3180/12]

**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.

241. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 46 of 15 December 2011, when a reply will issue from the Health Service Executive. [3181/12]
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.

Health Service Staff

242. Deputy Caoimhghín Ó Caoláin asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 286 of 15 December 2011, when a reply will issue from the Health Service Executive. [3182/12]

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.

Child Care Services

243. Deputy Caoimhghín Ó Caoláin asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 287 of 15 December 2011, when a reply will issue from the Health Service Executive. [3183/12]

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.

Inter-Country Adoptions

244. Deputy Michael McCarthy asked the Minister for Children and Youth Affairs if she has requested a report from the Irish embassy in Addis Ababa as per her response in Dáil Éireann on 1 December 2011 in relation to the issue of establishing a bilateral agreement with Ethiopia to facilitate inter-country adoptions; when she expects the report to be forthcoming; and if she will make a statement on the matter. [3238/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Officials from my Department have been in contact with the Embassy in Ethiopia requesting an update to the detailed assessment of intercountry adoption procedures, which was provided by the Embassy in June 2010. This update is expected shortly.

In addition, I have given the AAI approval for the commencement of the process of examining the feasibility of a bilateral agreement with Ethiopia. The AAI, with the assistance of the Irish embassy in Addis Ababa, are seeking 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.

Nursing Homes Support Scheme

245. Deputy Caoimhghín Ó Caoláin asked the Minister for Health further to Parliamentary Question No. 360 of 15 December 2011, when a reply will issue from the Health Service Executive. [3184/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has again been referred to the Health Service Executive for direct reply.

Medical Cards

246. Deputy Arthur Spring asked the Minister for Health when a person (details supplied) in County Kerry may expect to have their medical card issued in view of the fact that they submitted their renewal application in the same envelope as their spouse’s application and,
[Deputy Arthur Spring.]
upon calling the medical card processing unit, were informed that their application has not
been received, even though their spouse’s application has been processed. [2982/12]

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

247. Deputy Michael McGrath asked the Minister for Health the position regarding home
help hours in respect of a person (details supplied) in County Cork. [2984/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service
matter it has been referred to the Health Service Executive for direct reply.

Departmental Properties

248. Deputy Eamonn Maloney asked the Minister for Health the proposed future use by the
Health Service Executive of Chamber House, Tallaght, Dublin 24. [2996/12]

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.

Nursing Home Reviews

249. Deputy Eamonn Maloney asked the Minister for Health if he will provide an update on
the review in relation to a nursing home (details supplied) in Dublin 24. [2998/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service
matter it has been referred to the Health Service Executive for direct reply.

Hospital Services

250. Deputy Eamonn Maloney asked the Minister for Health if he will provide an update
on the proposed transfer of the Coombe Maternity Hospital, Dublin, to Tallaght Hospital,
Dublin. [2999/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred
to the HSE for direct reply.

Departmental Funding

251. Deputy Eamonn Maloney asked the Minister for Health if he will provide details of the
future funding of Fettercairn Health Care Project, Tallaght, Dublin 24. [3000/12]

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.

252. Deputy Thomas Pringle asked the Minister for Health if he will ensure that funding for
Letterkenny General Hospital, County Donegal, is not cut further in 2012 and will at least
provide the same level of service in 2012 as in 2011. [3008/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred
to the Health Service Executive for direct reply.
Health Services

253. Deputy Timmy Dooley asked the Minister for Health his plans to reopen the diabetes eye clinic at Ennis, County Clare; and if he will make a statement on the matter. [3009/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Accommodation

254. Deputy Paudie Coffey asked the Minister for Health the progress that has been made regarding a prioritised proposal of the development of a 20-bed inpatient palliative care unit on the grounds of Waterford Regional Hospital; and if he will make a statement on the matter. [3010/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospitals Building Programme

255. Deputy Paudie Coffey asked the Minister for Health if he will provide a list in tabular form of capital investment made by him in all regional hospitals and care facilities on a county basis, broken down for the years 2008, 2009, 2010 and 2011; and if he will make a statement on the matter. [3011/12]

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.

Health Service Staff

256. Deputy Charlie McConalogue asked the Minister for Health when the clinical nurse specialist and the senior speech and language therapist, as sanctioned by the Health Service Executive as part of its stroke service plan 2011, will be appointed to Letterkenny General Hospital; and if he will make a statement on the matter. [3021/12]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Care of the Elderly

257. Deputy Sandra McLellan asked the Minister for Health the position regarding the progress made on the points agreed by his special adviser on his behalf at a meeting with representatives from St.Patrick’s Hospital and St. Francis Welfare Home, Fermoy, on Wednesday, 5 October 2011; and if he will make a statement on the matter. [3023/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

258. Deputy Ciara Conway asked the Minister for Health the reason a person (details supplied) in County Waterford has not received a medical card despite having applied several months ago; when this person can expect to hear back regarding their medical card application; and if he will make a statement on the matter. [3031/12]
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.

259. **Deputy Seán Ó Fearghaile** asked the Minister for Health the percentage of medical card applications made in 2011 that were processed within the 15-day period targeted by the Health Service Executive; and if he will make a statement on the matter. [3054/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): I have requested an update from the HSE on the information requested by the Deputy. I will forward this data to the Deputy as soon as possible.

Nevertheless, the most recent information available to me is that the HSE currently processes and issues approximately 15,000 medical cards each week and that over 85% of complete applications are processed within 15 working days.

260. **Deputy Billy Kelleher** asked the Minister for Health the total number of medical card applications and renewals in progress in each county in tabular form; and if he will make a statement on the matter. [3055/12]

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.

261. **Deputy Billy Kelleher** asked the Minister for Health the total number of outstanding general practitioner card applications and renewals in each county in tabular form; and if he will make a statement on the matter. [3056/12]

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.

262. **Deputy Billy Kelleher** asked the Minister for Health the average waiting time for a medical card in the years 2008, 2009, 2010 and 2011; and if he will make a statement on the matter. [3057/12]

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.

263. **Deputy Billy Kelleher** asked the Minister for Health the average waiting time from the time an application for a medical card is first made to the time it is granted; and if he will make a statement on the matter. [3058/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Primary Care Reimbursement Service (PCRS) of the Health Service Executive has stated that completed medical card applications are processed within 15 working days. Delays occur where applications are submitted without the supporting documentation necessary to complete the processing of the application. The PCRS currently processes and issues approximately 15,000 medical cards each week. Over 85% of complete applications are processed within 15 working days and PCRS are working to achieve the goal of processing all complete applications within 15 working days.

394
264. **Deputy Tom Fleming** asked the Minister for Health when a medical card decision will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3059/12]

**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**

265. **Deputy Terence Flanagan** asked the Minister for Health the position regarding the roll out of primary care centres; the address of the primary care centres on the north side of Dublin; his plans to open new primary care centres on the north side of Dublin; and if he will make a statement on the matter. [3060/12]

**Minister for Health (Deputy James Reilly):** The delivery of health services is a service matter. Therefore your question on the roll out and addresses of primary care centres on the northside of Dublin has been referred to the Health Service Executive for direct reply.

At the request of my Department, the HSE is carrying out an assessment of current Primary Care Centre provision which is at an advanced stage and will be submitted to my Department shortly. Following the publication of the ‘Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework’, the Health Service Executive commenced drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department is reviewing the proposals and following up with the HSE where further details may be required.

The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform. Details of the plan will be published by the Executive following its approval.

**Medical Cards**

266. **Deputy Michael Healy-Rae** asked the Minister for Health when a medical card will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3073/12]

**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.

267. **Deputy Michael Healy-Rae** asked the Minister for Health if he will expedite a medical card in respect of a person (details supplied); and if he will make a statement on the matter. [3074/12]

**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.

268. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied); and if he will make a statement on the matter. [3076/12]

**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.

395
Questions—19 January 2012. Written Answers

Long-Term Illness Scheme

269. **Deputy Michael Healy-Rae** asked the Minister for Health if he will consider that Crohn’s disease be put on the long-term illness scheme list; and if he will make a statement on the matter. [3090/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** There are no plans to extend the list of conditions covered by the Long Term Illness Scheme.

Under the Drug Payment Scheme no individual or family pays more than €132 per calendar month towards the cost of approved prescribed medicines. The scheme significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultation.

Health Services

270. **Deputy Jack Wall** asked the Minister for Health if the following will be considered in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3095/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy is aware, the Minister for Health James Reilly TD announced the allocation of €1m in additional funding to address the needs of children with autism this year, with a further €1m following over each of the next two years — €3m in total. This funding, which will be reflected in the HSE’s Service Plan for 2012, will be focussed on addressing waiting times for specialist therapy services for children who have been diagnosed with autism and on developing Early Intervention Teams.

While the additional funding is being allocated to address existing waiting lists and ensure that children with autism receive the supports they require to achieve their full potential, it is not possible to say at this stage how long any individual child will spend on waiting lists for assessment or intervention.

As the Deputy’s question relates in part to service matters, I have referred the Deputy’s question to the Health Service Executive (HSE) for direct reply.

Health Services

271. **Deputy Michael McNamara** asked the Minister for Health the taxi costs for transporting all patients in County Clare to and from Ennis and Limerick hospitals, for hospital treatments and appointments over the past five years; and if he will make a statement on the matter. [3097/12]

**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

272. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue 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. [3113/12]
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

273. Deputy Michelle Mulherin asked the Minister for Health the provisions being considered and being made for the ongoing adequate care of the approximately 50 long-term mental illness patients who currently attend the psychiatric day-care facilities at Ballina Day Hospital; under which auspices the Health Service Executive staff currently service group homes and make other house calls in Ballina in the event the long-term residential beds in that unit are closed and staff re-deployed as is being proposed by HSE West; and if he will make a statement on the matter. [3114/12]

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.

Medical Cards

274. Deputy Tom Fleming asked the Minister for Health when a decision will issue 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. [3116/12]

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.

275. Deputy Tom Fleming asked the Minister for Health when a decision will issue 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. [3117/12]

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.

276. Deputy Tom Fleming asked the Minister for Health when a decision will issue on a medical card appeal in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3121/12]

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.

277. Deputy Tom Fleming asked the Minister for Health when a decision will issue 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. [3122/12]

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.

278. Deputy Tom Fleming asked the Minister for Health when a decision will issue 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. [3123/12]

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.
279. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue 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. [3124/12]

**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.

280. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue 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. [3125/12]

**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.

281. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue 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. [3129/12]

**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.

282. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3135/12]

**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.

283. **Deputy Jack Wall** asked the Minister for Health the position regarding a medical card renewal application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3137/12]

**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 Service Allowances**

284. **Deputy Dara Calleary** asked the Minister for Health the reason behind the decision to cut the disabled sheltered attendance allowance by €20 per week with effect from 13 January 2012. [3139/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The decision to reduce the top up payment made to people with a disability attending rehabilitative training was implemented by the Health Service Executive (HSE) without informing the Department of Health. The reduction from €31.80 per week to €20 per week, from the 1 January 2012, was communicated to the HSE Local Managers in advance of the Minister approving the National Service Plan for 2012. is not acceptable to me.

I acknowledge that this proposed measure sought to bring consistency to the top up bonus paid to people attending the HSE rehabilitative training scheme with similar payments paid in other State training schemes.
Any reduction in payments to individuals requires adequate advance notice to enable the recipients and indeed, service providers, to take the reduction into account in planning their support needs and other arrangements.

It should also be noted that people with a disability attending Rehabilitative Training are usually in receipt of a State payment such as the Disability Allowance.

Accordingly, the HSE has agreed to my request to review its decision.

**Primary Care Strategy**

285. **Deputy Maureen O'Sullivan** asked the Minister for Health if there are plans to increase financial support and support services for those suffering from Crohn's disease and other serious illnesses while the majority of funding is allocated to diabetes type 2; the reason for same; and if he will make a statement on the matter. [3169/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Programme for Government provides for significant strengthening of primary care services to deliver universal primary care with the removal of cost as a barrier to access for patients. This commitment will be achieved on a phased basis to allow for the recruitment of additional doctors, nurses and other primary care professionals.

Access to primary care without fees will be extended in 2012 to claimants of free drugs under the Long-Term Illness Scheme and in 2013 to claimants of free drugs under the High-Tech Drugs Scheme. Access to subsidised primary care will be extended to all in the next phase and universal access to care without fees will occur in the final phase. Primary legislation is required to give effect to these commitments. The Health Service Executive National Service Plan 2012 states that the HSE intends to commence a national roll out of chronic disease management for diabetes during 2012 and that it will also progress preparations for the roll out of similar initiatives in relation to other chronic diseases, including stroke, asthma and heart failure.

Any future decisions regarding other chronic diseases will be taken in the context of Universal Primary Care.

**Health Service Funding**

286. **Deputy Charlie McConalogue** asked the Minister for Health if he will grant the funding necessary to the Jack and Jill Foundation to enable it to expand the services it provides to children; and if he will make a statement on the matter. [3177/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As is the case with all charities, the Health Service Executive (HSE) is not in a position to provide additional funding to the Jack and Jill Foundation to enable the expansion of its services. However the HSE is working with the Jack and Jill Foundation to identify and prioritise the needs of each child on a case-by-case basis to ensure that no child is hospitalised for want of adequate home support, provided by either the Foundation or the HSE.

The Health Service Executive’s National Service Plan for 2012, has been drawn up against the backdrop of significant funding challenges. The allocation for disability services will reduce in 2012 by 3.7% as a consequence of the impact of the efficiency, procurement and targeted pay reduction savings. However, the level of service reduction will be less than the level of budget reduction as a result of efficiencies that will be delivered. The aim of the HSE will be to tailor such reductions in a way which minimises the impact on service users and their families, as much as possible.
Hospital Waiting Lists

287. **Deputy Terence Flanagan** asked the Minister for Health the position regarding waiting times (details supplied); and if he will make a statement on the matter. [3185/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services

288. **Deputy Gerald Nash** asked the Minister for Health his plans for the future of St. Mary’s Hospital, Castleblayney, County Monaghan; and if he will make a statement on the matter. [3186/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

289. **Deputy Bernard J. Durkan** asked the Minister for Health when a medical card will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3189/12]

**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 Service Staff

290. **Deputy Gerald Nash** asked the Minister for Health if he will provide information in respect of the numbers of Health Service Executive employees who have applied for the retirement scheme for the public service which will take effect at the end of February 2012; if he will provide a breakdown in terms of the numbers of employees and their specific grades based on the HSE regions in tabular form; and if he will make a statement on the matter. [3221/12]

**Minister for Health (Deputy James Reilly):** A breakdown by grade and region of the staff cohort who have indicated that they will retire in the months of January and February 2012 has been provided by the HSE and is presented in the following table. It should be noted that this data is subject to change in the event of additional applications being received or existing applications being withdrawn. The breakdown provided is also subject to change as the individual applications are validated and processed.

<table>
<thead>
<tr>
<th>Grade at Retirement</th>
<th>HSE DML Total</th>
<th>HSE DNE Total</th>
<th>HSE South Total</th>
<th>HSE West Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Officer</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Area Medical Officer</td>
<td></td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Area Medical Officer — Senior</td>
<td>3</td>
<td></td>
<td>1</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Associate Specialist</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Attendant, Multi-Task</td>
<td>13</td>
<td>4</td>
<td>26</td>
<td>35</td>
<td>79</td>
</tr>
<tr>
<td>Attendant/Aide</td>
<td>21</td>
<td>13</td>
<td>8</td>
<td>6</td>
<td>48</td>
</tr>
<tr>
<td>Biochemist</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Boilerman</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>C.S.S.D. Operative</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Care Assistant (Intellectual Disability Services)</td>
<td>7</td>
<td>11</td>
<td>3</td>
<td>21</td>
<td>42</td>
</tr>
<tr>
<td>Grade at Retirement</td>
<td>HSE DML Total</td>
<td>HSE DNE Total</td>
<td>HSE South Total</td>
<td>HSE West Total</td>
<td>Total</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>----------------</td>
<td>----------------</td>
<td>-------</td>
</tr>
<tr>
<td>Caretaker</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Casualty Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Catering Officer Grade I</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Catering Officer, Grade II</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Catering/Cleaner/Assistant</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Chargehand</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Chef I</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Chef II</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Chef, Senior</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Child Care Manager</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Cleaner</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Clerical Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>73</td>
</tr>
<tr>
<td>Clerk of Works</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Clinical Nurse Instructor/Teacher</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>44</td>
</tr>
<tr>
<td>Clinical Nurse Manager 1 (Mental Health)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>117</td>
</tr>
<tr>
<td>Clinical Nurse Manager 2 — Night</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 2 — Theatre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 2 (Mental Health)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Clinical Nurse Manager 3 — Night</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 3 — Theatre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Manager 3 (Mental Health)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Specialist (General)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinical Nurse Specialist (Mental Health)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Welfare Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Anaesthetist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Chemical Pathologist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Child and Adolescent Psychiatrist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Dermatologist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant General Adult Psychiatrist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant General Paediatrician</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant General Physician</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant General Surgeon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant in Emergency Medicine</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Learning Disability Psychiatry Child</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Medical Oncologist</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Nephrologist &amp; General Physician</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Ophthalmic Surgeon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Orthopaedic Surgeon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Paediatric Surgeon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Psychiatrist in the Psychiatry of Old Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant Psychiatrist of Learning Disability (adult)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Grade at Retirement

<table>
<thead>
<tr>
<th>Grade at Retirement</th>
<th>HSE DML Total</th>
<th>HSE DNE Total</th>
<th>HSE South Total</th>
<th>HSE West Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant Radiologist</td>
<td></td>
<td></td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Consultant Unclassified</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Consultant Urologist</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Counsellor</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Counsellor Therapist (Adult Counselling Services)</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Craftsman’s Mate</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Dental Nurse</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Dental Surgeon, General</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Dental Surgeon, Principal</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Dental Surgeon, Senior</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Dental Surgery Assistant (without qualification)</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Dietician Manager</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Dietician, Senior</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Director of Nursing/ Midwifery Education Centre</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Director of Nursing &amp; Midwifery</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Director of Nursing (Mental Health), Assistant</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Director of Nursing 1</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Director of Nursing 1, Assistant</td>
<td>7</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Director of Nursing 2</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Director of Nursing 2, Assistant</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Director of Nursing 3</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Director of Nursing 4</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Director of Nursing 4, Assistant</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Director of Nursing 5</td>
<td>1</td>
<td></td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Director of Nursing, Deputy</td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Director of Public Health Nursing</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Director of Public Health Nursing, Assistant</td>
<td>2</td>
<td>5</td>
<td>8</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>Domestic</td>
<td>11</td>
<td>13</td>
<td>22</td>
<td>12</td>
<td>58</td>
</tr>
<tr>
<td>Domestic Supervisor</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Driver</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Driver (Doctor-on-call)</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver (Patients/Clients on Public Roads)</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driver, Minibus</td>
<td>1</td>
<td></td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>E.C.G. Technician</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrician</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Medical Controller</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Emergency Medical Technician (Ambulance Attendant)</td>
<td>2</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Medical Technician (Ambulance Driver)</td>
<td>4</td>
<td></td>
<td>5</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Emergency Medical Technician, Leading</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Health Officer</td>
<td>1</td>
<td></td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Environmental Health Officer, Principal</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Support Worker</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Grade at Retirement</td>
<td>HSE DML Total</td>
<td>HSE DNE Total</td>
<td>HSE South Total</td>
<td>HSE West Total</td>
<td>Total</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>----------------</td>
<td>-------</td>
</tr>
<tr>
<td>Functional Officer</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Gardener/Groundsman</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gardener/Groundsman Head</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>General Assistant</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>General Manager</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>General Operative</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Grade IV</td>
<td>9</td>
<td>5</td>
<td>4</td>
<td>10</td>
<td>29</td>
</tr>
<tr>
<td>Grade V</td>
<td>10</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>Grade VI</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Grade VII</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>6</td>
<td>20</td>
</tr>
<tr>
<td>Grade VIII</td>
<td>4</td>
<td>2</td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Health Care Assistants</td>
<td>9</td>
<td>6</td>
<td>9</td>
<td>13</td>
<td>37</td>
</tr>
<tr>
<td>Home Help</td>
<td>2</td>
<td>3</td>
<td>23</td>
<td>39</td>
<td>67</td>
</tr>
<tr>
<td>Home Help Co-Ordinator</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Hostel Supervisor</td>
<td></td>
<td>5</td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>House Officer, Senior</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Housekeeper</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Housekeeper, Assistant</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Instructor</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Laboratory Manager</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Labourer</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Laundry Worker</td>
<td></td>
<td>4</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Linen Room/Laundry Supervisor</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Local Health Office Manager — PCCC (HSE)</td>
<td></td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance Craftsman/Technician</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Maintenance Foreman</td>
<td>2</td>
<td></td>
<td>1</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Maintenance Foreman, Assistant</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Maintenance Manager</td>
<td>2</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Maintenance Officer</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Medical Laboratory Aide</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Medical Officer</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Medical Officer, Senior</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Medical Scientist</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Medical Scientist, Chief</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Medical Scientist, Senior</td>
<td>4</td>
<td>2</td>
<td>6</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Medical Scientist, Specialist</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Childcare, Support Services</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Nurse Tutor</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Nurse Tutor (Psychiatric)</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Nurse, Mental Health Community</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Nurses Aide</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Nursing/ Midwifery Clinical Placement Co-ordinator</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Occupational Health Physician</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Occupational Therapist Manager</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Occupational Therapist, Senior</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Occupational Therapy Assistant</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Grade at Retirement</td>
<td>HSE DML Total</td>
<td>HSE DNE Total</td>
<td>HSE South Total</td>
<td>HSE West Total</td>
<td>Total</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>----------------</td>
<td>-------</td>
</tr>
<tr>
<td>Orthoptist, Senior</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Painter</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Pathology Technician, Senior</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Pharmaceutical Technician, Senior</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Pharmacist, Senior</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Pharmacy Assistant</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Phlebotomist</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Phlebotomist, Senior</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>PHYSIOTHERAPIST</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Physiotherapist, Senior</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Physiotherapist-in-charge (Grade III)</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Plumber</td>
<td></td>
<td>2</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Porter</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>15</td>
</tr>
<tr>
<td>Porter, Head</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Porter, Theatre</td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Project Worker</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Psychologist, Clinical</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Psychologist, Principal Clinical</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Psychologist, Senior Clinical</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Public Health Nurse</td>
<td>20</td>
<td>9</td>
<td>14</td>
<td>21</td>
<td>64</td>
</tr>
<tr>
<td>Public Health, Specialist</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Radiation Therapist, Clinical Specialist</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Radiographer</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Radiographer, Clinical Specialist</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radiographer, Senior</td>
<td></td>
<td>3</td>
<td></td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Radiography Aide</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Radiography Service Manager, I</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radiography Service manager, II</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registrar</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>S.E.N. (General)</td>
<td>3</td>
<td>2</td>
<td></td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Seamstress/Tailor</td>
<td>1</td>
<td></td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Security Guard</td>
<td></td>
<td>2</td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Service Function Officer</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Social Care Leader</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Social Care Manager</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Social Care Worker</td>
<td>4</td>
<td>4</td>
<td>6</td>
<td>2</td>
<td>16</td>
</tr>
<tr>
<td>Social Work Practitioner, Senior</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Social Worker</td>
<td>2</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Social Worker (Non-professionally qualified)</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Worker, Medical</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Social Worker, Principal</td>
<td></td>
<td>3</td>
<td>3</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Social Worker, Psychiatric Senior</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Worker, Senior Medical</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Social Worker, Team Leader</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Speech and Language Therapist</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
### Questions—

19 January 2012.

**Written Answers**

<table>
<thead>
<tr>
<th>Grade at Retirement</th>
<th>HSE DML Total</th>
<th>HSE DNE Total</th>
<th>HSE South Total</th>
<th>HSE West Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speech and Language Therapist Manager</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Speech and Language Therapist, Clinical Specialist</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Speech and Language Therapist, Senior</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Staff Midwife</td>
<td></td>
<td>1</td>
<td>13</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Staff Midwife, Senior</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Staff Nurse — General</td>
<td>27</td>
<td>16</td>
<td>49</td>
<td>120</td>
<td>212</td>
</tr>
<tr>
<td>Staff Nurse — Intellectual Disability</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Staff Nurse General (Community)</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Staff Nurse Senior, Mental Health (Nursing Bank)</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Staff Nurse, Community Mental Health</td>
<td>2</td>
<td></td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Staff Nurse, Dual Qualified (General)</td>
<td>3</td>
<td>11</td>
<td>1</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Staff Nurse, Dual Qualified (Intellectual Disability)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Staff Nurse, Dual Qualified (Mental Health)</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Staff Nurse, Mental Health</td>
<td>3</td>
<td>5</td>
<td>15</td>
<td>50</td>
<td>73</td>
</tr>
<tr>
<td>Staff Nurse, Senior (Dual Qualified)</td>
<td>12</td>
<td>12</td>
<td>21</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>Staff Nurse, Senior (Dual-Qualified Mental Health)</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Staff Nurse, Senior (General)</td>
<td>34</td>
<td>27</td>
<td>67</td>
<td>27</td>
<td>155</td>
</tr>
<tr>
<td>Staff Nurse, Senior (Intellectual Disability)</td>
<td>3</td>
<td>2</td>
<td></td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Staff Nurse, Senior (Mental Health)</td>
<td>6</td>
<td>13</td>
<td>12</td>
<td>21</td>
<td>52</td>
</tr>
<tr>
<td>Storeperson</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Stores Porter/Assistant/Attendant</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Supplies Officer Grade A</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Supplies Officer Grade B</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Supplies Officer Grade C</td>
<td>2</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Supplies Officer Grade D</td>
<td>2</td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Teacher</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Technical Services Manager</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Technical Services Officer, Senior Asst.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Telephonist</td>
<td>3</td>
<td>1</td>
<td></td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Therapist</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>To Be Determined</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Ward Clerk</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Workshop Manager</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Workshop Supervisor/Instructor</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Workshop Supervisor/Instructor, Senior</td>
<td></td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>450</td>
<td>357</td>
<td>534</td>
<td>722</td>
<td>2,077</td>
</tr>
</tbody>
</table>

### Medical Aids and Appliances

291. **Deputy Tom Fleming** asked the Minister for Health the criteria used by the Health Service Executive regarding applicants for medical appliances; the current waiting time for priority one category applicants is 14 months; if he is satisfied that this is acceptable; and the policy regarding severely handicapped exceptional cases in this priority one category, who are urgently in need of specialised appliances such as second skin and so on. [3246/12]
Minister of State at the Department of Health (Deputy Kathleen Lynch): 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 it is available.

Hospital Waiting Lists

292. Deputy Tom Fleming asked the Minister for Health the current waiting list for rheumatology services in County Kerry; and if he will urgently proceed with putting in place an upgraded service to facilitate Kerry patients [3247/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

The management of waiting lists generally is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply.

Hospital Staff

293. Deputy Tom Fleming asked the Minister for Health the steps he will take with the Health Service Executive to ensure that rheumatologist consultant approved by the HSE in the 2010 priority programme for Kerry General Hospital scheduled for appointment this year will be advertised by the HSE immediately. [3248/12]

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

294. Deputy Tom Fleming asked the Minister for Health since the formation of the primary care reimbursement service for medical card administration, the number of new medical card applications nationally that have been received; if he will provide a breakdown of the number of applicants aged under 70 and over 70; the number of medical card renewals applied for and statistics regarding grants and refusals and the breakdown of full medical card and general practitioner visit cards granted; the average time to process each category of medical card; and if he is satisfied that the new centralised system is working satisfactorily. [3254/12]

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.

Sports Capital Programme

295. Deputy Michael Healy-Rae asked the Minister for Transport, Tourism and Sport if
funding available is to a club (details supplied) to assist them with premises, equipment and general set up costs; and if he will make a statement on the matter. [3084/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** Under the Sports Capital Programme the Department provides funding at local, regional and national level to sporting clubs and organisations, voluntary and community organisations, local authorities and, in certain circumstances, schools/colleges towards the provision of sporting facilities and the purchase of sporting equipment. It will be open to any organisation with a suitable project to apply for funding under the next round of the Programme subject to the terms and conditions that will apply. 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. Any group considering forming a boxing club should contact the Irish Amateur Boxing Association in relation to affiliation.

**Rural Transport Services**

296. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport when the Leap card will be rolled out to rural bus routes; if private bus operators have been allowed to sign up to the scheme; and if he will make a statement on the matter. [3015/12]

**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 30 September 2010 in accordance with section 58 of the Dublin Transport Authority (DTA) Act 2008. In addition, section 63 of the DTA Act 2008 extends the Authority’s remit in relation to integrated ticketing to the rest of the State.

The first phase of the Integrated Ticketing scheme was launched on 12 December 2011 on the services of Dublin Bus, LUAS, and Irish Rail DART & Commuter rail within the GDA. Project activity is now moving to Phase 2 of the Scheme which will involve a progressive release of functionality and expansion to additional operators. This next phase of the Leap Card scheme, which will be launched during the course of 2012, involves many private bus operators who operate scheduled services within, or into, the GDA, as well as all eastern region services of Bus Éireann.

Pilot testing of the Leap Card is underway on the Bettystown service of private bus operator, Matthews Coaches, and the NTA report that the trials have been progressing well. The NTA hopes to open up the scheme to all Matthews’ customers early in 2012 on their Bettystown/Laytown/Dublin services. The outcome of the pilot activity on Matthews Coaches currently underway will provide useful feedback to support the launch of the Leap Card scheme across the remaining public transport operators.

**Tourism Promotion**

297. **Deputy Paudie Coffey** asked the Minister for Transport, Tourism and Sport the progress of the new medieval museum in Waterford city; if it is still on schedule to open in June 2012; and if he will make a statement on the matter. [3017/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The question raised is a matter for the project promoter, Waterford City Council. As Fáilte Ireland is providing grant assistance towards this development, it may be in a position to assist with the Deputy’s query.
[Deputy Leo Varadkar.]

Therefore I am referring the matter to Fáilte Ireland for direct response. Please contact my private office if a response is not received within ten working days.

Road Network

298. **Deputy Seán Ó Fearghail** asked the Minister for Transport, Tourism and Sport the extent to which public funds have been expended to date on the planning, design, development and construction of on-line motorway service stations; the anticipated expenditure on such projects after the next three years; and if he will make a statement on the matter. [3035/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual national roads are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. In particular, the allocation of funding in relation to the construction or maintenance of national road projects, including service area projects, is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. In addition under section 54 of the Roads Act 1993, as amended by section 10 of the Roads Act 2007, the NRA has a specific responsibility in relation to agreements to build and operate motorway service areas.

Noting the above position, I have referred the Deputy’s question to the NRA for direct reply. He should advise my private office if he does not receive a reply within 10 working days.

Cycle Facilities

299. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport the position regarding the proposed Sutton to Sandycove cycle track, County Dublin; the budget allocation for the project for 2012; the timeline and project plan he envisages for the concept; and if he will make a statement on the matter. [3046/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The development of cycle routes similar to that proposed is driven in the first instance by the relevant local authorities around the country. My Department has provided funding to Dublin City Council, at a cost of approximately €5.5m, for the recently completed city centre elements of the Dublin Canals Cycle route. The route runs from Portobello to the junction of Upper Sherrif Street and the overall design envisaged a link between the S2S and Canals route on the north side of the River Liffey.

The primary funding source, however, for the provision by local authorities of sustainable transport infrastructure within the Greater Dublin Area (GDA) is the National Transport Authority’s (NTA) sustainability funding and it is a matter for the NTA to prioritise and fund projects in the GDA from this allocation.

Light Rail Project

300. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport the proposed timetable for the construction of the Luas BDX line from St Stephens Green to Broombridge; the budget allocation for the project in 2012; when he expects the line to be in operation; and if he will make a statement on the matter. [3047/12]
Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Railway Order application for BXD was submitted to An Bord Pleanala in June 2010 and a decision is awaited. While both the National Transport Authority and the Railway Procurement Agency have made some appropriate preparatory arrangements, key decisions and actions which will determine the construction start must await the outcome of the planning process.

Funding is, however, provided in my Department’s capital allocations over the next five years to allow for the main construction element of Luas BXD to start in 2015. Moreover a wide variety of essential pre-construction works (design development work, geotechnical (borehole) surveys, basement/cellar infilling contracts, utility diversions, heritage works contracts, etc) will be undertaken in the prior years and there is sufficient funding in the allocations to progress these works. For 2012 the NTA have a provisional allocation of €8m set aside to commence some of these preparatory works, subject to the outcome of the planning process.

Assuming an early start in 2015 for the main works, the new line will open by the end of 2017. Other sources of appropriate funding is being examined to see if an earlier start could be facilitated.

Sports Funding

301. Deputy Tom Fleming asked the Minister for Transport, Tourism and Sport the amount it will cost the taxpayer to host the 2012 Irish Open in Royal Portrush, County Derry; and if he will make a statement on the matter. [3052/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As the Deputy will be aware, the promotion of golf tourism is an operational matter for the tourism agencies. In this context, I am advised that discussions are ongoing between the relevant stakeholders regarding the financial arrangements for the 2012 Irish Open. Any contribution which may be made by the tourism agencies will be provided in return for a defined set of benefits which assist in the promotion of Ireland as a destination for golf tourism.

Road Network

302. Deputy Michael Healy-Rae asked the Minister for Transport, Tourism and Sport if he will reconsider the decision to discontinue the money for local roads improvement scheme as it will hurt every county in Ireland; and if he will make a statement on the matter. [3081/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The current expenditure for regional and local roads will be reduced significantly over the next few years. Cuts of the magnitude proposed necessitated that some very good and worthwhile projects be curtailed.

In making adjustments to the regional and local roads budget the primary aim has been, as far as is possible, to protect previous investment in the road network and use the available funding to maintain and restore public roads, including those in rural areas.

To that end, it was necessary to discontinue grants under the Local Improvements Scheme achieving a saving of €5 million. While the importance of this scheme to rural communities and in assisting local development projects on non-public accommodation roads is acknowledged, the maintenance and improvement of these roads is, in the first instance a matter for the relevant landowner.

Given that the priority in using scarce resources in the current difficult economic climate is to maintain public roads it is not possible to assist with any works on non-public roads and
therefore this scheme has been suspended and not abolished. If and when the financial position of the State improves, it will be possible to re-open this scheme.

Public Transport

303. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport his views on a matter (details supplied) regarding savings; and if he will make a statement on the matter. [3091/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The provision of public service obligation services by the CIÉ companies is subject to contract between the companies and the National Transport Authority (NTA). In 2012 the total Exchequer funding allocated to the NTA in respect of these services is €242.32m. The amount to be allocated to Bus Éireann by the NTA is €36.883m.

Notwithstanding the NTA’s statutory responsibilities, Government recognises that there is a need for the CIE companies to respond to the challenge of reduced PSO subvention funding, reduced fares income arising from reductions in passenger numbers and increased costs, such as fuel costs, which are outside their control. As a general principle it is my belief that efficiencies in operational costs should, in the first instance, be examined over fare increases and service reductions. While a recovery in passenger numbers could increase company revenues, all concerned in my Department and the NTA must focus on identifying key public transport priorities in our cities and across the country. In turn, the PSO public transport service providers will have to achieve greater efficiency and cost effectiveness in the years ahead based on a realistic assessment of the scope and level of contracted services.

State Airports

304. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport the number of US troops that passed through Shannon Airport in 2011; the location from which they came; and what their destinations were. [3102/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department deals with requests to carry munitions of war or dangerous goods on civilian aircraft under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders, 1973 and 1989.

If weapons are being carried on board, the operator is obliged to seek an exemption from the prohibition on their carriage under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous goods) Order 1973. Applications for these flights identify the airports immediately preceding and following the aircraft’s arrival in Shannon. The vast majority of requests for these flights is from American civil airlines and involves flights to or from the United States. The main sources/destinations were Kuwait and Kyrgyzstan.

My Department does not collate information with regard to the number of military troops on board civilian aircraft.

However, on the basis of information collected by the Dublin Airport Authority, I understand the number of troops that have passed through Shannon Airport in 2011 was under 250,000.
Air Services

305. Deputy Pádraig Mac Lochlainn asked the Minister for Transport, Tourism and Sport the number of civilian aircraft that requested permission to overfly or land in Ireland in 2011 while carrying munitions; the number that were granted permission; and the number of them that landed at Shannon Airport. [3103/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The number of applications from civilian aircraft to overfly or land in Ireland in 2011 while carrying munitions was 1393. The number of permits issued was 1382. Approximately 86% of these flights landed at Shannon Airport.

State Airports

306. Deputy Pádraig Mac Lochlainn asked the Minister for Transport, Tourism and Sport the expected use of Shannon Airport by the US military in 2012. [3104/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): My Department deals with requests to carry munitions of war or dangerous goods on civilian aircraft under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders, 1973 and 1989. The majority of these flights land at Shannon Airport.

The landing of military aircraft in the State is a matter for my colleague the Tánaiste and Minister for Foreign Affairs and Trade. Under the Air Navigation (Foreign Military Aircraft) Order 1952 foreign military aircraft are not permitted to fly over or land in the State save on the express invitation or with the express permission of the Minister for Foreign Affairs. Individual permission must be sought in the case of each US military flight, including those at Shannon Airport.

It is not possible to anticipate in advance how many such requests will be submitted in 2012 nor the expected use of Shannon Airport by the US military in 2012.

Driving Tests

307. Deputy Pat Deering asked the Minister for Transport, Tourism and Sport the qualifications required to become a driving tester or examiner; and if it is normal that a driver should go for their retest with the same tester and on both occasions be accompanied by the same inspector. [3162/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006), driver testing is a matter for the Road Safety Authority, and I have referred the Deputy’s question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

Road Network

308. Deputy Dara Calleary asked the Minister for Transport, Tourism and Sport when building work will start on the N17 Gort to Tuam upgrade, in view of the fact that sanction has been provided for M7 Newlands Cross and M11 Arklow to Rathnew, the only other priority projects in the revised public capital programme; if he will confirm that the N17 project will proceed through public private partnership; if there is a contingency plan to fund the project from the Exchequer in the event that a PPP is not feasible; his views that the N17 upgrade is
vital to the economic development of the western and north western regions; and if he will make a statement on the matter. [3240/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. However, the planning, design, construction and maintenance of individual national road projects, including Public Private Partnerships, are matters for the National Roads Authority (NRA) under the Roads Acts 1993-2007. The assessment and prioritisation of individual projects is also a matter for the NRA under these Acts. In line with the Infrastructure and Capital Investment Framework 2012-2016, the intention is to pursue the N17/N18 Gort-Tuam as a PPP with a view to the project going ahead within the framework period subject to securing PPP finance. Direct Exchequer funding of the project is not under consideration at present, given current financial constraints. This project has a positive cost benefit ratio and will support future economic development in the West and North-Western region.