



# DÁIL ÉIREANN

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*Dé Céadaoin, 8 Feabhra 2012.*

*Wednesday, 8 February 2012.*

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** The Taoiseach and other Members are well aware that many companies across Ireland have made workers redundant in the light of the broader economic context and owing to the collapse of the economy. In recent weeks everyone has become familiar with the cases of two high profile companies, Lagan Brick in Drumgill and Vita Cortex in Cork. Some 29 workers at Lagan Brick were not even given 30 days notice in December when they were made redundant. I understand these individuals have agreed to go to the Labour Court and it is to be hoped this process will have a successful outcome. However, the Vita Cortex workers are completely in limbo and experiencing considerable difficulties. The Taoiseach met them last Friday, for which they are very grateful. There is cross-party agreement in the House that the workers in this company have been treated in an appalling manner by their employer. In total, they have given Vita Cortex over 847 years of loyal service and they were bluntly informed in December that they would not be receiving *ex gratia* redundancy payments. This was despite the fact that they had been promised such payments in September.

The workers at Vita Cortex have been involved in a sit-in since 16 December. I am sure everyone agrees that, in essence, they have been deserted by their employer. The net amount outstanding at this stage is approximately €372,000. If this money was paid, the matter would be resolved. I accept that there are complications in the relationship involving the company, its owner and NAMA. It is clear, however, that moral responsibility lies with the owner. I am sure everyone would agree with me in that regard. Unfortunately, the initial intervention in the matter by the Labour Relations Commission was unsuccessful and suspended. The fact that they could potentially face legal action by their employer as a result of their sit-in is particularly worrying for the workers and their families.

In the spirit of the cross-party agreement on this matter and notwithstanding all of the interventions which have taken place to date, will the Taoiseach or the Minister for Jobs, Enterprise and Innovation consider meeting the owner of the company in order to convey the view of the Oireachtas that the behaviour engaged in up to now has been unacceptable? Such a meeting might also be of assistance in trying to discover whether it might be possible to arrive at a resolution of the matter that would be in the interests of all concerned. It could also be used to reinitiate the Labour Relations Commission's intervention or convey to the owner the absolute disgust of the Executive and the Parliament at what is happening.

**The Taoiseach:** Before I respond to the Deputy, I pay tribute to the life and work of the late Mr. John Cunningham, a native of Tuam, who was editor of *The Connacht Tribune* for many years. He understood the changing face of Ireland and articulated what he had observed with great truth and courage. I called to see him some time ago and spent some time in his presence. He was a gentleman who loved his job as an editor and the responsibilities that went with it.

Deputy Micheál Martin's question raises many issues in respect of moral responsibility and the law in the context of the rights of workers and the position of firms. As he is aware, I met Ms Eager, the union representative, and a number of workers in Cork last week. As he pointed out, the Vita Cortex workers have given several hundred years of cumulative service to the company. They have informed me that they want to be shown respect and treated fairly in comparison with all other Vita Cortex workers who left the company's various plants throughout the country who all received 2.9 weeks pay per year of service, whereas those in Cork are being offered two weeks pay per year. The workers in Cork engaged in a sit-in during the Christmas period and have been in occupation of the plant for over 50 days. The Minister for Jobs, Enterprise, and Innovation, Deputy Richard Bruton, made his officials available to talk to the trade union representatives in order to clarify a number of matters. He also invited the Labour Relations Commission to become involved. Two meetings took place with both sides, but matters did not proceed beyond that point.

The Director of Corporate Enforcement has informed the Minister that he has considered the information in his possession — the Deputy may have received the relevant correspondence — regarding the claims made about the capacity of the company to make available the additional €374,000 required to resolve the matter, taken legal advice in respect of it and is satisfied that there are insufficient grounds on which to take a formal action against the company at this time. That was on the basis of his assessment of the claim that Vita Cortex and its owner were in a position to provide the extra €374,000 necessary to bring redundancy payments up to the level of 2.9 weeks pay per year of service.

Many are following the case with a degree of interest. I feel for the workers involved because they are very decent people. What annoys me is that they facilitated the company in the removal of specialist and sophisticated equipment from the plant, allegedly in order that it could be overhauled and repaired. They did so on the specific understanding that when the process was concluded, they would be properly compensated, namely, that they would receive the equivalent of what everyone else had obtained.

I met the Minister yesterday to discuss this difficult problem. We should continue to exhaust all of the mechanisms at our disposal. It is not nice that the workers are sitting in the plant and feel very aggrieved as a result of what has happened. The Department of Social Protection has processed the statutory redundancy payments which I understand will be paid next Monday. Obviously, the State has moved to do this for the workers. I intend to give a report to the Labour Relations Commission, arising from the meeting with the workers and their union representatives, and invite it to become involved again before I consider taking further action arising from the Deputy's request. I feel for the workers. As the Deputy rightly pointed out, there is a moral responsibility. The Office of the Director of Corporate Enforcement has informed the Minister for Jobs, Enterprise and Innovation that he has insufficient grounds to take action against the company.

**Deputy Micheál Martin:** I also pay tribute to the late John Cunningham and convey our sympathy to his wife, Nuala, and family. We will pay him a full tribute later.

I welcome the Taoiseach's response. The Deputies of all the parties in the Cork region met the workers on Monday and there is a uniform view of support for their position and the need to have the matter resolved. I welcome the initiative to ask the Labour Relations Commission

to become involved again. I am conscious that not all workers achieve the same profile, but what has happened at Vita Cortex and Lagan Bricks in Kingscourt illustrates a growing development and phenomenon in terms of lay-offs. Perhaps it highlights the need to review the mechanisms in place to see whether they are fit for purpose, particularly where there is the added complication of there being a NAMA dimension. This issue is worth reviewing in the broader extent.

With regard to the immediate problem at Vita Cortex, will the Taoiseach keep in his frame of reference the possibility of direct intervention by the Minister at some stage to convey on behalf of the political community—

**Deputy Finian McGrath:** Our anger.

**Deputy Micheál Martin:** —our anger at what has happened and our strong sense that the situation in the workers find themselves is unacceptable? Many are watching this as an illustration of what will inform other cases that may develop and what has informed others which have occurred in which people have been in a position to maintain a campaign of the type that has been maintained in this instance in the past 50 days. We all agree that this is not an acceptable way to treat workers and that we expect better. The Taoiseach is anxious that all existing mechanisms be used to bring about a resolution, which is fair enough. However, over and above this, all other possibilities should be borne in mind.

**The Taoiseach:** In respect of the statutory redundancy payments, the Department of Social Protection and the Minister moved because of the claim that the employer was not able to pay. Obviously, where an employer has funds available, he or she is duty bound to meet employees' statutory entitlements. There is no question of the State making them and the employer coming back to make a top-up payment. For the information of the House, the dispute relates to the non-payment of 0.9% of a week's pay per year of service. As the Deputy pointed out, the total sum involved amounts to €372,000. Where workers have supplied bank account details, the money will be lodged to their account in the week commencing 13 February, having been processed by the Department of Social Protection. Where bank account details have not been provided, payment will be made by cheque. Cheque payments should also issue during the week commencing 13 February.

I understand from the Labour Relations Commission that the solicitors acting on behalf of Vita Cortex have in recent days written to SIPTU indicating they may look at the question of taking out an injunction against the workers who continue to occupy the factory. As I stated, I would like to see this matter being brought to a successful conclusion. Reputation is very important to everybody. Of all the workers I have met during the years I have found the workers involved in this instance to be very understanding; they realise they are in a difficult position, but they have a very deep feeling that they deserve respect from their employer. In some cases they have given up to 47 years loyal, dedicated and committed service to the business. I have informed the Labour Relations Commission about my meeting with the workers and their trade union representatives and its outcome and asked it to become involved again. I have taken note of what the Deputy said.

**An Leas-Cheann Comhairle:** Before I call Deputy Gerry Adams, I join in the expression of sympathy to the Cunningham family on the death of John Cunningham who wrote under the pen name "The Deputy" in *The Connacht Tribune*.

**Deputy Gerry Adams:** Ní raibh aithne maith agam ar John Cunningham, ach tá a fhios agam gur eagarthóir an-mhaith ab ea é. Tá mé libhse ar an maidin brónach seo. Tá ár smaointe le muintir Cunningham inniu.

[Deputy Gerry Adams.]

Tá sé soiléir go bhfuil an ghéarchéim sna seirbhísí poiblí ag dul i ndonas de bharr an beart gátair seo. Tá sé thar am don Rialtas a bhád a chasadh agus polasaí eile a chur i bhfeidhm. Ba chóir go mbeadh an polasaí sin ar mhaithe pobal na hÉireann, seachas ar mhaithe na boic mhóra agus Frankfurt.

The Taoiseach is an intelligent person and must know his policies are not working. The social consequences for citizens are clear. Austerity is not working in the interests of citizens, as is evident in the impending crisis in the health service. What really infuriates people when they are not spluttering into their pint and going mad about the place is that while they have to endure the pain, their money is being used to pay the debts of criminal banks. A total of 3,800 staff will have left the health service between September 2011 and the end of February, almost half of whom have already left. A total of 1,000 nurses and more than 80 doctors and dentists are set to leave. The embargo on the recruitment of staff is part of the Government's austerity policy. This prevents it from hiring replacement staff. Why is the Government sticking to this policy?

In the almost 12 months it has been in office the Government has given €20 billion to the banks. Will the Taoiseach change tack? Will the Government put the people's money into providing public services and creating jobs, particularly into hiring nurses and doctors to replace those who have left or are about to leave the health service, or will it continue with its policy of bank bailouts and paying off the bankers at the expense of health services and those citizens dependent on them?

**The Taoiseach:** Ní raibh a fhios agam ar dtús céard a bhí i gceist ag an Teachta nuair a rinne sé a ráiteas i nGaeilge. Níor thuig mé go díreach céard a bhí i gceist aige.

**Deputy Gerry Adams:** Tá a fhios ag an Taoiseach go soiléir.

**The Taoiseach:** Austerity programmes on their own cannot work. We have a problem, which is to close the gap in the public finances. Whether there is a problem in the eurozone or anywhere else, this issue must be dealt with by us alone. The Government was given the option of pursuing either a non-aggressive or an aggressive policy to subordinated bondholders and the banks. We took an aggressive line and made a serious saving for the taxpayer. The same result was achieved in the follow-through by the Government in achieving an interest rate reduction — there was a saving of approximately €10 billion for the taxpayer. What we must do is trim our cloth according to our measure, but at the same time the Government must introduce initiatives to stimulate growth and promote job creation where opportunities can be created.

I have pointed out previously that between 1991 and 2000 our annual debt increased from €36 billion to €40 billion, but in the same period the debt to GDP ratio declined from 95% to 35%. The reason this happened was not that there was an austerity programme but that there was growth. When the problem with the public finances is sorted out and one closes the gap, the money spent on paying interest on borrowed money can be put into education, social protection, health and job creation measures. It is not a case of every person leaving the public service not being replaced, and the Minister for Health has pointed that out clearly. There will be targeted investment and recruitment, and some key vacancies will be filled. For instance, in the clinical programme, funding of €23.4 million has been made available. In the primary care area, €20 million has been put in to enable the replacement of key front-line primary care staff. In mental health, €35 million has been made available for the recruitment of an additional 414 whole-time equivalents, and in both the mental health and disability area, €5 million has been allocated for innovative practices and service modernisation. It is not a case of everyone leaving

and no one being replaced. The Minister for Health has pointed out clearly that where key front-line services apply, the moratorium is lifted and recruitment takes place in those cases, but not in every case.

What we are doing is effectively managing the movement out of the public service, which happens every year to the tune of several thousand and which has been signalled for quite a long time. As I said yesterday, in recent years we had programmes and commentators repeatedly talking about the bloated extent of the public service, and when a system is put in place to reduce that overall number and cost, we get a different reaction. What is involved now is managing that effectively in the public interest. That is the reason these moneys have been made available for recruitment of key front-line staff. It is not true to say that all these people will leave and no replacements will be found. That is not the case. What is involved is proper, effective management and provision of the health service in this case for our people. When I talk about the health service, it is about patients, in so far as hospitals are concerned, good quality opportunities for people to live a healthy lifestyle in their communities, the availability of strong primary care teams and, if they must go to hospital, that the effective service is in place for them. That is what is involved.

**Deputy Gerry Adams:** Caithfidh mé a rá go sílim gur thuig an Taoiseach go breá an méid a dúirt mé i nGaeilge. Tá sé ag magadh fúm, ach sin scéal eile. It is difficult to know which Taoiseach to believe. Is it the Taoiseach who said on RTE radio on Sunday that the transition teams are in place or the one who told us yesterday that they are not in place? These are the transition teams to deal with this crisis, but listening to what the Taoiseach has just said, one would think there was no crisis. We will lose 500 staff in mental health services. Will they be replaced? We decry all the time the fact that mental health is the Cinderella of our health services. Does the Taoiseach not accept that the loss of all these senior experienced staff, the embargo, the closure of hospital beds and the continuing gaps in emergency departments are creating a perfect storm in our health services? The reality is that there is no dynamic plan to manage that, and this is bedded in the Taoiseach's austerity policy. I will come back to that issue.

**An Leas-Cheann Comhairle:** The Deputy should ask a supplementary question.

**Deputy Gerry Adams:** I asked the Taoiseach if he would consider changing tack and setting aside this austerity policy. He said in his response, if I am quoting him properly, that austerity policies on their own cannot work, but that is all he is giving us. There are no initiatives for job creation. There are no initiatives to deal with any of these matters. Will the Taoiseach lift the recruitment embargo? Will he reopen the 2,000 closed public hospital beds? Will he tell the House how many of the 3,800 will be replaced and will he stop paying the people's money into the bad banks?

**The Taoiseach:** Bíodh a fhios ag an Teachta nach raibh mé ag magadh faoi ar chor ar bith. Tá mé ag rá i nGaeilge nár thuig mé an bhéim a chuir sé ar na focail sin. Sin a bhí i gceist agam. B'fhéidir nach bhfuil an fhuaim ró-shoiléir ar an taobh seo ach ní raibh sé soiléir cad a bhí i gceist ag an Teachta. The Deputy did not listen to me. With respect, I think the Deputy is afraid that the effective management of this transition period will work.

*(Interruptions).*

**The Taoiseach:** He is afraid it will work, and it will work. The Deputy did not listen to the response I gave him. As he is aware, the Government made available to the Minister of State,

[The Taoiseach.]

Deputy Lynch, working in the mental health area, ring-fenced money, €35 million, which will allow for the appointment of an additional 414 whole-time equivalent workers in this area.

**Deputy Mary Lou McDonald:** Having lost 500—

**The Taoiseach:** As Deputy Adams is aware, with the number of retirements from the psychiatric nursing service, a different kind of worker, carer and professional is needed now. Not all of those will be replaced but under the allocation for mental health, which is ring-fenced, those 414 whole-time equivalents will be recruited, although many of them not in the traditional sense of the psychiatric nurse as the Deputy and I would have known them over the years.

When the Deputy spoke about the austerity programme, he did not mention, for instance, the 700 jobs announced last week by the Minister for Education and Skills in IT conversion at no cost to people, nor did he mention any of the announcements made by investors here which are creating—

**Deputy Finian McGrath:** Any on the north side?

**The Taoiseach:** There are 800 jobs in Sky, 300 in Allergen Pharmaceuticals and others to follow. The Finance Bill to be published later today by the Minister for Finance will provide opportunities—

**Deputy Gerry Adams:** I welcomed that at the time.

**The Taoiseach:** —for further expansion for business.

*(Interruptions).*

**The Taoiseach:** In case the Deputy has any doubt about it I will make it as clear for him as I can. A great deal of intensive work has been going on in the Department of Health and the Health Service Executive for the last period. It was not clear how many and from what categories people would leave the health service. We now know that. The structure is that the assistant secretary in the Department of Health is in charge of the line management of this nationally with the Health Service Executive, the regional directors and, at the bottom of that scale, the planners in each individual hospital. They met again yesterday evening and will attend at the Cabinet sub-committee on health next Tuesday. The Minister for Public Expenditure and Reform will have a similar structure in the other areas I mentioned by next Tuesday, namely, line management with the Department and the agencies involved in justice, education, the Civil Service and, obviously, in health. That will apply right through this process with intensive discussions taking place. Obviously, in the health area we must also take into account weekend and late night activities where urgent medical attention and services might be required. That is what is going on. I am sure the Deputy agrees with me that we want to make this work. It is not compulsory removal from the public service that is involved here. People are leaving by choice and it is the responsibility to have a structure that fills those vacancies effectively where they should be filled. That is the reason I have given the figures for recruitment in order that the service can continue in the interests of the public and the patients where that is required.

**Deputy Joe Higgins:** Last night, more than 700 people packed into the Tower Hotel in Waterford to demand withdrawal of this Government's household and related taxes. The local media will confirm the details as they will for the 400 in Carlow on Monday night and similar meetings held from Wexford to Donegal on other nights. Last night, a very dignified pensioner

asked me at the meeting if it was true that the Taoiseach, Deputy Enda Kenny, had one time condemned tax on the home as wrong, and I said that I would have the opportunity to ask him directly this morning. Does the Taoiseach recognise——

**Deputy John Halligan:** The Deputy will not be laughing when people will not pay.

**Deputy Joe Higgins:** ——this quote:

It is morally unjust and unfair to tax a person's home, and by so doing grind him into the ground.

It reminds me of a vampire tax in that it drives a stake through the heart of home ownership, through enthusiasm and initiative, and sucks the life blood of people who want to own their own home and better their position.

**Deputy John Halligan:** Those in the Labour Party should be ashamed of themselves.

**A Deputy:** We are not ashamed——

**Deputy Joe Higgins:** Was it the then Deputy Enda Kenny who said that in this Dáil on——

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Tom Hayes:** The Deputy will get his answer next week. There will be about ten of those Members opposite left over there. They will go like the PDs, and rightly so.

**An Leas-Cheann Comhairle:** Deputies, please.

**A Deputy:** The Deputies opposite do not want to hear the truth.

**Deputy Emmet Stagg:** It is a case of no taxes, no services.

**An Leas-Cheann Comhairle:** Order, please. Deputy Higgins to continue.

**Deputy Pat Rabbitte:** Finian is keeping his powder dry. He does not know which way to go. Which way will you go, Finian?

**Deputy John Halligan:** The Minister should ask the Taoiseach which way will he go.

**Deputy Pat Rabbitte:** I am backing Finian.

**Deputy Bernard J. Durkan:** Joe will be very disappointed if——

**An Leas-Cheann Comhairle:** Deputy Durkan, please.

**Deputy Joe Higgins:** I have a related question for you people later.

*(Interruptions).*

**Deputy Emmet Stagg:** Remember Killarney——

**An Leas-Cheann Comhairle:** Deputy Stagg, please.

**Deputy Joe Higgins:** Taoiseach, was it Deputy Enda Kenny who talked in Dáil Éireann on 2 February 1994, the same Deputy Kenny who is now Prime Minister——

**Deputy Arthur Spring:** Prime Minister. He is Taoiseach of Ireland.

**Deputy Joe Higgins:** ——about ramming household and related taxes through? Are Fine Gael Deputies bringing to his attention the growing anger of ordinary people right around this country that after three and half years of having the salvaging of the European financial market system placed on their shoulders, he is now placing further burdens on them that they know will be a €1,000 and beyond in home tax, septic tank taxes and water levies, if they do not stop him?

**Deputy Bernard J. Durkan:** What is the Deputy's solution?

**Deputy Joe Higgins:** Does the Taoiseach not see that the ordinary people understand, even if condescending political pundits and the editorial writers in the billionaire press do not understand——

*(Interruptions).*

**Deputy Arthur Spring:** They are all in Deputy Higgins's pocket.

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Joe Higgins:** ——that, apart from not being able to bear any more burdens themselves, the Taoiseach's austerity and the troika's austerity is bleeding our society and the economy dry——

**Deputy Brendan Howlin:** Is this a question?

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

**Deputy Joe Higgins:** ——and that the mass boycott, which the household and other new taxes are now facing is a demand for a fundamental change in policy?

**An Leas-Cheann Comhairle:** The Deputy is over his time.

*(Interruptions).*

**Deputy Bernard J. Durkan:** Deputy Higgins, do not be looking over his shoulder.

**A Deputy:** He is having some injury time.

**Deputy Joe Higgins:** The boycott and the mass non-registration and mass refusal to pay these taxes that the Taoiseach will face by St. Patrick's Day is the ordinary people's self-made referendum on the Taoiseach's austerity policy.

**Deputy Bernard J. Durkan:** Organised by the Deputy using the people.

**Deputy John Halligan:** The Deputies opposite are fooling the people. They told them lies. They are being found out now throughout the country.

**Deputy Shane McEntee:** The same crowd are doing that.

**Deputy Paul Kehoe:** What about the Christmas cards?

**A Deputy:** You will not be getting too many.

**Deputy Joe Higgins:** Are the Labour Deputies reminding the Taoiseach of its party's very expensive ads in the national newspapers during the election campaign, namely, "Fine Gael — Every Little Hurts" and outlining the burdens to which they object that are less even than the household tax?

**An Leas-Cheann Comhairle:** Thank you, Deputy.

**Deputy Joe Higgins:** Are they bringing this to the Taoiseach's attention? Can I ask him if they are all——

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

**Deputy Joe Higgins:** ——out of touch?

**An Leas-Cheann Comhairle:** The Deputy is over his time.

**Deputy Joe Higgins:** Does the Taoiseach understand that he now faces a mass movement of opposition? He has an opportunity to change course and he must do that.

**An Leas-Cheann Comhairle:** I call the Taoiseach. Can I have order, please? I ask Members to respect the person who is speaking.

**The Taoiseach:** I am glad to see that Deputy Higgins goes back over the records and takes quotations as he finds them for use on occasions like this.

**Deputy Bernard J. Durkan:** Selectively.

**Deputy Richard Boyd Barrett:** The Taoiseach's quotations.

**The Taoiseach:** We had the Deputy and his work rate yesterday.

**Deputy Richard Boyd Barrett:** I am busier than you.

**Deputy Tom Hayes:** The Deputy's mouth is busier anyway.

**The Taoiseach:** Deputy Boyd Barrett's record of productivity is quite enormous; he has probably organised more protest marches than anybody in this House with the combined service.

**Deputy Richard Boyd Barrett:** And there will be more.

**The Taoiseach:** Deputy Higgins seems to have a philosophy that nobody should do anything or pay for anything in this country. Every socialist party in Europe with the exception of himself, as the leader of whatever group he has over there——

*(Interruptions).*

**The Taoiseach:** ——wants and is agreeable to some form of property tax. That is what every socialist party in Europe, with the exception of his good self, wants.

When I joined a local authority many years ago people paid rates and they paid for water and refuse services but all of those things went their own way because of political considerations. The vampire that the Deputy speaks of was reckless Government that sucked the life-blood out of the Irish economy——

**Deputies:** Hear, hear.

**The Taoiseach:** —and it has left us in a very different position than we have ever been before—

**Deputy Mattie McGrath:** The Taoiseach stole the clothes.

**The Taoiseach:** —and that has to be restored. This household charge is €100 and some 72,000 people have already registered for this payment. I thought that the Tower Hotel held 500 and not 700. There must have been 200—

*(Interruptions).*

**The Taoiseach:** I wonder how many of the Deputy's people were in Dundrum House the other night to hear the Minister for the Environment, Community and Local Government deal effectively with the septic tank issue raised so effectively by my friend over here.

**Deputy Mattie McGrath:** Coddling the people.

**A Deputy:** You would not let Mattie speak.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please.

**The Taoiseach:** I would also like to say to Deputy Higgins, clearly, there are exemptions built into this process. Properties that are part of a trading stock of a business do not need to declare. Local authority properties used for social housing, voluntary or co-operative properties, old properties owned by charities where commercial rates apply and where a person is forced to face home due to long-term mental or physical infirmity or elderly people who have moved into a nursing home — these are all examples of the thousands of exemptions that apply. As the Deputy is aware, the €2 per week goes to provide essential services such as footpaths, lighting, libraries and other facilities.

**Deputy Mattie McGrath:** The price of a medium.

**The Taoiseach:** Surely even the Deputy in his capacity as leader of the socialist group over there understands that there is nothing free in this world anymore and that somebody is being asked to make a contribution here.

**Deputy Richard Boyd Barrett:** Pay more and get less.

**The Taoiseach:** There is no increase in income tax. Some 330,000 were taken out of being liable to the universal social charge.

**Deputies:** Hear, hear.

**The Taoiseach:** —and 40,000 had the minimum wage restored to them. What the Government is focusing on is not austerity, but sorting out public finances and providing every opportunity for one job or 1,000 jobs to be created, and I hope the Deputy supports that.

**Deputies:** Hear, hear.

**An Leas-Cheann Comhairle:** Thank you, Taoiseach. Deputy Higgins has one minute.

**Deputy Joe Higgins:** You tell the 500,000 people out there——

**Deputy Pat Rabbitte:** Is the Deputy wagging his finger?

**Deputy Joe Higgins:** ——in the enforced idleness of the dole and those who are having their living standards savaged that you are not enforcing austerity. Get real, Taoiseach.

**Deputy Bernard J. Durkan:** Has the Deputy a solution?

**Deputy Joe Higgins:** You say that we say we do not want——

*(Interruptions).*

**Deputy Joe Higgins:** ——people to pay anything for anything. On the contrary, Taoiseach, it is the big bulk of the ordinary 4.5 million in this State who are paying for everything, including not only our services here but the bail outs of the vulture financial institutions in the European financial markets and their bad gambles. That is what we are paying for and that is what we object to.

The Taoiseach says that every socialist party——

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

**Deputy Joe Higgins:** I have news for the Taoiseach, the social democratic and labour parties all over Europe have long since joined the capitalist establishment.

*(Interruptions).*

**Deputy Joe Higgins:** They do not speak for the working class any more.

**Deputy Joe Costello:** Joe and Bertie are the only socialists left.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Bernard J. Durkan:** Deputy Higgins cannot take the heat.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputy Buttimer, please. Deputy Higgins to continue.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please. Deputy Higgins to put a question please.

**Deputy Joe Higgins:** Can I ask the Taoiseach——

**Deputy Emmet Stagg:** The Deputy should stand for the tea party——

*(Interruptions).*

**Deputy Emmet Stagg:** He could go around with the tea party.

**An Leas-Cheann Comhairle:** Deputy Stagg, please. This is Leaders' Questions.

**Deputy Joe Higgins:** —to see that there are alternatives, for example, on the septic tank issue? A public investment remediation scheme—

**Deputy Tom Hayes:** That would need more money.

**Deputy Jerry Buttimer:** More taxes.

**Deputy Bernard J. Durkan:** The Deputy will need more money for that.

**Deputy Joe Higgins:** —that would put similar amounts of public funds, as went into the urban areas to take our sewage away, into rural areas—

**Deputy Emmet Stagg:** The Deputy will have to give up his leader's allowance.

**Deputy Joe Higgins:** —would not only resolve the problem but create thousands of jobs for construction workers, drainage engineers and others and begin to regenerate the economy that austerity—

**An Leas-Cheann Comhairle:** The Deputy is raising a different topic and he is over his time.

**Deputy Joe Higgins:** —the troika and the gamblers have wrecked. A simple alternative—

**An Leas-Cheann Comhairle:** The Deputy is over his time and I ask him to conclude. A question, please.

**Deputy Joe Higgins:** Can I ask the Taoiseach to understand as well—

**Deputy James Bannon:** On a point of order—

**An Leas-Cheann Comhairle:** There is no point of order. Resume your seat, Deputy, please.

**Deputy James Bannon:** Is there any procedure in this House—

**An Leas-Cheann Comhairle:** Please resume your seat.

**Deputy James Bannon:** —for Members of this House to report lies?

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

*(Interruptions).*

**Deputy John Halligan:** It is unfair that he cannot continue.

**An Leas-Cheann Comhairle:** I am asking Deputy Higgins to conclude.

**Deputy John Halligan:** This is outrageous.

**Deputy Bernard J. Durkan:** Outrageous. The same old stuff every day.

**An Leas-Cheann Comhairle:** Deputy Higgins, without interruption. A question, please, Deputy, and you are over time.

**Deputy Joe Higgins:** Is it any wonder, in fairness? Some of these Deputies have had their training in the Ballymagash district council, judging by their behaviour this morning.

**Deputy James Reilly:** Where did the Deputy get his?

**An Leas-Cheann Comhairle:** Order, please.

**Deputy James Bannon:** He told lies about the €50 charge at public meetings throughout the country.

**Deputy Joe Higgins:** Can I ask the Taoiseach to understand also that as an alternative to further crushing burdens on working people and poor people——

**Deputy James Bannon:** He should be suspended from this House.

**Deputies:** Hear, hear.

**Deputy Joe Higgins:** ——he could implement progressive wealth taxation on the top 5%, for example, which at 1% would bring in €2 billion a year? Why does he not look there instead of imposing further burdens on our people?

Lastly, the Taoiseach mentioned Vita Cortex earlier.

**An Leas-Cheann Comhairle:** Deputy, that is another issue.

**Deputy Joe Higgins:** Is it not disgraceful that his Government provides maximum fines——

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputy, please resume your seat.

**Deputy Joe Higgins:** A Leas-Cheann Comhairle, if the baying mob keeps going I cannot finish my question. It is quite simple.

**An Leas-Cheann Comhairle:** You will have to finish now.

**Deputy Joe Higgins:** I must be allowed to put my question and the Taoiseach must be allowed to answer.

**An Leas-Cheann Comhairle:** Sorry, Deputy——

**Deputy Arthur Spring:** Ask a question.

**An Leas-Cheann Comhairle:** Deputy, resume your seat. I want to explain. There is one minute for a supplementary question and one minute for the Taoiseach to reply.

**Deputy John Halligan:** But these guys are shouting——

**An Leas-Cheann Comhairle:** Please conclude. You are way over time.

**Deputy Joe Higgins:** Let me round off, so.

**Deputy Emmet Stagg:** Take another minute.

**Deputy Joe Higgins:** Does the Taoiseach not think it is a disgrace that his Government is providing for maximum fines of €2,500 and €5,000 for decent people who are objecting to its taxes——

**Deputy Arthur Spring:** Is the Deputy going to pay the fines?

**Deputy Joe Higgins:** ——when the Vita Cortex multi-millionaires can walk away——

**Deputy Bernard J. Durkan:** On a point of order——

**Deputy Joe Higgins:** ——leaving workers in massive distress, with not a single sanction? The Taoiseach had better listen to what the people are saying or the Government will flounder on this. That will be clear in seven weeks time.

**Deputy Bernard J. Durkan:** On a point of order——

**Deputy Joe Higgins:** Five or six percent of the wealthiest may have registered; the vast majority will not. The Government will face this boycott——

**An Leas-Cheann Comhairle:** Deputy, please resume your seat. I am calling the Taoiseach.

**Deputy Bernard J. Durkan:** A Leas-Cheann Comhairle, on a point of order, how many minutes have we left?

**An Leas-Cheann Comhairle:** I am not taking a point of order on Leaders' Questions.

**Deputy John Halligan:** If the Deputies stopped interrupting, we would not take so long.

**Deputy Bernard J. Durkan:** This is a point of order under Standing Orders.

**Deputy Mattie McGrath:** Which one?

**Deputy Bernard J. Durkan:** Are we in order or are we not?

**Deputies:** The Deputy is not in order.

**Deputy Bernard J. Durkan:** This House has been out of order for the last ten minutes.

**Deputy Timmy Dooley:** The Deputy has been out of it all his life.

**Deputy Bernard J. Durkan:** We have a problem getting messages across other than Deputy Higgins's negative ones.

**An Leas-Cheann Comhairle:** Thank you, Deputy.

**The Taoiseach:** Everyone understands the difficulties and challenges that many people face in this country today, including those under pressure due to distressed mortgages, negative equity, bills and personal debt. This is a challenging time for everyone——

**Deputy Gerry Adams:** Except the bankers.

**The Taoiseach:** ——and I understand this because people who are under pressure come to me regularly. The entire country must band together to deal with this problem because it will not go away.

There are 200,000 households exempt from the household charge. The Deputy talks about disgraceful activity. I understand that at these socialist group meetings they have——

**Deputy John Halligan:** That is outrageous.

**An Leas-Cheann Comhairle:** Stop it, Deputy. Order, please.

**The Taoiseach:** ——they actively collect a €50 charge for a fighting fund in case there are any legalities involved. Is it €5 or €50 they collect for the fighting fund?

**Deputy Kevin Humphreys:** It is a flat rate.

**The Taoiseach:** The best antidote to social welfare is a job, because a job can transform a life. The Government is trying to sort out our public finances. I understand and commend people on their patience in dealing with this. We are putting whatever resources we can into the creation of jobs and opportunities.

Last Thursday, I attended a ceremony organised by the Minister for Justice and Equality, Deputy Shatter — one of the many he has organised — at which 2,500 people over four days stood to attention to our national anthem while they received their citizenship. The joy and excitement on their faces was a sight to behold. If their conviction and belief in this country had been replicated by those in positions of power, influence and prestige a number of years ago, this country would not be in the mess it is in today.

**Deputies:** Hear, hear.

**The Taoiseach:** Deputy Higgins can continue with his socialist rant in here every week.

**Deputy Joe Higgins:** Answer the question.

**The Taoiseach:** As far as we are concerned, the Government is focused on implementing its plan and the job announcements that will come because of people's confidence in our country both abroad and at home. We will shift the blockages to business and job creation and give people in the Deputy's own constituency the opportunity to go to work and have a career, so that he will not be coming in here ranting about Bram Stoker and austerity and 700 people down in the Tower Hotel.

**Deputy Joe Higgins:** The Government is killing people.

**The Taoiseach:** I understand that challenge, and it is the job of the Government to sort it out. There might come a day when Deputy Higgins comes in here and says something of a positive nature.

**Deputies:** Hear, hear.

### Order of Business

**The Taoiseach:** It is proposed to take No. 15, Competition (Amendment) Bill 2011 — Order for Report, Report and Final Stages; and No. 16, Legal Services Regulation Bill 2011 — Second Stage (resumed). Private Members' business shall be No. 39, motion re community employment schemes (resumed), to conclude at 9 p.m., if not previously concluded.

**An Leas-Cheann Comhairle:** There are no proposals to be put to the House.

**Deputy Micheál Martin:** Last evening, an appalling situation was revealed by the "Prime Time Investigates" programme on RTE, which dealt with prostitution and the illegal trafficking of women for prostitution in this country. The story that was portrayed was an horrific one, which represents a blight on our society and also has a strong European dimension. What we witnessed was a fundamental denial of the most basic human rights for women, much of it organised by various rings of people engaged in trafficking. There is endangerment and enslavement of women, as well as health and safety issues. The programme for Government lists the criminal law (sexual offences) Bill, which is intended to implement the EU directive on trafficking. Will the Taoiseach give Members a timetable for the publication of this Bill, because it would help address some of the issues raised in the programme yesterday?

[Deputy Micheál Martin.]

Another important Bill in this regard is the criminal justice (proceeds of crime) Bill. This aims to strengthen the Criminal Assets Bureau, which has an important role to play in pursuing the organisers of these trafficking rings who are deeply embedded in prostitution. Can the Taoiseach indicate when the Government intends to publish that Bill? Is he satisfied with the resources available within the Garda Síochána to tackle this issue? Very low numbers of gardaí are involved directly in this area.

**The Taoiseach:** Although I did not see the programme referred to by the Deputy, I believe it showed the appalling abuse of women throughout the country. The Minister for Justice and Equality is considering criminal law in this area. The criminal law (sexual offences) Bill is due to be introduced to the House later in 2012. The Ruhama group, which works with women who are exploited and other persons so affected, is to be complimented on what it does. The Minister is also considering a number of structures under which the purchase of sex can be criminalised, as is the case in Sweden and a number of other locations. The programme makers are to be complimented on bringing this into the public domain. The use and abuse of these women by Irish men seems to have been extraordinarily prevalent. The Criminal Justice (Sexual Offences) Bill will be introduced later in 2012 and the Minister is actively considering several options that might be available to him in that regard.

**Deputy Micheál Martin:** What about the second Bill I asked about, the legislation on the proceeds of crime to strengthen the Criminal Assets Bureau, CAB? It is also in the programme for Government.

**The Taoiseach:** I will forward the Deputy an update on it.

**Deputy Gerry Adams:** Tá cúpla ceist ar dtús faoi reachtaíocht atá fógraithe. On 26 January, the Tánaiste told the Dáil the Government is not considering legislation to introduce a system of attachment orders, which would allow money to be taken from wages or social welfare payments so the Government can implement the punitive household and septic tank charges. However, in a written reply to my colleague, Deputy Mary Lou McDonald, the Minister for Justice and Equality said that such legislation is being prepared. Can the Taoiseach clarify this? Does the Government intend to bring forward such legislation? Will there be a facility to collect fines through attachment of earnings or reductions in social welfare payments? Has there been any consultation between the Department of Justice and Equality and the Department of Social Protection? If this Bill is to be published, when does the Taoiseach expect that to happen? Is the Tánaiste aware of this and, if not, will the Taoiseach tell him? Perhaps as Leader of the Labour Party he is too ashamed to admit it.

**The Taoiseach:** There is no legislation contemplated here, but the Minister is examining a more efficient way of collecting fines. I will have the situation clarified for the Deputy but, as I understand it, the introduction of such legislation is not contemplated. There are some constitutional difficulties with it but the Minister is looking at a far more efficient method of collecting fines where they are properly levied by the courts.

**Deputy Gerry Adams:** I am advised that the Minister for Justice and Equality said that this would be part of the Fines Bill. I look forward to receiving clarification from the Taoiseach on that.

The other issue is that the Taoiseach has promised on a number of occasions to meet with Opposition leaders to discuss the constitutional convention. I have written to him in some detail about that. Second, the Taoiseach will be aware that all Senators and Deputies, including

members of the Taoiseach's party, from the region served by Our Lady of Lourdes Hospital in Drogheda have signed a request to the Government to institute an inquiry into allegations of abuse in that hospital. The Taoiseach also promised to meet with us about it, but there is no sign of any meeting.

**The Taoiseach:** I did. There are questions down for answer in the Dáil next Tuesday regarding the constitutional convention. We discussed this in the Cabinet yesterday and I hope to brief Deputy Adams and Deputy Martin in the next couple of weeks. I will be able to expand on it in replying to next Tuesday's questions. My schedule is a little busy during the next three weeks but I am conscious that I gave an undertaking to meet Deputies and Senators from the north-east region. I will do that as soon as I can fit a two hour section into the schedule.

**Deputy Michael Healy-Rae:** When will the promised legislation to allow previously self-employed people to claim social welfare be introduced? They are now in limbo through no fault of their own. The legislation was promised by the Minister for Social Protection. These people not only paid taxes all their lives but they also acted as tax collectors for the State.

The second question relates to the local government reform Bill being brought forward by the Minister for septic tanks. Is the Government aware of the very serious situation with An Bord Pleanála?

**An Leas-Cheann Comhairle:** Does this relate to legislation?

**Deputy Michael Healy-Rae:** Yes. The board of An Bord Pleanála should have nine members but at present there are four members of the board dealing with all the cases referred to it from all over the country.

**Deputy Brendan Howlin:** That is not a matter for legislation.

**Deputy Michael Healy-Rae:** Only two are required for a quorum so there could be a situation where very important planning matters are being dealt with by only two people.

**An Leas-Cheann Comhairle:** Deputy, that is more suitable for a parliamentary question.

**Deputy Michael Healy-Rae:** No, it is not.

**An Leas-Cheann Comhairle:** I call the Taoiseach to reply on the first issue.

**Deputy Michael Healy-Rae:** He should reply on the second issue too, because it is important.

**The Taoiseach:** On the first question, I am advised by the Minister for Social Protection that the advisory group on social welfare is examining the question raised by Deputy Healy-Rae. It will report later in the year with a number of recommendations covering a range of issues in the social welfare area, including this matter. The Deputy's remarks about An Bord Pleanála are not relevant in the context of pending legislation.

**Deputy Derek Keating:** Can the Taoiseach give an indication as to when the promised legislation on the national vetting bureau will be brought before the House? It is a matter of great importance. Can he also clarify the position on it because there has been publicity about some of the potential shortcomings in that area? Some people are considered to be exempt such as bus drivers, school caretakers and so forth. Over the years some people have been in a very privileged position and have had ease of access to children and, tragically, in some cases that resulted in the widespread abuse of children. Can the Taoiseach allay our fears and ensure some of those categories will be dealt with?

**The Taoiseach:** A great deal of work has been completed on this and the entire spectrum has been covered. That Bill is expected to be published in this session and I expect there will be a comprehensive discussion on it by all Members when it is before the House. The issues the Deputy correctly raises will be addressed in the legislation.

**Deputy Bernard J. Durkan:** Apropos the matter raised by the Leader of the Opposition, Deputy Micheál Martin, this is an acknowledgment of something all Members have raised in the House in the past. There is urgent necessity for legislative measures and I compliment the Taoiseach on his response.

There is another issue I have raised repeatedly in the House, including from the Opposition benches five, ten and 15 years ago. It is the growth of organised crime. Every time we read the newspapers or listen to the news we see increasing evidence of its growth.

**Deputy Richard Boyd Barrett:** The bankers.

**Deputy Bernard J. Durkan:** It is inexorably growing in one direction. It is something the Deputy might learn about in time.

**An Leas-Cheann Comhairle:** Is legislation promised on this?

**Deputy Bernard J. Durkan:** Yes, a plethora of legislation is promised. For some reason, there appears to be difficulty in taking organised criminals off the streets. They cannot be put out of action, decommissioned or drawn to the side. They are at liberty to pursue their crime. It is the only industry that is growing.

**An Leas-Cheann Comhairle:** Speak on the legislation, Deputy.

**Deputy Bernard J. Durkan:** There is promised legislation on bail. I have repeatedly raised this issue. Ultimately, something will have to be done to take such people off the streets permanently.

**The Taoiseach:** This is a matter of the greatest concern. There is no fixed date for the introduction of the bail Bill. Obviously, the Minister for Justice and Equality is acutely aware of the impact of organised crime on the country. That is partly why the Government approved the appointment of 33 senior Garda officers yesterday. I hope that will lead, in some way, towards getting information that will deal with the situation so that people can be brought before the courts and put behind bars if the courts so decide.

**Deputy Pearse Doherty:** I have two questions for the Taoiseach. Tá a fhios agam gur cuireadh ráiteas amach inné faoi dtaobh den Bhille Gaeltachta. Cén uair a mbeidh an Bille seo foilsithe, cén uair a mbeidh sé ag dul tré Thithe an Oireachtas agus cén uair a thuigeann an Taoiseach a mbeidh deireadh le Bord Údarás na Gaeltachta mar atá sé tofa go daonlathach agus go mbeidh sé á cheapadh? An féidir leis an Taoiseach eolas a thabhairt don Teach ar an cheist sin?

The second question relates to the promised legislation to extend the remit of the Freedom of Information Act to a number of bodies. I wish to focus in particular on the extension of freedom of information to the National Asset Management Agency, NAMA. It is crucial that this is brought before the House as soon as possible. I would hazard a guess that no party or Deputy would oppose the extension of freedom of information to NAMA, given that the agency is handling billions of euro worth of assets on behalf of the State. It was revealed a fortnight ago that NAMA would set up another agency — a qualified investment fund — within itself. Yesterday Deputy Gerry Adams revealed that in the last two years €27.5 million had been spent by NAMA on legal advice. NAMA will now set up another agency within itself

which will be able to acquire assets from the agency which in the first instance it acquired from the banks. These assets will all have to be revalued by the same legal professionals. Arthur Cox was paid €3 million in legal expenses and we know it carried out work for the banks that had not even been tendered for. We know the Department for Finance has given money to other agencies for work that was not tendered for. There is, therefore, a need to lift the hood on NAMA. When will the promised legislation to extend the Freedom of Information Acts to NAMA be brought forward and why does the Minister not sign a ministerial order to give effect to it immediately?

**The Taoiseach:** Tar éis an díospóireacht a bhí ag an Rialtas inné, tá cead tugtha ag an Aire glacadh leis an mBille nua maidir le hÚdarás na Gaeltachta agus beidh sé tugtha isteach sa Teach sar i bhfad. Tá an obair sin ar siúl faoi láthair. Ba cheart go mbéadh an Bille achtaithe sula mbéadh na toghcháin le bheith ann.

The Bill relating to freedom of information will be introduced later this year. A number of areas require discussion and analysis before the Minister can move on it.

The firms which tender to give legal advice to NAMA are selected from panels established following a competitive tendering process. Individual assignments are normally awarded after the receipt of further tenders designed to ensure the most competitive pricing for the assignments. The legal costs incurred in 2010 and 2011 were related to legal due diligence on loans NAMA had acquired from the participating institutions. Arising from reviews, questions were raised about the enforceability of security in certain cases. As a result, legal discounts amounting to €368 million were imposed which reduced accordingly the acquisition cost of the loans. This relates to the first five tranches only. The saving to the State in carrying out this due diligence was a large multiple of the legal costs incurred. The legal due diligence costs are fully recoverable from the financial institutions.

The Minister for Finance has already signalled publicly that he is looking at the structure of NAMA, on which some initial work has been carried out. He hopes to have others appointed to a group which can look at what might be possible in terms of changing the structure. It is difficult to find competent people from this country who can do this work. This is a small country and persons with competence in this field may have a direct or indirect connection with a property owner or a property associated with the NAMA portfolio. The Deputy will, therefore, understand the Minister's reticence in not being too hasty. He is anxious to find people who are really competent and who do not have a connection with anyone or anything associated with NAMA.

**Deputy Mattie McGrath:** With regard to the Water Services (Amendment) Bill, the Minister for the Environment, Community and Local Government stated on 26 January that the €50 charge was enshrined in primary legislation. In answering a question put by Deputy Michael Healy-Rae he said it would take a vote in the House to alter that charge. He also said that in his lifetime or in that of the Government he would not do this. Nevertheless, he came to my county of Tipperary—

**An Leas-Cheann Comhairle:** Less detail please, Deputy.

**Deputy Mattie McGrath:** —and announced that the charge was being reduced by 95%. With Deputies Brian Stanley, Niall Collins and others, I was in the Chamber when the Minister answered the question. What does the record of the House mean?

**An Leas-Cheann Comhairle:** I will ask the Taoiseach if legislation has been promised to deal this matter.

**Deputy Mattie McGrath:** Please do, a Leas-Cheann Comhairle. The Minister stated clearly that it would take a vote in the House to alter the €50 charge. He has now done it on a whim and announced it in Tipperary South because he is under pressure.

**Deputy Bernard J. Durkan:** Does the Deputy want to be able to drink clean water?

**Deputy Mattie McGrath:** Of course, I do.

**Deputy Paul Kehoe:** Does the Deputy want a €100 charge?

**The Taoiseach:** The Minister has made it clear that he intends to publish guidelines in a few weeks time. This will be followed by a consultation process and the guidelines will be approved by the House. The Minister was very clear when he spoke in Dundrum. He was welcomed to County Tipperary——

**Deputy Mattie McGrath:** Of course, he was, as the Taoiseach would be.

**The Taoiseach:** ——where he received a very big welcome from many of the Deputy's constituents who were there to compliment him on adopting a common-sense approach towards this matter.

**Deputy Mattie McGrath:** The Taoiseach was not at the meeting. Deputy Hayes must have given him an inaccurate account of it.

**The Taoiseach:** The €5 online registration charge is——

**Deputy Mattie McGrath:** Cá bhfuil an t-Aire inniu agus cá raibh sé inné?

**The Taoiseach:** Tá a fhios ag an Teachta go maith cá bhfuil sé.

**Deputy Mattie McGrath:** Tá sé imithe.

**Deputy Niall Collins:** Deputy Hayes gave an edited report.

**Deputy Mattie McGrath:** Who was counting that night?

**Deputy Paul Kehoe:** Did the Deputy go around with his basket?

**The Taoiseach:** It is a long way from the €20,000 charge about which I heard Deputy Mattie McGrath spouting some time ago.

**Deputy Mattie McGrath:** The Taoiseach has not answered my question.

**Deputy Michael Healy-Rae:** He has not answered it.

**Deputy Bernard J. Durkan:** What kind of water does Deputy Mattie McGrath want to drink? He is campaigning for dirty drinking water. Is that what he wants?

**Deputy Mattie McGrath:** That is gombeen talk. I only want clean water.

**Deputy Anne Ferris:** I wish to raise a serious issue and ask Deputies to give me time. I, too, raise the scandals and horrors portrayed in last night's "Prime Time" television programme and congratulate the makers of the programme. I recently met Ruhama, the Immigrant Council of Ireland and the organisers of the Turn off the Red Light campaign. What is going on is scandalous. Women are being trafficked into Ireland under false pretences and forced into prostitution. They are also being trafficked around the country. I agree with Deputy Micheál

Martin that not enough gardaí are involved in tackling this issue. I know the Minister is involved in a consultation process which I hope will conclude soon. I intend to raise the matter at the Joint Committee of Justice, Defence and Equality. The use of websites needs to be included in any legislation introduced. Those organising the websites used are making millions every year as thousands of women are advertising on them for which they are being charged €700 a week. Legislation must be introduced to stamp out these websites.

**The Taoiseach:** I have already commented on the appalling abuse and trafficking of women around the country that was evident on last night's programme which I did not see but about which I heard this morning. The Garda and the Ministers for Justice and Equality and Children and Youth Affairs will be anxious to ensure something is done about this.

It is difficult to legislate for websites hosted outside the country. That is the scale of the challenges we face because of the way technology has moved and the information available worldwide. While the Internet brings potential for advancement in many ways, it also brings opportunities to engage in this kind of activity which is destructive of people's rights and personalities. The issue will be reacted to by the Government.

Sexual offences legislation will be brought before the House later this year. I hope everyone will be able to contribute fully and comprehensively when it is debated.

**Deputy Patrick Nulty:** The Taoiseach will be aware that much of the work of the Residential Tenancies Board which regulates the private rental sector is taken up by disputes between landlords and tenants regarding deposits. Many of the tenants involved, owing to the inadequate supply of social housing, are on low incomes. In that context, when will the promised legislation to reform the Residential Tenancies Act be brought before the House and will it include a deposit retention scheme for which organisations such as Threshold have been calling for some time?

**The Taoiseach:** That legislation is due to be published later this year. However, I cannot give an exact week.

**Deputy Pat Deering:** What is the timescale for the introduction of legislation to update the law relating to motor taxation and provide for the continuous licensing of mechanically propelled vehicles?

**The Taoiseach:** That Bill will be brought forward soon. I will ask the Minister for the Environment, Community and Local Government to give the Deputy a more accurate date for its introduction.

**Deputy Paschal Donohoe:** What is the status of the further education and training authority Bill which is required to set up Solas? The Taoiseach has acknowledged this morning that the biggest challenge facing the country is presented by the jobs crisis. Crucial to tackling that is an organisation which is fit for purpose to ensure people get the training they need. I recently met some local officials that would be involved in the set up of this new organisation and they are really up for it. They really want to do a fine job for these people and give them the hope and support they need, but for that to happen this Bill must be in place.

**The Taoiseach:** It is due later on in the year. This is an absolute priority of the Government. Next week the Minister for Jobs, Enterprise and Innovation hopes to launch his jobs action plan and that will be followed by implementation of the Pathways to Work programme by the Minister for Social Protection. FÁS is being discontinued and there is a movement towards Solas and the NEIS programme under the Department of Education and Skills.

[The Taoiseach.]

The Deputy has rightly identified this issue as being absolutely critical for young people in particular. He will hear more about that in the near future. I cannot give him an exact time for the legislation, but we are starting work on making this happen.

**Deputy Brendan Griffin:** The issue of social protection entitlements for self-employed was raised earlier. That matter is a priority of the social protection committee, of which I am member. Any Member of the House is welcome to attend such meetings to discuss the issue if he or she feels it is a priority. I would like to ask the Taoiseach to row in behind that issue and give support to our efforts.

Would it be possible to set aside some time to discuss the desperate humanitarian situation in Syria at the moment? It is a terrible situation and it would be worthwhile discussing it in the House.

**An Leas-Cheann Comhairle:** I think you should take that up with the Whips.

**The Taoiseach:** The review group on social welfare is looking at the issue of the self-employed. This matter has been raised for quite some time. The situation might have been beneficial when times were good for the self-employed, but obviously when things get bad, it is not so easy.

The Tánaiste is in Washington today talking to people associated with the illegal emigrant issue and a number of other issues. He is also due to meet the UN Security Council. I have read the reports from the Middle East about the abomination that is taking place in Syria, where people are being abused, murdered and raped. All of the evidence from the city of Homs speaks for itself. This is something that has been decried by Europe, where a number of countries have withdrawn their ambassadors from Syria. It is an issue of strategic focus by the US Secretary of State. It is an issue of grave concern internationally. I hope the pressure being brought to bear will lead to a resolution to this conflict as soon as possible. These people are being murdered in their own country and what is going on is an abomination on mankind.

**Deputy Joe Higgins:** The finance Bill is being published today. What is the precise timetable for the Bill?

Would it not be appropriate to table an amendment to the Social Welfare and Pensions Bill 2011 to deal with the issue the Taoiseach addressed earlier, namely, the contempt shown to workers by the likes of the Vita Cortex and La Senza bosses? Apart from the contempt and disgraceful abuse of workers, does the Taoiseach not find it humiliating that the political establishment at the very top in this country is forced to humiliate itself, begging these people to do something when they should be compelled to do it by law or face the consequences?

**The Taoiseach:** The Minister for Finance will hold a press conference later today on the publication of the finance Bill, and he will provide details of the schedule involved.

**Deputy Richard Boyd Barrett:** Can we come?

**The Taoiseach:** I have already said that the Office of the Director of Corporate Enforcement examined the evidence in its possession in respect of Vita Cortex and it found that it was insufficient to take legal action against the company. When the social protection Bill is published, it will provide an opportunity to the Deputy and everybody else to make these points.

**Deputy Joe Higgins:** So the law is too weak.

**Deputy James Bannon:** Given that cancer figures in Ireland are predicted to rise by 72% by 2030, can the Taoiseach provide a definite date for the publication of the public health (sunbeds) Bill? I have inquired about this Bill on a number of occasions. In fact, I raised it almost exactly two years ago, on 7 February 2010, and I was told that legislation was forthcoming. To date, nothing has happened and I would appreciate an update on when this important Bill is coming before the House.

**The Taoiseach:** In so far as I can bring any sunshine in here, I understand this is due by the middle of this year.

**Deputy Ray Butler:** Where is the regulation Bill on subcontractors? Many subcontractors have got on to me, stating that the figure of €200,000 in the Bill is very high in light of the direction the economy has taken. One could build many houses now for €200,000, given the way things have gone. The figure should be brought down to €50,000 or €100,000 to protect these subcontractors.

**The Taoiseach:** The Minister of State, Deputy Brian Hayes, is dealing with this. I had a discussion with him recently about it. I cannot give the Deputy an exact time for it, but we will report on the progress that he is making about it.

#### **Competition (Amendment) Bill 2011: Order for Report Stage**

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I move: "That Report Stage be taken now."

Question put and agreed to.

#### **Competition (Amendment) Bill 2011: Report Stage**

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 2 are related and may be taken together.

**Deputy Dara Calleary:** I move amendment No. 1:

In page 5, lines 7 to 17, to delete all words from and including "may," in line 7 down to and including "specified.," in line 17 and substitute the following:

"may—

(a) order one or all of the following—

(i) that the undertaking shall discontinue the abuse, or

(ii) that the undertaking shall adopt such measures for the purpose of securing an adjustment of that dominant position,

as may be specified in the order (including measures consisting of the sale of assets of the undertaking) within such period as may be so specified, or

(b) in civil proceedings, impose a liability on that undertaking for a fine not exceeding a class A fine.".

Deputy O'Dea has had a family bereavement and I am representing him. This amendment was also dealt with on Committee Stage. We in Fianna Fáil were not happy with the response offered by the Minister at the time and we are moving it again.

[Deputy Dara Calleary.]

The difficulty in dividing competition law offences into hardcore and non-hardcore offences is that those who are abusing competition law are so well resourced that they know their way around it. The profits and gains made by abusing non-hardcore offences in particular are not treated with any serious fines in this legislation. That is not a political opinion or the opinion of Fianna Fáil. That is the view of the Competition Authority. If we are serious about this Bill, one would assume that the views of the Competition Authority — those we entrust with enforcing this legislation — would be taken on board. The head of the authority has produced a lot of information on this. As recently as last September, the Competition Authority published a detailed document on the issue. Noreen Mackey has published quite a lot of work on this.

The use of the *res judicata* defence does not add up when we go through the Constitution and the practicalities of the way competition law is being abused. From my time on the enterprise committee and from my time in the Minister of State's Department, I know the difficulties in dealing with competition. Competition is supposed to level a playing field, but the way in which business practice has evolved in many sectors has ensured that competition has made that playing field a lot more uneven than was ever envisaged. The purpose of this amendment is to level that playing field again and put a serious impediment in the way of those who abuse competition law and engage in anti-competitive practices, regardless of whether these are defined as hardcore or non-hardcore offences.

**Deputy Luke 'Ming' Flanagan:** What we are trying to do is a good idea, but no matter how well we build this vehicle, there is not much point to it without the resources. For instance, car manufacturers build fantastic cars and much effort is put into getting everything right but if one has no money for fuel there is not much point in having a decent car. Is the Minister of State aware of the litany of problems experienced by the Competition Authority with regard to funding? No matter what we do here today, unless the authority is funded adequately, there is not much point.

I refer to a statement in 2000 by the director of competition enforcement, Mr. Patrick Massey. He resigned from his position and he stated his conviction that it was no longer possible for him to continue as director of competition enforcement due to the failure to provide adequate resources to enable him to do the job properly. In April 2001, an OECD report on regulation in Ireland declared that strengths in competition laws and institutions had been compromised by a lack of resources, unclear independence and inconsistent leadership. In 2004, Dr. John Fingleton, head of the Competition Authority, informed the Committee of Public Accounts that anti-competitive practices were costing the Irish economy approximately €4 billion annually — which we are now paying back — yet successive governments have starved the Competition Authority of funds and staff necessary for it to carry out its statutory duty. On 7 October 2010, the Competition Authority chairman, Mr. Declan Purcell, said that the authority's ability to carry out its statutory and other functions is seriously and regrettably compromised. He also said that he believed some facts need to be recognised and acknowledged.

With the current level of resources and which it can expect to continue to have — although I hope the Minister of State will change this situation — this is his assessment of what it is realistic to expect of the Competition Authority. He said that the authority is no longer in a position to investigate and assist the Director of Public Prosecutions in the prosecution of criminal cartels to the extent it has done in the past and that the authority would be doing well if it can conclude one major investigation in the non-criminal enforcement end of business per year. As regards merger reviews, he stated that this is an area where the authority has no choice but to respond within statutory deadlines but that it will do so probably by redeploying

staff from enforcement work. As regards competition advocacy, he said the authority was not now in a position to carry out market studies and will have to focus its resources on other less intensive forms of advocacy. He also stated that the Competition Authority will probably have to suspend a number of enforcement investigations.

We get this perfect here, no more than the Germans get the Volkswagen perfect and they put plenty of effort into it. However, if one has no petrol to put into the car, what use is it, even if the car is perfect. A sevenfold increase in resources is required to be given to the Competition Authority. Currently there are two gardaí working with the authority and this number is grossly inadequate considering that in one year it is estimated to have cost €4 billion. This could be likened to having only two gardaí patrolling the streets of Dublin, considering the epidemic in white-collar crime.

**Deputy Peadar Tóibín:** Competition is a critical and central issue as regards the ability of the State to grow business in the future. Unfortunately, the Government and the troika have always focused on wages when seeking to develop competitive advantage. The State is replete with issues of competitiveness that could be resolved, for instance, the situation of upward-only rents which is putting small businesses out of business on a weekly basis. Grafton Street has the second highest rents in Europe and the fifth highest in the world. This issue is in the gift of the Government to resolve and the resolution of which would make business far more competitive.

I refer to the large number of anti-competitive practices at work, for example, in the concrete industry. Such practices are outside the oversight of the State and they go unpunished. As Deputy Flanagan described very well in his contribution, these practices cost the State a massive amount of money.

This legislation is shockingly weak. The Competition Authority does not have nearly enough resources to do its job properly. A body is being created but the resources have not been provided for it to carry out its functions. It is next to impossible for private individuals to take enforcement cases and I know of such cases which have dragged on for 16 years in the courts, against large, well-resourced organisations. The European Union states that private enforcement needs to be possible and achievable for small Irish businesses to enable them achieve some level of fairness.

Sinn Féin also suggested that a provision for whistleblowing should be included in the process. In Britain, individuals within businesses are incentivised by means of large sums of money to blow the whistle on uncompetitive practices. This is an opportunity missed in this legislation. Lack of competitiveness radically undermines the economy by creating massive costs and results in the loss of thousands of jobs. The State is paying over the odds for products as a result of a lack of competitiveness. Ireland is much less competitive than other states.

Sinn Féin suggested a provision in the Bill for civil fines. As I and another Deputy said, it is a case of BG and AG, a case of Fine Gael before being in Government and Fine Gael after coming into Government. Before being in Government, everyone in Fine Gael and in the Labour Party spoke about getting rid of upward-only rents but as soon as they came into Government this has been thrown off the agenda. There has been a change in heart with regard to civil fines. Sinn Féin strongly encourages the Government to support the amendment to allow for civil proceedings and civil fines so that individual businesses can achieve some level of competition within their markets.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I sympathise with Deputy Willie O'Dea on the death of his mother.

[Deputy John Perry.]

I refer to his amendments Nos. 1 and 2, and provisions relating to a court order regarding the abuse of a dominant position. The Bill provides that the court may require the undertaking to discount the abuse or to adopt measures to stop it being in a dominant position or to secure an adjustment of that position. Such measures can include the sale of the undertaking's assets. Deputy O'Dea proposes that the court may order that the undertaking shall discontinue the abuse and-or the undertaking shall adopt such measures for the purpose of securing an adjustment of that dominant position. The sale of the undertaking's assets is also provided for. In effect, it appears the main difference between our provision is that the Bill permits the court to order the adoption of measures to ensure the cessation of a dominant position whereas this option is omitted from Deputy O'Dea's amendment. Deputy O'Dea seeks to introduce in civil proceedings a fine not exceeding a class A fine, that is, a fine not exceeding €5,000. A class A fine is a fine imposed in criminal proceedings and Deputy O'Dea's amendment seeks to apply a criminal sanction to civil proceedings. The concept of civil fines, that is, a fine imposed in civil proceedings, is not provided for in Irish law in any sector and providing for such a fine would pose legal difficulties having regard to Article 38.1 of the Constitution which provides that no person shall be tried on any criminal charge save in due course of law. The Attorney General has advised that introducing legislation to decriminalise section 4(1)(d) and section 5 of the Competition Act 2002, otherwise known as non-hardcore offences, to introduce civil fines in order to lower the burden of proof from beyond all reasonable doubt to the balance of probability, would pose constitutional difficulties, having regard to the protection afforded by Article 38.1 of the Constitution.

As the Minister, Deputy Bruton, previously informed the Deputies on Second and Committee Stages, civil fines cannot be introduced.

The proposed Bill will strengthen the power of the Competition Authority and will facilitate private actions. The Minister for Public Expenditure and Reform is preparing a horizontal measure on whistleblowing. A review of the Competition Authority is taking place as part of the examination of the public sector and resources, which are being very much examined at the moment in the context of the finances currently in place, public sector numbers and the austerity affecting all Departments.

Deputy Tóibín referred to alleged anti-competitive practices. The Competition Authority, as the statutorily independent body responsible for enforcing competition law, has received information relating to alleged anti-competitive behaviour in the concrete industry. It is clear that the Competition Act 2002 provides that the authority is independent in the performance of its functions and it is responsible for investigating breaches of the Act. As investigation and enforcement matters generally are part of the day-to-day operational work of the authority neither I nor the Minister, Deputy Bruton, have a direct function in the matter. It would be inappropriate for me to comment on any investigation by the authority.

12 o'clock

**Deputy Luke 'Ming' Flanagan:** What about resources?

**Deputy John Perry:** On the issue of resources it is very much a case of achieving value for money. Having been Chair of the Committee of Public Accounts I am aware that funding has been analysed in every Department. Current resources are allocated very accurately from the point of view of getting value for money. Equally, the authority is working closely within the current terms set out for it.

**Deputy Dara Calleary:** I thank the Minister of State for his response but it encapsulates the entire difficulty with the Bill and the approach being taken. For as long as we treat breaches

of competition law in a different way to a purely criminal offence and take a slightly benign attitude to breaches of competition law we will just sail along. Deputies Tóibín and Flanagan have outlined the consequences. We can talk about breaches of competition law. The Minister of State is well aware that the Competition Authority is not properly resourced to deal with the kind of operators who are breaching competition law. We see it in the concrete and retail sectors among other areas. It will remain a problem as long as we have a benign, happy attitude that it is not a criminal matter, it is a civil matter. It is a criminal offence if one uses one's dominant power as a business to put another company out of business. It may not be an offence but it is a criminal act to use one's commercial dominance to affect the choices available to consumers and the State in whatever field one is in. The difficulty with the Bill is that it is a sticking plaster, a Band-Aid. We were promised a far more comprehensive Bill and we are still waiting for it. I hope that if such a Bill comes before us it will be accompanied by a change in attitude from the Department.

**Deputy John Perry:** The Bill is about fair competition and setting the tone for the Competition Authority, which is an independent body that oversees the marketplace and ensures there is fair competition. Equally, of its nature business is competitive, but it is the role of the Competition Authority to identify the dominance of one business resulting in the closure of another.

It is important to state that the Attorney General has advised that civil fines are not provided for in Irish law. Providing for them would pose legal difficulties having regard to Article 38.1 of the Constitution, even at the level of a class A fine. In that context any legislation to introduce civil fines that would lower the burden of proof from beyond reasonable doubt to the balance of probability would pose constitutional difficulties having regard to the protection afforded in Article 38.1 of the Constitution.

The first part of Deputy O'Dea's proposed amendment would give the court less power than that proposed by the Government in section 3 by not including the power to undertakings to adopt measures to cease to be in a dominant position and is therefore not acceptable.

**Deputy Peadar Tóibín:** I understand the Minister said it is not in the Government's interests to oversee the work of the Competition Authority. It would be in its interests to ensure that no State agency is paying twice the amount for concrete in this State than is the case in other states. If the budget expenditure is being wasted on artificially high prices for concrete, for example, surely it is in the Government's direct interest to resolve that issue and not to just outsource it to another body? There are constitutional precedents for the imposition of civil fines. We see that in the tax code where civil fines are imposed on individuals without it being a criminal matter. Given that prior to the election Fine Gael wanted to bring competition law up to international norms, why is the Government now seeking to have it below that level? Why was the policy on civil fines in the party's election manifesto not included in the programme for Government?

**Deputy John Perry:** The advice from the Attorney General is clear. She has indicated that such fines are not provided for in Irish law.

**Deputy Dara Calleary:** That advice was available before the election too.

**Deputy John Perry:** That is the advice we have received. The Competition Authority has indicated that it would like to include such a measure in its overall approach to Government but that is the advice we have received. Deputy Calleary, as a former Minister of State, is aware that one must take the advice of the Attorney General.

**Deputy Dara Calleary:** Fine Gael made the promise.

**Deputy John Perry:** The breach of competition law is a criminal offence. Since 2002, a total of 33 criminal convictions have been secured.

**Deputy Dara Calleary:** There were no prosecutions for non-hardcore competition offences.

**Deputy John Perry:** We are in our first year of Government——

**Deputy Dara Calleary:** The Government has a chance to change the legislation and to strengthen it.

**Deputy John Perry:** We are including a stronger measure than is proposed by Deputy O’Dea in the amendment. It will have a greater effect.

**Deputy Peadar Tóibín:** Could the Minister of State respond to the question on the doubling of the price of concrete to the Government?

**Deputy John Perry:** It is important to investigate anti-competitive practices in the cement sector. The Competition Authority is a statutorily independent body.

**Deputy Peadar Tóibín:** The Government is paying twice the price.

**Deputy John Perry:** It is important to state that the Competition Authority is the statutorily independent body for enforcing competition law. It is not the Government that sets the price of cement.

**Deputy Peadar Tóibín:** The Government is expending money. Therefore, it should seek to have a fair price. Currently, the price is double what it is elsewhere.

**Deputy John Perry:** I assure the Deputy that the Competition Act 2002 provides that the authority is independent in the performance of its function. Under the Act it is responsible for investigating breaches of the Act. Investigation and enforcement matters are part of the authority’s day-to-day business. Neither I nor the Minister, Deputy Bruton, has a direct function in the matter. It would be inappropriate for me to comment on it.

**Deputy Peadar Tóibín:** If the Government is paying the bills, it has a direct function.

**Deputy Mattie McGrath:** I too am disappointed and concerned about the amendments and the tenor of the Bill. We can go back to the manifesto. The Minister of State is a business man. He understands the issue better than I or most Members. I appreciate that the Government intends to amalgamate the Competition Authority, the National Consumer Agency, the Broadcasting Authority of Ireland, the Commission for Communications Regulation, ComReg, and the Commission for Energy Regulation, CER, into a single more powerful competition, consumer and utilities commission. Will that happen? The Bill does not give any indication of an effort in that direction. Is that another broken promise and U-turn?

I am delighted that the Minister of State is a self-professed small business man and that he understands the area. We all know what is going on. Many of the key questions have not been answered. It is a smokescreen to talk about longer prison sentences. I do not know of anyone who has served a short prison sentence, even under the previous legislation. I would be delighted if the civil process was used. Community service would be more appropriate where this law was broken. Restorative justice schemes operate in different areas, for example, in my county of Tipperary. It is a meaningful approach. Most of the businesses in question set up with

the best of intentions and credentials but, for whatever reason, they stray into anti-competitive practices and infringe the law. There is no point in going through the court process and giving people one, two or now ten years when they will not serve it. There is no better way to encourage people not to infringe the law than to provide restorative justice in their own patches. People would appreciate it better.

The Competition Authority is a joke. I mean no disrespect to the people in it. I do not know how many people have resigned from it. I do not blame the Minister of State for this, as the last Government was involved too. The authority is without money and, thereby, toothless. It has no power. The cartels are as big as ever. Tesco and other big conglomerates came to Ireland and drove our small businesses out in the name of better value, but it is not better value, as they export all of their money and jobs.

**Deputy Luke 'Ming' Flanagan:** We are supposedly developing a new method of funding local government. In theory, this money is to be spent on council materials. It will never get there, as it will probably end up with the bondholders. What will this legislation do to address the fact that Irish councils must pay twice as much for concrete from an Irish company than the amount for which the same company sells it to Britain?

Longer prison sentences are being proposed. One could introduce the death penalty, but it would be irrelevant if one did not enforce the law. If one does not resource enforcement, it will have no impact regardless of the penalties.

When people bought a house, they were hit by the cartels. The situation has destroyed the country. What will this legislation do to prevent it from recurring? The Minister of State mentioned that this matter does not relate to concrete, but it is a good example. After the Bill passes, will we be able to buy concrete for the same price as one can buy it in Britain or are we wasting our time?

**Deputy John Perry:** The tax code is not the same as competition law. Irish criminal offences are as stringent as laws in the EU. On the whole issue of the competition law, as Deputy Mattie McGrath said, the merger of the National Consumer Agency, NCA, and the Competition Authority, will be included in legislation for which will be brought forward this year. Even the Competition Authority accepts that civil fines are not feasible at the moment.

It is important to put what the Government has done on the record. I chair the high-level group on business regulation. It is about cutting down the regulatory burden on companies. It is about helping the 200,000 companies that employ 650,000 people to retain their staff. They are the backbone of the economy. It is about competition. The authority is a statutorily independent body.

Equally important as access to credit is cutting down on red tape. This is the job of government in many ways. While this legislation will give the authority an enhanced role, we all know the legacy with which we have been left. In terms of additional funding, what one has not got, one cannot give. The country is in significant difficulties. We are in receivership and do not have the same level of discretion enjoyed for 14 years by the previous Administration. It could decide what to do with the money. We need to collect €1.2 billion per month to cover what we are spending. This is difficult for competition.

**Deputy Luke 'Ming' Flanagan:** With respect, the Government parties knew this when they entered government, but they promised they would do something about it.

**Deputy John Perry:** We are doing something. The Competition Authority has spoken with local authorities about the procurement contracts worth €15 billion in total and opening up the

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market to small companies to compete for contracts worth less than €25,000. Local authorities are in discussions with small companies.

It is a question of survival. Despite all of the pessimism, it is not all doom and gloom among the small companies that I visit as Minister of State. It is important to note that many companies trade successfully. Small companies are the backbone of the economy, although there are dominant players.

The scale of our economy is small. In the context of the 500 million people in Europe, the Single Market presents Irish businesses with opportunities in the UK, Northern Ireland and elsewhere in Europe.

**Deputy Dara Calleary:** We have gone around the houses, from Volkswagens to concrete. The amendment goes to the heart of the legislation. As long as people get away with small fines yet have the ability to make large profits, their abuse of competition and competition law will continue. We will pay more for concrete, Volkswagens and everything. The Minister of State knows this.

Resourcing the Competition Authority is also an issue. If there are constitutional difficulties, let us change the Constitution. Governments have changed it for much less reason. We need to attack on the culture of competition abuse. The Bill does not go nearly half way towards doing that.

**Deputy John Perry:** There is significant competition in every trade from Ballina to Dublin. The Deputy knows this only too well. For example, there is astronomical below cost selling and dumping of stock. People buying in the marketplace might not assume there is competition, but—

**Deputy Dara Calleary:** That is unfair competition. We want to level the playing field.

**Deputy John Perry:** Study the marketplace. I am meeting business people across the country. The economy has become more competitive and there is extraordinary value. Very few people will pay over the odds for any product.

**Deputy Mattie McGrath:** The small person is paying for that.

Question, “That the words proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

**Deputy Dara Calleary:** I move amendment No. 2:

In page 6, lines 10 to 18, to delete all words from and including “may,” in line 10 down to and including “specified.” in line 18 and substitute the following:

“may—

(a) order one or all of the following—

(i) that the undertaking shall discontinue the abuse, or

(ii) that the undertaking shall adopt such measures for the purpose of securing an adjustment of that dominant position,

as may be specified in the order (including measures consisting of the sale of assets of the undertaking) within such period as may be so specified, or

(b) in civil proceedings, impose a liability on that undertaking for a fine not exceeding a class A fine.”.

Question, “That the words proposed to be deleted stand,” put and declared carried.

Amendment declared lost.

Bill recommitted in respect of amendment No. 3.

**Deputy John Perry:** I move amendment No. 3:

In page 6, between lines 30 and 31, to insert the following:

5.—The Principal Act is amended by the insertion of the following section:

“14B.—(1) This section applies to an agreement entered into by the competent authority with an undertaking—

(a) following an investigation referred to in paragraph (b) of subsection (1) of section 30, and

(b) that requires the undertaking to do or refrain from doing such things as are specified in the agreement in consideration of the competent authority agreeing not to bring proceedings under section 14A (inserted by *section 4* of the *Competition (Amendment) Act 2012*) in relation to any matter to which that investigation related or any findings resulting from that investigation.

(2) The High Court may, upon the application of the competent authority, make an order in the terms of an agreement to which this section applies if it is satisfied that—

(a) the undertaking that is a party to that agreement consents to the making of the order,

(b) that undertaking obtained legal advice before so consenting,

(c) the agreement is clear and unambiguous and capable of being complied with,

(d) that undertaking is aware that failure to comply with any order so made would constitute contempt of court, and

(e) the competent authority has complied with subsection (3).

(3) Where the competent authority proposes to make an application for an order under subsection (2) in respect of an agreement to which this section applies, it shall, not later than 14 days before the making of the application—

(a) publish the terms of that agreement on a website maintained by the competent authority, and

(b) publish a notice, in not fewer than 2 daily newspapers circulating throughout the State—

(i) stating that it intends to make such application,

(ii) specifying the date on which such application will be made, and

(iii) stating—

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(I) that the agreement to which the proposed application relates is published, in accordance with paragraph (a), on a website maintained by it, and

(II) the address of that website.

(4) An order under subsection (2) shall not have effect—

(a) until the expiration of the period of 45 days from the making of the order, or

(b) where an application is made to the High Court under subsection (5) in respect of the order, until the making of a final determination in relation to that application.

(5) The High Court may, upon the application of any person (other than the competent authority or the undertaking to which an order under this section applies) made during the period referred to in paragraph (a) of subsection (4), make an order varying or annulling an order under subsection (2) if it is satisfied that the agreement in respect of which the order was made requires the undertaking to which the order applies to do or refrain from doing anything that would result in a breach of any contract between the undertaking concerned and the applicant or that would render a term of that contract not capable of being performed.

(6) The High Court shall not make an order under subsection (5) if it is satisfied that the contract or term of the contract to which the application for such order relates contravenes section 4 or 5, or Article 101 or 102 of the Treaty on the Functioning of the European Union.

(7) The High Court may, upon the application of the competent authority or an undertaking to which an order under subsection (2) applies, make an order varying or annulling the first-mentioned order if—

(a) the party (other than the applicant for the order) to the agreement to which the first-mentioned order applies consents to the application,

(b) the first-mentioned order contains a material error,

(c) there has been a material change in circumstances since the making of the first-mentioned order that warrants the court varying or annulling the order, or

(d) the court is satisfied that, in the interests of justice, the first-mentioned order should be varied or annulled.

(8) Subject to any order under subsection (9), an order under subsection (2) shall cease to have effect upon the expiration of 7 years from the making of the second-mentioned order.

(9) The High Court may, upon the application of the competent authority made not earlier than 3 months before the expiration of an order under subsection (2), make an order extending the period of the first-mentioned order (whether or not previously extended under this subsection) for a further period not exceeding 3 years.

(10) Paragraphs (a), (b), (c) and (d) of subsection (2) shall apply in respect of the determination of an application referred to in subsection (9) as they apply in respect of the determination of an application referred to in subsection (2).

(11) In this section ‘undertaking’ includes an association of undertakings.”.

Since Committee Stage, officials in my Department, the Competition Authority and the Office of the Attorney General have been working on a proposal whereby the High Court can make a court order in respect of an agreement entered into by the authority with an undertaking. I am pleased to move this amendment, which will further strengthen company law. Where the authority carries out an investigation into an alleged breach of the Competition Act, it can enter into commitments or agreements with the undertaking under investigation. This undertaking, without an admission of liability, would agree to cease and desist from certain behaviour or to act in a particular manner. In return for this agreement, the authority agrees not to initiate proceedings under the Competition Act, thus avoiding the significant legal fees and the deployment of resources that a criminal or civil prosecution entails.

Such agreements are enforceable as a matter of contract law. However, should an undertaking renege on its agreement, the authority is required to go to court to enforce compliance. This involves an examination of the alleged anti-competitive behaviour, which can involve complex economic evidence and so on.

The amendment proposes a statutory mechanism that will permit the authority to apply to the High Court for an order to give court backing or support to the agreement. If the undertaking breaches the order, such breach will constitute a contempt of court. In such circumstances, the authority could apply to court to have the undertaking penalised for the breach. Breach of a court order can ultimately be punished as a contempt of court, with remedies such as committal and attachment for persons or the sequestration of assets. Rather than being a hearing on the merits of the competition and economic aspects, a contempt hearing would relate to the breach of the terms of the order.

Subsection (1) of the new section 14B in the principal Act, as inserted by amendment No. 3, provides that this section applies to an agreement between the competent authority and an undertaking arising on foot of an investigation carried out by the authority into an alleged breach of competition law. The agreement involves the undertaking refraining from certain agreed actions and, in return, the authority agreeing not to initiate civil enforcement proceedings under section 14A. The term “competent authority” refers to the Competition Authority and the Commission for Communications Regulation, ComReg, where it is performing its competition enforcement functions in regard to the electronic communications market.

Subsection (2) provides guidance for the High Court in its consideration of an application. The court must be satisfied that the undertaking concerned consents to the making of the order and has obtained legal advice before so consenting, that the agreement itself is clear, unambiguous and capable of being complied with, that the undertaking is aware that failure to comply with the order constitutes a contempt of court, and that the authority has complied with the requirements of subsection (3). Subsection (3) requires the authority, in advance of making an application to the High Court, to publish the terms of the agreement on its website and to publish in at least two daily newspapers a notice to the effect that it intends to make an application, the date on which the application will be made and a direction to the publication of the agreement on its website.

Subsection (4) provides that the High Court order shall have effect until 45 days after the making of the order or, where an application is made to the court within the period by a third party under subsection (5), until the court has made a determination on that application. Subsection (5) provides that the High Court may, on foot of the application, make an order varying or annulling an order made under subsection (2) where it is satisfied that the agreement in respect of which the order was made would result in a breach of contract between the undertaking and the applicant or render a term of that contract incapable of being performed.

[Deputy John Perry.]

Subsection (6) clarifies that where a contract or term of a contract between the undertaking and a third party contravenes section 4 or 5 or Article 101 or 102 of the Treaty on the Functioning of the European Union, the High Court will not make an order varying or annulling the original order. A third party cannot enforce a contract or terms of a contract where to do so would cause a breach of competition law.

Subsection (7) sets out the circumstances under which the High Court may, on foot of an application from the competent authority or the undertaking, vary or annul an order made under subsection (2). The court may do so where the other party to the agreement consents to the application, the original order contains a material error, there has been a material change in circumstances since the original order was made that warrants the court varying or annulling that order, or the court is satisfied that in the interests of justice, the original order should be varied or annulled. These are the standard provisions relating to court orders.

Subsection (8) provides for a seven year sunset clause for an order made under subsection (2). Subsection (9) provides for the extension of the order made under subsection (2) and allows the competent authority to apply to the High Court for such an extension not earlier than three months before the order is due to expire. The original order may be extended for a period of up to three years. More than one extension can be applied for. Given changing market circumstances, if an order becomes redundant with the passage of time, a sunset clause is considered appropriate to remove out-of-date orders from the list of court orders. However, it is also necessary to provide for the extension of an order where it remains relevant.

Subsection (10) applies paragraphs (a) to (d) of subsection (2) to the application under subsection (9) for an extension to the period of the original order. These paragraphs set out the conditions on which the High Court must be satisfied before making an order, namely, that the undertaking concerned consents to the making of the order, that the undertaking obtained legal advice before so consenting, that the agreement is clear, unambiguous and capable of being complied with, and that the undertaking is aware that failure to comply with the order constitutes contempt of court.

Subsection (11) provides that the term “undertaking” includes an association of undertakings.

**Deputy Dara Calleary:** The Minister of State referred to removing out-of-date orders. This is new legislation, but it is already out of date. There was a casual reference to the “sequestration of assets” in the Minister of State’s explanation of this proposal. Until we get to a stage where the seizure of assets and the imposition of substantial fines happen as a matter of course, there will continue to be consistent abuses of competition law. How many investigations are being undertaken by the Competition Authority and how many were completed during 2011?

**Deputy John Perry:** I do not have that information to hand, but I will forward it to the Deputy if it is available. Amendment No. 3 allows for an agreement between a company, the Competition Authority and undertakings under investigation to be made subject to a High Court order. This will act as a significant deterrent to potential offenders or persons engaged in anti-competitive behaviour. Breaches of the High Court order will constitute contempt of court and result in much quicker and more punitive legal consequences for offenders. This new power for the Competition Authority will send a clear message that anti-competitive behaviour which amounts to white collar crime will be severely dealt with.

**Deputy Mattie McGrath:** While I appreciate the intent of the Bill, it is, as my colleague, Deputy Dara Calleary, pointed out, already out of date. I am not blaming the Minister of State

for this, but some blame should certainly be laid at the door of his departmental officials who have a duty to keep themselves abreast of these matters and ensure legislative proposals are up to date no matter what Government is in place. As the permanent government, they have a duty, as much as the Minister of the day, to bring forward this matter.

There is some nice cosy language in the Bill about the seizing of assets which in the old days was done by the sheriffs and the landlords. I hate to be repetitive, but, as I said before, the Bill makes no provision for civil fines or pecuniary penalties. There was a real opportunity to make important changes under section 14A, but it was missed because of a lack of joined-up thinking between the Department of Jobs, Enterprise and Innovation and the Department of Justice and Equality which might have facilitated an extension of the restorative justice programme. The courts are full. Moreover, there is no better way to hurt the people involved than through their pockets and ego — the pride they have in themselves and their good name. Sentencing them to community service would save taxpayers the cost of their imprisonment. They should be put to work on community projects such as clean-up of towns, villages and so on.

**Deputy Dara Calleary:** Desludging septic tanks.

**Deputy Mattie McGrath:** Yes. It is being suggested that they could assist the Minister, Deputy Hogan, in the provision of remedial services as provided for in the water services legislation. They could perhaps be asked to dig up back gardens without machinery and re-lay them. These people must be made feel some hurt or empathy with the people they are blackguarding. If it is possible, they will find a way to evade the law. There is no point committing them to prison. That is akin to giving them a holiday. Often, they learn more about criminality when in prison and end up different types of criminals when they get out. They should be made take part in restorative justice programmes and community service. Rather than tinkering around with this, we need to do it.

**Deputy Luke ‘Ming’ Flanagan:** Despite all the Minister of State had to say, nothing can be done without money. I have not heard anything that suggests any more resources will be put into this area.

The Minister of State spoke about being positive and negative. If I get a telephone call from a person telling me my house is burning down, I will not complain to the person for telling me, rather I will thank him or her for doing so and will then put it out. As regards positivity, if done right, this could be the most positive thing that could happen to this country. That we would not have to pay over the odds for materials is positive.

Since being elected to this House, I have had many meetings with people, including on this issue. The meeting on this issue was more positive than were all the other meetings put together. The sum of €4 billion is a great deal of money. There is much we could do with it. I am not confident, despite what is being provided for in this amendment, that this practice will not continue into the future, and all because of minuscule resources relative to €4 billion per annum. Regardless of what the Minister of State says, this is pointless unless resourced.

**Deputy John Perry:** Amendment No. 3 provides that agreements between the Competition Authority and undertakings under investigation will be subject to High Court order. That is a major step forward. As the Competition Authority is a statutorily independent body, we cannot go into the detail of its investigations. On Deputy McGrath’s point in regard to independence and value for money, this is only one element of competition. Competition is different from competitiveness. The Competition Authority sets the rules for doing business in the economy of Ireland, North and South. This area has become very competitive when compared with the

[Deputy John Perry.]

situation in the boom times when people did not check prices. Anyone in business knows that if they want to survive, they have to deal effectively with competition.

This amendment allows for agreements between the Competition Authority and the undertakings under investigation to be made subject to a High Court order, which will act as a significant deterrent to potential offenders. This is not about community service. People who breach the High Court agreement will be guilty of contempt of court, resulting in punitive legal consequences. What is provided for in this amendment enhances the powers of the Competition Authority. The sunset clause will only apply to orders made following enactment of the Bill.

As indicated, a review of Competition Authority resources is under way. We all know the importance of competition. It is about getting value for money and the survival of companies which are the backbone of the economy. We must provide recognition, understanding and support for the 200,000 Irish companies employing up to 700,000 people. This provision sets in place a strong template. On Deputy Flanagan's point, I believe more can be delivered with less. I chaired the Committee of Public Accounts for two and a half years during which time I heard report after report of abuse of money. It is amazing what can be done with competent management. This Bill will enhance that.

**Deputy Luke 'Ming' Flanagan:** There are more gardaí in Ballinlough in County Roscommon than there are personnel in the Competition Authority.

**Deputy Peadar Tóibín:** Competition is independent. It is independent of resources, which is the core problem. Until such time as the Government puts resources into the Competition Authority, it will not be able to do its job. It is a nonsense for the Minister of State to say that because we are in receivership we cannot put money into areas like this. A cost benefit analysis of all investments is undertaken. If the cost to the State is X and the benefit is a multiple of X, it would be ludicrous for the Government not to make the investment.

The Government, through its State agencies and local authorities, is spending over the odds in respect of raw materials for construction, etc. A minuscule investment in the Competition Authority would result in a return of multiples of that investment to the State coffers. For the Government to refuse to do so, when the cost benefit analysis is clear, shows the ridiculousness of its approach. The Government is trying to save a penny when the spending of that penny could result in the return of a pound.

**Deputy John Perry:** The Competition Authority comprises 39 staff and has a budget, from voted Estimates, of approximately €5 million. A due diligence exercise is under way.

**Deputy Peadar Tóibín:** Is that enough?

**Deputy Dara Calleary:** It is an hour's profit for the multiples.

**Deputy John Perry:** We would all like if there was more cash available.

**Deputy Peadar Tóibín:** If the benefit is more than the investment, it makes sense.

**Deputy John Perry:** A due diligence exercise is under way in the Competition Authority. Issues such as the cost of doing business and how the regulatory burden on companies can be reduced are being examined by a high level group. Reference was made earlier to a particular dominant company, on which I cannot comment. The issue raised in that regard has been the subject of debate for some time. The authority is empowered to act independently and is, by

way of insertion of this amendment, being given powers to go to the High Court in respect of breach of agreements.

Following receipt of the report on how money is being spent, the Government will consider if additional resources are required. As the Taoiseach stated on the Order of Business, this is about encouraging companies to create wealth and jobs in the economy and about getting people back to work again. That is the best competition for any business. Many of us come from small towns and villages, the survival of which is important. We have a small market of 4.5 million people. It is important people get value for money and that there is not unfair practice in that market.

The Competition Authority has 39 staff and can, in respect of breaches of an agreement, take such matters to the High Court. This is a good start. Nothing was done in this area by the previous Administration.

**Deputy Mattie McGrath:** I welcome the Minister of State's clarification in regard to the number of staff in the authority. Deputy Flanagan referred earlier to the number of gardaí in a small village in Roscommon. Thirty nine staff would not be enough personnel to police one small town in this country on a 24 hour basis. That number of staff is totally inadequate and the big boys know that. At least two chairpersons have resigned from the Competition Authority. It does not have the tools of the trade to do its job.

**Deputy John Perry:** This is, from a business point of view, about efficiency and effectiveness and ensuring the right people are doing the job. The authority is being given new powers. Commitment is important. Money does not solve every problem.

**Deputy Mattie McGrath:** I did not say that.

**Deputy John Perry:** It is not as simple as that.

**Deputy Peadar Tóibín:** No one is saying that.

**Deputy John Perry:** The previous Administration judged everything on the basis of the amount of investment made versus outturn. What we are doing——

**Deputy Luke 'Ming' Flanagan:** With the exception of this, which is the problem.

**Deputy John Perry:** Previously projects were judged on the amount of money invested versus outturn. A project in which €10 million was invested was considered massive and a project in which only €500,000 was invested was not worth mentioning.

**Deputy Mattie McGrath:** The Minister of State wanted more.

**Deputy Dara Calleary:** The Minister of State was one of the cheerleaders in that regard.

**Deputy John Perry:** No, that was the kind of due diligence that was carried out previously. The best barometers of business people are business people themselves.

**Deputy Mattie McGrath:** We know that.

**Deputy John Perry:** The people who know most about business and about competition are those who are in business. They know exactly if they are being——

**Deputy Luke 'Ming' Flanagan:** The customer knows most.

**Deputy John Perry:** Absolutely, the customer is king, as customers pay all the bills.

**Deputy Luke ‘Ming’ Flanagan:** Why do people in Ireland pay twice as much for concrete as people do in Britain?

**Deputy John Perry:** I will not comment on that case, except to state it is being investigated thoroughly at present. The sad tragedy is that Ireland is paying a huge price for concrete from the boom years. Everyone is paying for it at present. When one considers the amount of concrete used in construction during that period, we are paying a heavy——

**Deputy Peadar Tóibín:** Members need to keep the debate relevant to the present Administration’s term in office. Were they to spend——

**Deputy John Perry:** Members are discussing competition. Clearly, the price of concrete is highly competitive at present. Any builders currently engaged in construction know exactly what they are paying for their tonnage of concrete. I would be amazed if this was not the case and for those few who are building at present, concrete represents value for money.

**Deputy Dara Calleary:** Would they go up to Ballisodare?

**Deputy John Perry:** I suspect so.

**Deputy Mattie McGrath:** Briefly, I do not know the current price of concrete, although I should. However, I can confirm that last week, I paid €300, plus VAT, for 17 tonnes of washed sand. As washed sand makes up half the ingredients of concrete, I can imagine the price of the latter. It is not cheap and people are being fleeced for it.

**Acting Chairman (Deputy Peter Mathews):** Does the Minister of State wish to respond?

**Deputy John Perry:** Members are being sidetracked——

**Deputy Mattie McGrath:** No, they are not.

**Deputy John Perry:** ——but the previous Administration invested heavily in construction. The Government is investing in people, resources and ideas. Its job is about making viable companies and having been appointed Minister of State with responsibility for small companies, I have seen enterprises nationwide in which extraordinary people are doing extraordinary things.

**Deputy Mattie McGrath:** Of course they are.

**Deputy Dara Calleary:** The Minister of State is aware there is no argument on that.

**Deputy Mattie McGrath:** However, they are only hanging on by their teeth.

**Deputy John Perry:** While available resources are limited, 39 staff have been given enhanced powers that will be ring-fenced by the High Court. This will enhance the Competition Authority immensely which, as I stated, is an independent statutory body. After the due diligence currently under way has been carried out and if the advice given to the Government mirrors Deputy Tóibín’s comments with regard to additional funding for the authority being deemed necessary, I have no doubt but that when the Government reviews finances in the future, it will consider such funding if it warrants value for money and a return on investment.

**Acting Chairman (Deputy Peter Mathews):** As we want to move on to the next amendment, Deputy McGrath may respond within ten seconds.

**Deputy Mattie McGrath:** To be helpful to the Minister of State in view of the shortage of staff, I refer to the organisation called the National Employment Rights Authority, NERA. I have suggested for a long time that it should be called the national business support agency. The staff from that authority should be transferred or seconded to the Competition Authority because in their main they are engaged in persecuting small businesses, instead of doing the job they are meant to do. After the enactment of this Bill, those officers should be given the powers proposed therein. These people are well trained and are used to flashing cards and being tough on employers. I suggest they be put on the other side of the fence.

**Acting Chairman (Deputy Peter Mathews):** I thank the Deputy. I think everyone is moving in the same direction with the same energies and efforts.

**Deputy Mattie McGrath:** Yes.

Amendment agreed to.

Bill reported with amendment.

**Deputy Peadar Tóibín:** I move amendment No. 4:

In page 6, between lines 30 and 31, to insert the following:

5.—Section 30(1)(c) of the Principal Act is amended by deleting all words after “to” and substituting the following:

“report and make recommendations to Government, Ministers of the Government and Ministers of State concerning the implications of competition in markets for goods and services and, if the Authority thinks fit to do so, it may request the Department of State to notify the Authority within a specified time of the Department of State’s response to the recommendations.”.

Since I was elected last February, it has become clear there often is a disconnect between agencies such as the Competition Authority and the State. It is very clear with regard to the Office of the Ombudsman in a number of areas that there is not seamless communication between such organisations and the Government. Information often is generated that is not acted upon or even considered by the Government. A lack of communication exists and it was shocking to learn that until recently, some level of communication between the Competition Authority and the Government took place through the media, etc.

This is a modest amendment to an important legislative item. It proposes that the Government should give some type of response to, albeit not necessarily act upon, the advice of the Competition Authority. There should be some form of understanding of and communication regarding what is taking place within the Competition Authority. Moreover, the Government should explain why it is or is not carrying out a particular action with regard to anti-competitive practices. I refer to what will happen otherwise. Governments find it very easy to ignore anti-competitive practices. In particular, governments that are in cahoots or in close relationships with large businesses that are the centre of uncompetitive practices are better served if they can ignore the advice of the Competition Authority. I simply ask that this amendment be put in place in order that a communications relationship be formalised between the Competition Authority and the Government.

**Deputy Michael Colreavy:** Policy, legislation and enforcement always should aim to make it easy for people and companies to do the right thing and make it difficult to do the wrong thing. There is ample evidence that the current competition legislation is not working and I

[Deputy Michael Colreavy.]

acknowledge the introduction of this Bill seeks to try to correct this. From my perspective, it is unjust that any small business or any person should be driven out of business and be obliged to spend up to 16 years in and out of courtrooms in an attempt to ascertain the right of that small company or person to trade in the face of anti-competitive practices by larger monopolies. However, that is happening today as Members speak. Justice delayed is justice denied and the Minister of State is correct to allude to the independence of the Competition Authority, which I fully support. However, the Minister and the Government have both the right and the responsibility to ensure that whatever legislation, mechanisms, policies or enforcement measures exist must be used to ensure that anti-competitive practices are stamped out.

The Minister of State should agree to accept this amendment because as my colleague, Deputy Tóibín, stated, this amendment seeks in a modest way to improve communications between the Government and the Competition Authority. It is not about the Government telling the Competition Authority what to do but pertains to the Government responding to statements and information from the aforementioned authority in a public manner. Unless this modest amendment is accepted, all that will happen is the continuation of the failure to confront anti-competitive practices by the great and the powerful in this land. I again ask the Minister of State to accept Sinn Féin's amendment and to begin the process of introducing systems that will ensure integrity in the conduct of business on this island.

**Deputy John Perry:** In response to Deputies Colreavy and Tóibín, I do not intend to accept this amendment because in effect it replaces section 30(1)(c) of the principal Act, which gives the authority a statutory advisory role in respect of proposals for legislation and the implications for competition in markets for goods and services of such proposals. This amendment proposes to replace this statutory advisory function with power granted to the authority to report and make recommendations to the Government and Ministers of the Government concerning the implications of competition in markets. The authority may and on many occasions has reported on how competition is working in different sectors and has made recommendations to improve how competition works in these sectors. The present position is that such recommendations are addressed to relevant Ministers, public bodies or representative bodies, as appropriate. The Minister, Deputy Bruton, is engaged in a process to report on progress made in implementing the Competition Authority's recommendations. Of the more than 170 recommendations made by the Competition Authority between 2004 and 2010, only 7% remain under active consideration. The vast majority——

**Deputy Dara Calleary:** How many were addressed in 2011?

**Deputy John Perry:** The Government is working well and effectively in this regard. It did a great deal of work in 2011.

**Deputy Dara Calleary:** Most of the work was done before 2011.

**Deputy John Perry:** The vast majority of the Competition Authority's recommendations have been accepted and implemented, while others have been accepted in principle but not yet implemented. Others have been rejected or overtaken by policy developments.

Requiring a Department of State to notify the authority of its response to recommendations made by the Competition Authority would give considerable power to an unelected statutory body. While the authority may be expert in the field of competition, it does not have the full or wider public policy role of Departments of State. That is a point with which Deputy Dara Calleary, a former Minister of State, must agree. Ministers and Departments must consider issues from more than one policy perspective and weigh competing and conflicting policies

against each other. A single, focused, albeit expert, body does not typically bring such wider considerations into its deliberations. As I do not intend to undermine the authority's current role in advising the Government on the competition implications of new legislative measures and do not consider it appropriate to make Ministers and Departments answerable to an unelected statutory body, I am not in a position to accept Deputy Peadar Tóibín's amendment.

**Deputy Peadar Tóibín:** The Minister of State has indicated that 30% of the reports issued by the Competition Authority are under active consideration. I hope that is not a euphemism for their being allowed to gather dust. The Government is standing idly by on many issues relating to the authority. I cannot understand how an amendment which seeks to formalise the response from the Government to reports from the authority could in any way weaken either the relationship or the engagement between these two entities. Best practice throughout Europe dictates that the relationship to which I refer should be quite a bit closer than that outlined in the amendment. For example, the competition authority in Italy has the ability to table legislation for consideration. The authority here is far weaker. The amendment would actually strengthen the formalised relationship between the Government and the authority.

**Deputy John Perry:** The Legal Services Regulation Bill represents a major response on the part of the Government to 14 recommendations made by the Competition Authority, an agency of the State which is statutorily empowered to advise the Government on issues relating to proposals for legislation and the implications for competition. The amendment would remove that function, which would not be acceptable. Ultimately, the Government is responsible for taking policy decisions and must weigh up competing and often conflicting policies. Competition is only one of the many factors the Government must take into account when reviewing the wider policy issues at stake. The position in Northern Ireland is much the same. As it is not appropriate to make the Government answerable to an unelected statutory body which has a single focused view on given matters, it would not be appropriate to accept the amendment.

**Deputy Peadar Tóibín:** My understanding of the amendment is obviously different from that of the Minister of State. We are not looking for the Government to enact the advice provided by the Competition Authority. The amendment merely requests that there be a response to such advice. The idea behind it is to prevent reports from being allowed to gather dust. Under the relevant legislation, there is a facility whereby the Houses can actively consider the reports submitted by, for example, the Ombudsman. As a result, a level of legislative or policy change can be brought about. In general, the response of the Government is grossly disproportionate to the scale of the problem. As stated, this is a relatively minor amendment which seeks to ensure the relationship between the Government and the authority would be stronger in the future.

**Deputy John Perry:** The Ombudsman can be called before Oireachtas committees to report on particular matters. In addition, the Ombudsman is obliged to appear before the relevant committee to comment on her annual report. It is not the position, therefore, that reports are being left to gather dust. The commitment relates to progressing cases. However, the 39 staff of the Competition Authority are operating in the context of limited resources. I advise the Deputy to arrange for the relevant committee to invite the Ombudsman to come before it in order that he might raise with her the point he has made on reports being left to gather dust. That is not the position. If the Ombudsman does come before the relevant committee, the Deputies opposite could challenge her on the issue they have raised regarding the price of concrete. It is not the case that the Competition Authority and the Ombudsman are unaccountable. They are, in fact, accountable to the Oireachtas through its committees.

**Deputy Luke ‘Ming’ Flanagan:** The most important reference the Minister of State made was to “limited resources”. It is fine to complain about limited resources when one is in opposition because one cannot do anything to make further resources available. However, the Government can increase the level of resources available. It has been stated the amount of money which could be saved in comparison to the amount invested is phenomenal. It was fine for the Minister of State and his colleagues to refer to limited resources when they were in opposition. However, they can now change the position and provide additional resources. I get a sick feeling in the pit of my stomach when the Minister of State refers to limited resources in a way which implies that the matter has nothing to do with him. The Government must find the resources required. If I had control over my local council, I could find the Government €1 million by tomorrow morning. The Government has control over the country and should find the necessary resources. Let us do away with the idea that we have limited resources. The Government has at its disposal as many resources as it wishes to use.

**Deputy John Perry:** There is also the question of value for money. Ensuring value for money is an extremely important matter for every Department. The Comptroller and Auditor General has illustrated the extraordinary value for money which can be achieved on foot of the allocations made.

**Deputy Luke ‘Ming’ Flanagan:** With respect, the Minister of State is admitting that there is a problem in the context of limited resources. Obtaining value for money is a different issue.

**Deputy John Perry:** I did not say that. In the business world people use the maxim “no problem, no business”. There is always a certain number of problems in every area. Deputy Peadar Tóibín’s amendment relates to a statutory body and the position is as I have stated.

Amendment put and declared lost.

Bill recommitted in respect of amendment No. 5.

**Deputy John Perry:** I move amendment No. 5:

In page 6, to delete lines 33 and 34 and substitute the following:

6.—(1) Section 45 of the Principal Act is amended—

(a) in subsection (7), by the substitution of “35” for “14” in each place that it occurs, and

(b) in paragraph (a) of subsection (13), by the substitution of “section 14A” for “section 14”.

(2) The amendment of subsection (7) of section 45 of the Principal Act effected by *paragraph (a) of subsection (1)* shall not apply as respects books, documents or records seized or obtained under that section before the commencement of this section.”.

This amendment replaces section 6 of the Bill which amends section 45 of the Competition Act 2002. Subsection (1)(a) is new and extends from 14 to 35 days the time limit within which the Competition Authority is required to provide copies of any books, documents or records seized by it during searches carried out as part of its investigations. When the authority carries out investigations into alleged breaches of the Competition Act, its authorised officers will, on foot of District Court warrants, be entitled to seize and retain books, documents and records, including records held electronically.

Since the introduction of the 2002 Act there have been significant developments in technology and computing. The Competition Authority has found it increasingly difficult to return copies of electronically stored records within the 14 day deadline contained in the Act. The problem is made worse when the authority is obliged to conduct multiple simultaneous searches at different sites. Given the exponential developments in computing and the fact the authority is increasingly being obliged to seize ever larger and more complicated computer systems during its investigations, the significance of this issue is likely to grow in future.

It has led to a number of planned searches to be put on hold while alternatives can be examined. Extending the deadline currently provided for section 45(7) to a period of 35 days is a practical solution and will also strengthen the enforcement of the competition law in Ireland which is committed to the EU-IMF programme of financial support for Ireland.

*1 o'clock* The amendment will allow the authority to conduct searches and seize materials without fear of being in breach of the Act where it could not give copies in the timeframe of the Act. The party from which the materials have been seized will still receive a copy of the seized materials. The proposed section 6(1)(b) is the same as the current section 6 of the Bill, which was agreed on Committee Stage, but substitutes a reference to section 14A from section 14 to reflect the splitting of public and private civil enforcement provisions. Following the enactment of the Bill section 14 of the 2002 Act will provide for private and civil enforcement while section 14A inserted by the Bill will provide for the public civil enforcement of competition law.

Section 2 is new and provides that the change from 14 days to 35 days does not apply to any records seized by the Competition Authority before the section has commenced.

**Deputy Dara Calleary:** Will the Minister of State clarify whether it applies to electronic documents that may be held on servers outside the jurisdiction? Does it take into account the developments occurring in cloud computing?

**Deputy John Perry:** It does apply to electronic documents held outside the jurisdiction. I will come back to the Deputy with regard to cloud computing. Given the significant developments in the area of technology and computing the current 14 day deadline for returning copies of documents required under the Competition Act is increasingly difficult to meet. The proposal to extend it to 35 days will be very practical and certainly will add real benefits to the Competition Authority which will assist in fighting anti-competitive behaviour and reflects the Government's desire to tackle white-collar crime. This change will not apply retrospectively to any documents from before the Bill. People are storing documentation on cloud and I will come back to the Deputy with regard to this.

Amendment agreed to.

Bill reported with amendment.

**Deputy John Perry:** I move amendment No. 6:

In page 6, line 38, to delete "section 4 or 5" and substitute "section 4 or 5 of that Act".

This is a technical drafting amendment to section 7 which is a stand-alone section of the Bill. The amendment correctly cross-references sections 4 and 5 as being sections 4 and 5 of the Competition Act 2002 rather than sections 4 and 5 of this Bill.

Amendment agreed to.

**Deputy John Perry:** I move amendment No. 7:

[Deputy John Perry.]

In page 7, to delete lines 22 to 24 and substitute the following:

“(3) The Competition Acts 2002 to 2010 and this Act (other than section 8) may be cited together as the Competition Acts 2002 to 2012 and shall be construed together as one Act.”.

This is also a technical amendment concerning the collective citation of the various Competition Acts and section 8 is not included in the collective citation.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):**

I thank Deputies who spoke on the Bill for their very useful contribution to the debate. I welcome the broad support from all Deputies for the contents of the Bill. I remind Deputies that the focus of the Bill is to strengthen the enforcement of competition law by providing a more effective deterrent through an improved sanctions regime which is very important for competition. A number of interesting points have been made and I will certainly study them and give them serious consideration in the context of other legislation being prepared. I thank Deputies for their co-operation in advancing the Bill.

**Deputy Mattie McGrath:** I compliment the Acting Chairman, Deputy Peter Mathews, for doing an excellent job. He is very placid, timid and effective. He should be in the Chair all of the time.

**Acting Chairman (Deputy Peter Mathews):** I am at the start of a very long learning curve. I thank Deputy McGrath.

**Deputy John Perry:** Competition is of critical importance and passing the Bill is very important. I thank Deputies Calleary, Mattie McGrath, Tóibín and Luke ‘Ming’ Flanagan for their support.

**Acting Chairman (Deputy Peter Mathews):** I commend the Deputies for their excellent proposals and contributions.

Question put and agreed to.

**Legal Services Regulation Bill 2011: Second Stage (Resumed)**

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

**Acting Chairman (Deputy Peter Mathews):** Deputy Alex White was in possession and has nine minutes remaining. Other speakers who may follow have 20 minutes each. I welcome the Minister for Justice and Equality, Deputy Alan Shatter, to the House.

**Deputy Alex White:** I was commenting on the provisions in the Bill on the independent regulatory authority. I know there is a willingness on the part of the Minister to examine reasonable suggestions on the manner in which the members of the authority should be appointed. There are reasonable suggestions in play in terms of this debate and it is important to recognise this. I commented on what I have regarded over the years as the slowness of the willingness to reform that has affected not only perhaps the professions and the Government;

across the board in public life very often there is a sense that if something appears to be working why would one change it or address it. Not only for reasons of the troika intervention — if I can call it that — but for good public policy reasons it is important that these types of issues should be revisited, certainly once in every generation if not more often. It is quite fair that these issues should be addressed now.

Notwithstanding what I have said about the lethargy in attitude that one finds, there are now some very reasonable proposals, including from the professions, in respect of, for example, this question of the independent authority and how members might be appointed to it. I do not state the proposals from the professions should be taken lock, stock and barrel and adopted, or that the professions themselves would expect it, but close regard should be had to them. The Minister will be prepared to do this.

The Law Society has made a number of comments in recent days on the complaints procedure and I welcome this. I also welcome the engagement of the society in this discussion. I very much welcome the engagement of the Bar Council in this discussion. Looking at its document on alternative proposals in respect of the independent authority, it is not fair to state on any reasonable reading, that it is trying to avoid independent regulation. There are various views on the nature and type of independent regulation that should be put in place, but the proposals which have been brought forward by it and others on the independent regulatory authority are very reasonable and bear very close scrutiny. In many cases they might commend themselves to the Minister in terms of how we might proceed on that basis.

The one area of the Bill that has been universally welcomed, and rightly so, is the reforms proposed regarding costs, particularly in respect of the detailed proposals which will bring about greater transparency, supervision and scrutiny of the level of legal costs. That is a hugely important issue for public confidence in the system. People often say cynically or jokingly, particularly to lawyers, that the tribunals were the best thing that ever happened to the legal profession. I believe strongly that the tribunals were the worst thing that ever happened to the legal profession because the manner in which the fees were initially allocated and determined was damaging and wrong. In many cases the fees ended up being excessive, largely because they were based on a daily rate. That was a terrible mistake on the part of the State. The State has a very important role in the fixing of fees as a huge proportion of work is done, for example at the Bar, on behalf of the State. That was wrong, and it had a corrosive effect in terms of public confidence in the legal profession. A great deal of ground and confidence needs to be regained now by the professions in that regard. The level of fees set for the tribunals does not reflect the level of fees people earn at the Bar across the board. No one could suggest that. I accept there are a number of very-high-earning lawyers, and in many cases perhaps justifiably so, but it is not the norm by any stretch of the imagination. The issue must be addressed, and I very much welcome the principles and the provisions set out in this legislation in that regard.

I turn now to what is sometimes described as the changes contemplated in the so-called business structures in regard to the provision of legal services. Serious issues arise regarding what we as an Oireachtas and the Government should put in place in terms of the best way to have legal services provided throughout the State. We must examine that matter closely. There is provision in the Bill for a period of consultation. I hope there is not a settled position because my concern about it, whatever other people's intentions might be, is not about protection of the *status quo*. If it can be demonstrated that a change is in the best interests of the public and is in the public interest in terms of access to legal services, access to advice and access to court, regardless of whether the case is big or small, there is plenty of money involved or no money involved, it would be churlish and wrong to stand in the way of those changes but I do not believe that has been demonstrated and there remains a genuine concern that, for example, the more experienced practitioners, particularly at the Bar, will gravitate into specialised units,

[Deputy Alex White.]

perhaps part of the existing big firms, that will undermine the current valuable access to barristers across the State.

I am in favour of the costs issue being addressed even more aggressively than is contemplated in the Bill. I do not hold any brief for most of the physical trappings of the Bar, whether they are to do with dress, address of the court or any of those issues. I have no problem with those issues being addressed but the system in place should ensure a quick level of access to expertise and that people do not have to rely on a system whereby they must go to the larger firms, and the implications in that regard for costs.

It cannot be assumed that we will reduce costs by introducing multi-disciplinary partnerships, MDPs. That has not been demonstrated. If we are talking about driving down costs that must be demonstrated. That is the reason a regulatory impact assessment is important if we are thinking about making this change. Nor do I believe that multi-disciplinary partnerships will necessarily work to the benefit of the younger, newer practitioners. A concern has been expressed rightly that we should spread the work at the Bar and the access to work across the profession. I do not see how multi-disciplinary partnerships will do that. A great deal of work must be done on it. If I have a regret about the manner in which it appears in the Bill it is that we are talking about a consultation process that is more about how we would introduce MDPs than whether we would introduce them, and the debate about whether to introduce them remains a live issue. The Competition Authority did not recommend it. A report in Northern Ireland has set its face against that. There is more work to be done on it.

I am not saying definitively that such MDPs would necessarily damage the system. I do not have the quote to hand but the Bar Council has said that if they were introduced they will damage and undermine the process. I will not go so far as to say that but it is necessary to have careful consultation with an open mind. I know the Minister would not want to see a two-tier system of legal services, and that there are other issues as well.

Whatever about the arguments about the nature of its oversight and so on, and it is a big infrastructure that is proposed and perhaps the level of insight should not be microscopic but a little more at arm's length. One of the great advantages of an authority will be that it will have the time, space and public credibility to examine all of these issues such as the desirability of multi-disciplinary practices, because they should be examined. There is no question about that but it cannot be definitively said that they are in the public interest.

**Acting Chairman (Deputy Peter Mathews):** I call Deputy John Halligan who has 15 minutes.

**Deputy John Halligan:** I appreciate that this sector is in need of reform. For too long costs associated with the legal sector have been far above those in the rest of Europe, for instance. The State spends approximately €500 million a year on legal services and I accept that needs to be reduced. I believe, as I am sure does the Minister, that all citizens should have full access to legal services as they require them, as is their constitutional right. I welcome especially the provisions in the Bill which will make it easier for younger new entrants to qualify either as a barrister or a solicitor. I hope this Bill will make it easier for ordinary people to challenge costs they regard as unfair and unjustifiable by means of the new office of the legal costs adjudicator. However, the Bill makes sweeping changes that are not welcome, do not stand up to scrutiny and could have a negative impact on the ability of some people to access fair justice. A rights based approach must be at the centre of any reform of the legal system.

The scale, cost and power of the five new quangos, for instance, are too extensive, particularly given the lack of detail and absence of regular impact assessment, which is needed. That does not appear to be in the Bill. Currently, 71 people are involved in regulation in the law society

and one assumes the new quangos, for instance, will need highly skilled and well paid staff. What budget does the Minister envisage will be needed to staff these new quangos?

I wonder whether the variety of functions to be undertaken by the legal services regulatory authority, the office of the legal costs adjudicator and the legal professions disciplinary tribunal could be undertaken by a single agency. Has much thought has gone into that? Although no cost assessment has been made public yet, it is clear that a large body of investigators will be required and this extensive set-up will be directly responsible for solicitors passing on their costs to their clients or leaving the profession.

Regarding its independence, the legal services regulatory authority is fundamentally different from the type of regulation recommended by the Competition Authority in its 2006 report. This type of regulation is unprecedented in the EU and North America. Furthermore, it was rejected after consideration by the authorities in England and Wales due to concerns about its impact on the independence of the profession and the costs involved. That the Minister will be responsible for the appointment of seven of the 11 members of the so-called independent regulatory authority is a cause of concern in terms of its independence. That is not a slight on the Minister, but that would be the general perception in terms of its independence projects itself. I am especially concerned that there is no specific criteria for appointment to this regulatory authority unlike appointments to the Medical Council, the Dental Council and other similar regulatory bodies. The Minister for Health does not control of the newly constituted Medical Council even though the role of that council parallels in many ways that of the proposed legal services authority.

The State or a Government is a litigant or a defendant in approximately 50% of all cases. People are entitled to have a lawyer or a barrister, who is independent and not concerned with what a Government body will have to do or say, who can act free from concern in defending a citizen's rights against an organisation. For instance, a Minister may at any time decide to challenge the authority or to change the powers of the authority by means of the seven ministerial appointments. The Minister might clarify if that is the position. If that is the case, I would not consider it to be a truly independent authority. If the Minister disagrees on this point, then we are not using the same standards of independence.

The Government has a policy of publicly advertising for appointments to be made but in this case the Minister is choosing to maintain a traditional role in the establishment of this body. A study conducted by the regulatory authority argued that direct access for advice would destroy the system of independent referral, which is in the public interest and promotes access to justice. Direct access would squeeze out the smaller practitioners, even small solicitors' practices who employ a staff of two or three in their offices. Will such small business get recognition for what they do? Direct access is contentious. It is not permitted in Northern Ireland, Scotland, Wales, Australia or New Zealand. I accept the need for reform in the area but I do not know why the position here should be so different. I would like to Minister to respond to that point.

Multidisciplinary partnerships may be advantageous to some in the bigger law firms but will they be detrimental to the ordinary person seeking free legal aid? Many people have asked about this. Currently, a legal aid client can get one of the best barristers in the country but the growth of multidisciplinary partnerships will severely hamper the ability of those who do not live in the capital to access the best barristers, as has become the norm in the United States of America. We need to debate this issue further.

The programme for Government undertakes to establish independent regulation of the legal profession to improve access and competition, to make legal costs more transparent and to ensure adequate procedures for addressing consumer complaints. In terms of consultation, the

[Deputy John Halligan.]

Bill was published in quite a rushed manner, although I understand this was due to the pressure of the ubiquitous troika, and we all know from where that came. No regulatory impact assessment appears to have been carried out and such an assessment might demonstrate the cost benefit of the proposed new system. The Minister might respond to that point. There was no assessment or briefing as to the costs, independence of means of operation and there is considerable speculation that costs are likely to increase considerably.

**Deputy Bernard J. Durkan:** I welcome the introduction of the Bill, which is timely, particularly given that considerable public concern has been voiced by other speakers about the operation of the legal profession, the costs involved and access to legal advice, and we all recognise those concerns. I to compliment members of the legal profession who regularly take on cases on a *pro bono* basis. In many cases, they fail to get paid and obtain compensation through the swings and balances throughout their career. We should recognise that. There are quite a number of old fashioned, traditional firms who have done that.

Another aspect that has come to my attention in recent years is the vast discrepancies in the legal profession in general where young energetic and enthusiastic solicitors or barristers find it extremely difficult to get into the business. It operates almost like a closed profession. I am not being critical of it but that is the way it has grown with the passage of time. It is sad but that is the way it is. It creates a certain degree of cynicism among young people who might consider a career in law and have something to bring to it. We need to be mindful of that as we discuss the Bill.

Deputy Alex White referred to some of the archaic procedures and attitudes, for want of a better description, throughout the courts and the legal profession. There are two issues involved here, one is the regulation of the legal profession and the other is the procedures in the courts, which we need to revisit, otherwise, we will remain where we were. I was in this House many years ago when much play was made of modernising the courts and the legal profession together but, unfortunately, that has not happened yet. I have had occasion in recent years, along with constituents who have fallen on difficult times, to be in the courts and have observed at first hand the way the law treats the individual and, depending on a person's circumstances, there is no doubt there is a vast difference in how individuals are treated. The person who is without influence and poor will have greater difficulty getting his or her share of fair play in the system that currently exists than a person who is wealthy and can afford to pay. That should not be the case because the law is not supposed to be dispensed in that fashion and neither is access to the law supposed to be dispensed in that fashion. That is an issue that must be addressed. There is an opportunity to address that in the context of this Bill. It is a fundamental flaw in the system.

A sizeable number of legal professionals take on cases, in the knowledge that they will lose money, in order to represent the case and ensure a certain amount of fair play prevails. They do it all the time. However, other legal professionals have a different perspective and in recent years, rightly or wrongly, and Deputy Alex White referred to this, the tribunals were seen as a goldmine in some quarters. It is not necessary in the course of an inquiry for a particular firm to achieve multiples of millions of euros. That should not be possible. To those who would say they were told at the start of an inquiry that it would only take place for one, two or ten months or year, that can all be re-arranged. It is not beyond the bounds of possibility to re-arrange one's schedule. I cannot understand how that position can be countenanced. We will hear about the costs of the tribunals in the next six months. We have asked questions about them since some of us were sitting on the opposite side of the House. Deputy White asked questions about them when he was in the other House. The questions must be answered sooner

rather than later. I refer to questions on how we got into the situation where this goldmine draws on the system and the State pays. The State will pay and continue to pay at a time when it can ill afford to pay, and that is the sad part of it. It will be seen as a bad reflection on the profession, on the administration of the institutions of the State and on all of us.

**Acting Chairman (Deputy Peter Mathews):** The Deputy is in possession and as he will know that possession is nine tenths of the law.

**Deputy Bernard J. Durkan:** I recognise that one should not drop the ball especially when one is in possession and I will do my best not to do that.

Debate adjourned.

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

## **Ceisteanna — Questions**

### **Priority Questions**

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#### **Defence Forces Reorganisation**

1. **Deputy Dara Calleary** asked the Minister for Defence the progress he has made in implementing his decision to reduce the number of brigades from three to two; if he has met with various stakeholders; if so, with whom and when; and if he will make a statement on the matter. [7012/12]

**Minister for Defence (Deputy Alan Shatter):** As part of the comprehensive review of expenditure, the Government decided to implement a revised Permanent Defence Force strength ceiling of 9,500 personnel. In response to this decision, I initiated a major reorganisation of the Defence Forces. This will ensure that the operational effectiveness of the Permanent Defence Force is prioritised.

The reorganisation will encompass a reduction in the number of Army brigades from the current three to two and will include the Reserve Defence Force. This fundamental reorganisation of the Defence Forces is a significant undertaking, and there is a range of options that must be considered. As I have previously stated, I have requested the Chief of Staff and the Secretary General of the Department of Defence to introduce detailed proposals for my consideration. These will include proposals on territorial areas of responsibility. The Secretary General and the Chief of Staff have initiated work on this and will keep me informed of developments on an ongoing basis. I understand this work will take some months to complete.

I am aware that there are many parties interested in the outcome of the reorganisation. However, in advance of my receiving a final report and recommendations, I will not pre-empt the ongoing work by commenting on potential future organisational matters. The representative associations and other relevant stakeholders will be consulted on matters that fall within their remit when options for the reorganised structure are considered and the likely impacts are known.

**Deputy Dara Calleary:** Is there a timescale within the Department for completion of this reorganisation? When will the new structures be in place? Is it envisaged that senior positions in the Army will be removed because of the restructuring of the brigades? Will there be relocation of personnel?

[Deputy Dara Calleary.]

I have a specific issue about which the Minister may not have information, but I would appreciate if he could write back to me. An issue has arisen with regard to the relocation of officers and members of the PDF from Dún Uí Néill Barracks, who are currently entitled to a Border duty allowance. Those transferring to Athlone are allowed to retain that allowance, while those transferring to Dublin are not. I would appreciate an explanation from the Minister of this inconsistency in the treatment of the people involved. When does the Minister envisage being in a position to announce which one of the current brigades will no longer be in existence?

**Deputy Alan Shatter:** I will write to the Deputy about the issue of allowances.

The process we are discussing is a fundamental reorganisation of the Defence Forces. It is a significant undertaking that will require a large body of work. As mentioned already, there are a range of possible approaches that must be considered, and I do not want to pre-empt the work being undertaken. The experience from previous reorganisations of the Defence Forces has shown that time is required to formulate the options, evaluate each of them and subsequently decide on the best one to ensure that organisational structures are fit for purpose. I have asked the Chief of Staff and the Secretary General to provide detailed reorganisation proposals for my consideration. The effect of the changes cannot be determined at this stage with regard to the manner in which the Defence Forces are configured, and I want to await the deliberations that are under way at the moment.

**Deputy Dara Calleary:** The Minister said in his response that he would consult the various organisations. Have they been consulted yet? I know they are very upset that they found out about this reorganisation through the media. Has there been any contact between them and the Department since?

**Deputy Alan Shatter:** Certainly, they are aware of the decision. It was not a matter of consultation but one of policy, and it fell to me as Minister to make the decision. When the initial work has been completed by the Secretary General and the Chief of Staff, there will be a consultative process on issues of relevance to the organisations. Ultimately, the decision on the new structure will be made by me and not by the organisations themselves, but obviously we are anxious to ensure that the maximum consultation takes place. I assure the Deputy that insofar as there are issues that fall within the remit of PDFORRA and the Representative Association of Commissioned Officers, RACO, those discussions will take place. I have had some contact with them on a general basis, but there is specific work to be done now and it is being carried out.

### **Defence Forces Strength**

2. **Deputy Jonathan O'Brien** asked the Minister for Defence the total number of retirements this year in the Defence Forces; and the total number of Defence Force retirements he aims to achieve. [7201/12]

4. **Deputy Dara Calleary** asked the Minister for Defence the total number of retirements from the armed forces before the end of February 2012 pension changes; the number of senior positions that are now vacant in the armed forces; his plans to maintain military capacities in view of these retirements; and if he will make a statement on the matter. [7013/12]

**Deputy Alan Shatter:** I propose to take Questions Nos. 2 and 4 together.

The number of personnel who retired from the Defence Forces in the period 1 January 2012 to 3 February 2012 was 125, and a further 237 personnel have indicated their intention to depart the Defence Forces before 29 February 2012. No target has been set for the number of retirements from the Permanent Defence Force. It should be noted that the Permanent Defence Force numbers have remained below those agreed under the employment control framework. It is the Government's intention that the Defence Forces retain the capacity to operate effectively across all of their assigned roles. It was against this backdrop, and having regard to restricted financial allocations, that the Government decided to maintain the strength of the Permanent Defence Force at 9,500 personnel. This recognises the significant modernisation that has been achieved to date.

In response to this revised strength ceiling of 9,500, there will be a major reorganisation of the Defence Forces encompassing a reduction in the number of Army brigades from three to two. I have already referred to the work being undertaken by the Chief of Staff and the Secretary General of my Department in this regard.

I recognise that the departure of the number of personnel outlined earlier over a short period will require close monitoring, particularly where vacancies arise in critical appointments. To address this issue, it is envisaged that limited promotion competitions will take place to provide candidates to fill critical vacancies, and arrangements for these promotion competitions have already been made. In addition, within the agreed 2012 Estimates, limited recruitment will be undertaken in 2012. Throughout this process careful monitoring will take place to ensure that any problems arising in the interim period are managed.

As of 31 December 2011 there was one vacancy at the rank of major general and one vacancy at the rank of brigadier general. Promotion competitions to fill these vacancies are currently under way. There were six and 12 vacancies, respectively, at the ranks of colonel and lieutenant colonel. The number of vacancies cited has been calculated based on the total number of Permanent Defence Force personnel specified in the employment control framework, which is 10,000. Once the reorganisation has been completed, it will be necessary to recalculate the number of vacancies based on the outcome of that process and in light of a reduced strength of 9,500.

**Deputy Jonathan O'Brien:** The Minister mentioned the limited promotion competitions. With regard to the 362 personnel expected to retire this year, including those who have already retired and those who have indicated their intention to do so, does the Minister have a breakdown of that number by rank? If he does not have this information, maybe he can send it on to me.

**Deputy Alan Shatter:** I am just checking whether I have a breakdown of the ranks involved. I do not think so, but I can certainly provide this information to the Deputy.

**Deputy Jonathan O'Brien:** Fine.

**Deputy Alan Shatter:** For the interest of Members of the House, the promotion competition for major general is taking place on 22 and 24 February; that for brigadier general is on 13, 20 and 21 February; that for colonel is on 12 March; that for the Army engineer corps is on 4 to 5 April; and there are a range of other dates between February and April on which the various other competitions for vacant positions will take place. Without major delay, I am expecting to be in a position to announce promotions once the independent boards have sat, the applications have been assessed and the recommendations have been furnished to me.

**Deputy Dara Calleary:** Will the retirements have any impact on our capability with regard to overseas or UNIFIL commitments for this year?

**Deputy Alan Shatter:** I do not have that information with me, but I will furnish it to the Deputy.

### **Army Barracks**

3. **Deputy Seamus Healy** asked the Minister for Defence if he will reverse his decision to close Kickham Barracks, Clonmel in view of the confirmation by his Department that no feasibility study was carried out prior to the making of the closure decision; and if he will make a statement on the matter. [7011/12]

**Deputy Alan Shatter:** As I have previously outlined to the House, the consolidation of the Defence Forces formations in a smaller number of locations is a key objective of the ongoing defence modernisation programme and has been recommended in many reports in recent years. This was a key consideration of the Government in addressing the issue, as releasing personnel from security and support functions enables the operational capacity of the Defence Forces to be maintained, notwithstanding the fall in strength. I am satisfied that the decision taken by the Government in November 2011 to proceed with a further phase of consolidation is in the best interests of the Defence Forces and there are no plans to change that decision.

**Deputy Seamus Healy:** Is it not true that the closure of Kickham Barracks will not save the Exchequer money in either the short or long term? It is a very bad decision for the Exchequer, the Defence Forces, the families affected by it and Clonmel town. Is it not a fact that no feasibility study was carried out? The reason is that it would show, beyond doubt, that there were no savings to be made either in the short or long term. The Government is, therefore, taking advantage of the recession to close Kickham Barracks in Clonmel. A proper feasibility study was not carried out for these reasons. I ask the Minister to reconsider the matter.

**Deputy Alan Shatter:** We have dealt with this issue on many occasions. The main objective of barracks closures is to release personnel for operational duties. Closures are needed to relieve the Defence Forces of the burden of manning and securing the barracks which are to be closed and maximise the proportion of personnel who can be released for front-line duties. The strength of the Army has been cut to its 1970 level and there is an urgent need to maximise efficiency to mitigate the effects of the reduction.

Releasing personnel for operational duties requires that the number of barracks be minimised. Major efficiencies in manpower usage result. Significant opportunities for increased efficiencies will arise in terms of the elimination of duplication, involving personnel engaged in security duties within the barracks, those working in administrative roles and in providing backup services such as maintenance and catering. The closures will also yield savings in the defence Vote on utilities, security duty allowances and maintenance. Apart from the savings arising from the closure of barracks, the transfer of personnel also gives rise to savings and efficiencies in the receiving barracks.

We are living in a very difficult time financially and the Government is obliged to reduce its expenditure. The Defence Forces are substantially reduced in terms of numbers from a number of years ago. As Minister, I had choices to make. Either we reduced expenditure on barracks that no longer offered any operational benefit and maintained the strength of the Defence Forces at 9,500 or we kept barracks that were not required open and ended up with Defence Forces personnel numbering between 8,000 and 8,500. I chose to maintain the strength of the Defence Forces to ensure Defence Forces personnel would be able to maximise their oper-

ational activities. The decision is not only in the interests of the Defence Forces but also in the public interest.

Individuals who have a different view must identify where we can find an additional supply of money. The State is dependent on funding provided by the European Union and the IMF because we are spending €16 billion to €18 billion more per annum than we receive in income. This was the contribution that could be made in the defence area to reduce expenditure in circumstances in which no job would be lost by anybody employed in the Defence Forces.

**Deputy Seamus Healy:** It is clear from the Minister's reply that even in the narrow focus of the expenditure of the Department of Defence there will not be savings now or in the long term. In fact, there will be increased costs in the short term. The Minister refuses to conduct a proper feasibility study that would include matters such as the cost of social welfare payments and medical cards being available to families as a result of this closure.

**An Leas-Cheann Comhairle:** Will the Deputy ask a question, please?

**Deputy Seamus Healy:** Will the Minister, even at this late stage, prepare and complete a proper feasibility study? He is closing a barracks he has never visited. On the basis of courtesy alone, I ask him to visit Kickham Barracks in Clonmel.

**Deputy Alan Shatter:** I have already responded to the questions raised by the Deputy.

*Question No. 4 answered with Question No. 2.*

### **Army Barracks**

5. **Deputy Jonathan O'Brien** asked the Minister for Defence the army barracks he intends to close over the next three years; and the number of buildings currently in the ownership of the Defence Forces that he intends to sell over the next three years. [7202/12]

**Deputy Alan Shatter:** The defence property portfolio is kept under review to ensure the most effective use of military resources having regard to the roles assigned by the Government to the Defence Forces. On 15 November 2011 the Government approved a proposal from me to proceed with a further phase of consolidation of Defence Forces personnel in fewer locations with the closure of four barracks — the barracks in Clonmel, Mullingar, Cavan and Castlebar. The consolidation of Defence Forces formations in a smaller number of locations is a key objective of the ongoing defence modernisation programme and has been recommended in many reports in recent years. This was a key consideration of the Government in addressing the issue, as releasing personnel from security and support functions enables the operational capacity of the Defence Forces to be maintained, notwithstanding the fall in strength.

The latest phase of consolidation will bring to 14 the number of military barracks closed since 1998. A number of other smaller properties have also been identified as surplus to military requirements. Some of these have been disposed of, while others are in the process of being prepared for disposal. They mainly consist of married quarters and Reserve Defence Force premises. I can confirm that no further barrack closures are envisaged at this time.

**Deputy Jonathan O'Brien:** I was surprised to be told by my colleague from Cavan this morning that there was an advertisement in the newspapers there seeking a premises to lease by the Department of Defence for Reserve Defence Force training, even though we are closing a barracks in Cavan town. Why was a decision taken to close a barracks when the Department was seeking to lease a property in the same town for Defence Forces personnel?

[Deputy Jonathan O'Brien.]

With regard to the current property portfolio, the properties will not be sold in the current climate, as we would not get value for money if we did sell them. Are there proposals to allow local authorities to use these properties for community purposes?

**Deputy Alan Shatter:** I will reply to the last question first. My Department has been actively engaged in seeking alternative uses for the barracks involved. There has been real interest in possible uses, but I do not wish to go into this in great detail now. Engagements and discussions are taking place in the case of each barracks. There is real potential for the properties to be utilised in a manner that is in the public interest and the interests of local communities. However, some of the discussions are at a very early stage.

Cavan Barracks is one of the barracks in which there is substantial interest. We are anxious to ensure we will still have an appropriate location for the Defence Forces Reserve and that issue is being dealt with. We do not need to maintain a barracks that is open 24 hours a day, seven days a week to meet the needs of the Defence Forces Reserve. The Deputy is correct that an advertisement has been placed to see what appropriate premises might be availed of for the purposes of ensuring those members of the Defence Forces Reserve who are based in Cavan, have given good service to the State during the years and wish to continue their involvement with the Defence Forces can continue to do so without having to travel long distances. I am optimistic as to developments with regard to the vacated barracks, despite the current difficult property and financial climate. I expect it will be some time before I can make any announcements in this regard but I hope that, during the course of the year, I will be in a position to do so.

**Deputy Jonathan O'Brien:** Does the Department have proposals to seek properties to rent in the other three locations where barracks are being closed?

**Deputy Alan Shatter:** These issues are still being addressed. I do not think it will be necessary to do so. In Mullingar, for example, I do not see that as an issue because of the proximity of Athlone. I will come back to the Deputy in that regard. The only advertisement I am aware of having been placed so far relates to Cavan.

### Other Questions

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### Overseas Missions

6. **Deputy Clare Daly** asked the Minister for Defence if he will define the role of the Irish forces serving in Afghanistan. [6906/12]

**Deputy Alan Shatter:** The Defence Forces are primarily deployed on overseas missions in support of international peace and security under UN mandates. On 20 December 2001, the UN Security Council unanimously adopted Resolution 1386 under Chapter VII of the UN Charter, authorising the establishment of an international security assistance force, ISAF, in Afghanistan. Ireland has participated in the NATO—led UN mandated mission since 5 July 2002, following the Government Decision of 2 July 2002, authorising the provision of seven members of the Permanent Defence Force for service with the force.

With the increasing use of more robust Chapter VII missions, the UN has turned to regional organisations such as the European Union, the African Union and NATO, to launch and manage operations on its behalf and under its authority.

Since 2002, the Government has reviewed and approved, on an annual basis, the continued participation by seven members of the Permanent Defence Force in ISAF. On 28 June 2011, the Government agreed to continue to provide seven members of the Permanent Defence Force for service with ISAF for a further period from July 2011, subject to ongoing review by the Minister for Defence. The seven Defence Forces personnel work in staff appointments in planning and administrative roles based in ISAF headquarters in Kabul.

Throughout the years, Ireland has and continues to contribute highly qualified Defence Forces personnel to UN mandated missions in small numbers or for short duration. This is a tangible and visible expression of Ireland's continued support for organisations such as the United Nations and the European Union. Examples of such contributions include the Defence Forces' contribution to the United Nations stabilisation mission in the Democratic Republic of the Congo, MONUSCO, the United Nations mission in Ivory Coast, UNOCI, and EUTM Somalia with three, two and seven personnel respectively in those missions.

The seven Defence Forces personnel currently participating in ISAF are all located in ISAF HQ, Kabul and work in staff appointments in planning and administrative roles. I am satisfied that the work carried out by these personnel, particularly by those in the counter-improvised explosive device, C-IED, cell, represents an important contribution to this UN mandated mission.

**Deputy Clare Daly:** The Minister says the participation of Irish troops in Afghanistan is subject to ongoing review. In light of the fact that France is withdrawing its forces and the United States has also announced that it will retreat from Afghanistan, will the Minister reconsider the participation of the seven personnel from Ireland in that mission?

The Minister mentioned the ISAF which was established under a UN mandate but which, in recent years, has been led by NATO, and now operates under the guise of the US with some of its EU supporters. The Department objected to a reference in my question to Afghanistan as occupied Afghanistan. Given that the country has had almost 100,000 US troops on its soil for almost ten years, what other word would the Minister think is appropriate in this context?

**Deputy Alan Shatter:** I know the Deputy has a paranoia about the United States. I remind the Deputy that when this mission commenced the Taliban were in control in Afghanistan and women were not allowed to participate in education, were stoned for alleged misconduct and were not allowed to be seen in public without their faces being covered and wearing the hijab. Following the murderous atrocity of 11 September the United States took particular action in relation to Afghanistan.

Our participation in ISAF is based on a United Nations mandate. We continually review what is taking place there and at appropriate moments decisions will be made with regard to the seven members of the Defence Forces who are there. They are serving an important function which shows this country's willingness to participate under UN mandated missions and to make a contribution on issues of global concern. I do not believe our participation in this has been anything other than a valuable contribution to a peace mission in a very troubled area of the world.

**Deputy Clare Daly:** I assure the Minister that I am not paranoid about anything. I am aware that the conditions for women and most ordinary Afghani people are deplorable now, as they were when the Taliban ruled the roost. The US appointed regime has also been shown to have let down ordinary people.

Will the Minister comment on the fact that the, so called, peace-keeping role of the ISAF has been shown to be fraudulent? The international police training role, in which Irish police

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participate, has not been a success. It has cost \$29 billion since the Taliban were defeated in 2001 and yet that country remains a total mess. The force has been found to be routinely torturing prisoners and to be corrupt. How can the Minister approve the participation of Irish forces in such a force?

**Deputy Alan Shatter:** I have outlined for the Deputy the deployment of seven members of the Defence Forces and the work they do. That work has been an important contribution in a very difficult area.

It would be interesting, for once, to hear the Deputy explain how she would solve the problems of a very difficult and fraught country such as Afghanistan. I do not have the solutions for the difficulties in that region. We must play our role on the international stage in participating in peacekeeping missions that are UN mandated. It is unfortunate that the Deputy does not recognise the valuable role played by our Defence Forces in this area. The Deputy seems to yearn for a period when the Taliban were in control of that country.

**Deputy Clare Daly:** A certain re-writing of history there.

**Deputy Jonathan O'Brien:** Do the seven Permanent Defence Force personnel serve six monthly or 12 monthly rotations? If a decision were made to withdraw those troops, would a period have to pass before they could be physically withdrawn?

**Deputy Alan Shatter:** If the troops were to withdraw we would consult with and advise the other countries engaged in the mission. No decision has been made for their withdrawal. We are aware of plans of other countries for dealing with matters and for what may happen in Afghanistan. This issue is under constant review.

The Defence Forces personnel serving in Afghanistan are rotated on a six monthly basis.

### **Defence Policy**

7. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Defence if he will provide an update on the White Paper on the Defence process. [6840/12]

**Deputy Alan Shatter:** The White Paper on defence has provided the policy framework and development strategy for defence for the past decade. The planning certainty arising from the policy provisions of the White Paper underpinned the modernisation process within the defence organisation. It also afforded the requisite flexibility to develop appropriate capabilities in response to changes in the defence and security environment.

The recent decisions on defence arising from the comprehensive review of expenditure have provided a degree of clarity on the resources available to the defence organisation in the short to medium term. In response to the Government's decision to revise the strength ceiling of the Permanent Defence Force to 9,500 personnel, I have initiated a major reorganisation of the Defence Forces. This will encompass a reduction in the number of Army brigades from three to two.

Having considered the preliminary work undertaken on the preparation of a new White Paper on defence, I decided to expand the planned consultative process by initiating the preparation of a Green Paper on defence. The Green Paper will initiate a broad consultative process. The purpose will be to elicit an informed debate on Ireland's defence policy. The clarity provided by a settled policy framework drives and facilitates service provision. A further long-term policy framework will facilitate planning for and delivery of the required defence outputs. I intend to bring a memorandum to the Government in early 2012 seeking approval to formally

launch the process. At this stage, I expect to publish the Green Paper on defence by the end of the year.

**Deputy Jonathan O'Brien:** I note the Green Paper is to be published by the end of the year. How wide is the consultation process? Does the remit include every area of the Defence Forces, including overseas missions?

**Deputy Alan Shatter:** The idea is that we will ultimately produce a White Paper that will prescribe the policy approach to defence matters for the next decade, as the previous White Paper did for the last decade. The Green Paper will be a consultative document. It will be produced by my Department in consultation with others. I hope that not just  
3 o'clock Members of the House but also the broader community will engage in the public consultation process. I have no doubt that the representative associations will have an input into the process. Essentially, it will deal with policy issues and I am looking forward to an open and broad debate. In some areas it may raise questions for debate or propose options on how we deal with particular matters. I hope we will have an informed discussion in advance of the finalisation of the White Paper.

One issue which I am considering is that, following publication of the Green Paper, the justice and defence committee receive submissions and hold hearings on the White Paper in order that we have the broadest possible consultative phase. My recollection of the process for the previous White Paper — I was Opposition spokesperson on defence at the time — is that it emerged from the Government and was presented without this kind of consultative process being undertaken, although I am sure the Government of the day engaged in some consultations. We should have a more transparent process. Ultimately, it will fall to me to make proposals to the Government on the final format of the White Paper and to the Government to make a decision on it. This is a new way of proceeding in what is a very important area which is not often subject to adequate comprehensive public examination and debate.

**Deputy Jonathan O'Brien:** I welcome the possibility of the joint committee being given the opportunity to hear submissions. It is very busy dealing with justice issues, but this is one way in which defence issues could be raised before it. It would certainly be a good process.

**Deputy Dara Calleary:** It is welcome that the Minister wants to commence a consultation process. I do not think the role of the Army is appreciated enough among the general public. Many think Army personnel just drive around after cash vans. Would the Minister consider involving CPSE classes in schools and local community groups in the submissions? He could broaden the process to include every aspect of society, rather than just the usual suspects in consultation processes.

**Deputy Alan Shatter:** The Green Paper will be published and any group or individual across civil society, including those in schools and third level colleges, will be free to engage in a process to hold debates, make proposals and feed into the thinking in the finalisation of the White Paper. The intention is to use it to increase public knowledge of the Defence Forces and the role they play. Their participation in the Queen's visit brought them to the attention of the public to a greater extent than usual. They were more visible. On previous occasions there might have been a one-day event, but on this occasion there was a series of events in which the Defence Forces were involved which heightened public awareness of them.

It is important that the general public are aware not only of the worthwhile job done on major UN missions such as the one to Lebanon or the smaller one mentioned earlier but also of the assistance the Defence Forces provide for the civil power, not just in dealing with vans transporting cash but also in dealing with emergencies such as flooding, fires and other diffi-

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culties caused by climatic conditions. This is a real opportunity for people to learn more than they may already know about the Defence Forces, as well as contribute to a discussion on where we go in the following decade.

**Deputy Dara Calleary:** I join in the Minister's tribute to the Defence Forces. In particular, I pay tribute to the Naval Service for the role it is playing in the search in Glandore. I understand another body has been brought ashore this afternoon. The House owes a debt of gratitude to all the members of the Naval Service and everybody else involved.

### Haulbowline Island

8. **Deputy Willie O'Dea** asked the Minister for Defence the input he has had on the proposed clean-up of Haulbowline Island, Cork; if he specified the areas of the island that should be dealt with; his plans for the future of the island; and if he will make a statement on the matter. [6729/12]

**Deputy Alan Shatter:** In June 2011 the Government decided that the Minister for Agriculture, Food and the Marine would chair a working group to oversee the clean-up of the former Ispat site on Haulbowline Island. My Department is represented on the working group. Cork County Council is acting as an agent of the Department of Agriculture, Food and the Marine on the technical aspects of an application to the Environmental Protection Agency for a landfill licence. The preparation of the application to the EPA and its consideration by that body are likely to take up to 18 months to complete. The Minister for Agriculture, Food and the Marine has also convened a steering group to advise him on the project as it gets under way. The Naval Service is represented on the steering group. As the clean-up of the site is some way off at this stage, no specific plans have yet been considered for its future use.

**Deputy Dara Calleary:** I understand the technical group decided to include both the eastern and southern tips of the island in the application for a landfill licence, but I understand the work is now focusing completely on the eastern tip. Will all of the island be included? Has the Department of Defence provided an estimate of the cost of the work, or is this within the remit of the Department of Agriculture, Food and the Marine?

**Deputy Alan Shatter:** The lead Department, as mentioned, is the Department of Agriculture, Food and the Marine. I do not have the information the Deputy is seeking on the licence. There is a need for a landfill licence, as stipulated by the European Commission. Perhaps the Deputy might consider putting a question to the Minister for Agriculture, Food and the Marine in order to obtain a more detailed response.

### Defence Forces Reserve

9. **Deputy Dara Calleary** asked the Minister for Defence his plans for the future of the Reserve Defence Forces; the estimated numbers it will recruit over 2012 and 2013 respectively; and if he will make a statement on the matter. [6714/12]

**Deputy Alan Shatter:** A value for money review of the Defence Forces Reserve is ongoing and the recommendations arising from it will inform future plans for the reserve. In addition, I have initiated a major reorganisation of the Defence Forces in response to the outcome of the comprehensive review of expenditure. This will encompass a reduction in the number of Army brigades from three to two which will necessarily impact and include the Defence Forces Reserve. The steering committee undertaking the VFM review will consider the way ahead in the light of the wider reorganisation to take place.

Clearly any recommendations regarding the future organisation of the reserve must dovetail with those for the overall defence organisation. The outcome of the comprehensive review of expenditure has set the defence resource boundaries for the coming years and recommendations arising from the value for money review must have regard to the reduced resource envelope available for defence.

Recruitment to the Reserve Defence Force is linked to the level of funding available for paid training. There have been significant reductions in defence funding over recent years and paid man days have reduced from approximately 60,000 in 2009 to 30,000 man days in 2010 and 2011. Although defence resourcing has further reduced for 2012, the allocation for paid training for the Reserve Defence Force in 2012 will be maintained at 2011 and 2010 levels. In addition to training for existing members of the reserve, this will provide for training of approximately 400 new recruits to the Reserve Defence Force during 2012.

No decisions have been taken with regard to future recruitment in 2013 and this will be informed by recommendations arising from the value for money review, the reorganisation and the prioritisation of resources.

**Deputy Dara Calleary:** I am happy the Minister has confirmed 400 new recruits and I ask if these will be recruited through public advertisement or from within the system. As regards the overall future of the RDF and its role in the Defence Forces, will the value for money review dovetail with the White Paper or is it a separate exercise? What is the timeline for the completion of the value for money review during 2012?

**Deputy Alan Shatter:** The issue of the Reserve Defence Force will have to be addressed within the overall reorganisation and these reorganisation matters will not be delayed by the production of the White Paper. As the Green Paper will be produced towards the end of the year, part of 2013 will be taken up with the public process and the White Paper will come thereafter. I hope there will be a clearer view at an earlier stage with regard to the Reserve Defence Force unless some issue arises that is perceived to be best left to the Green Paper — White Paper process.

**Deputy Dara Calleary:** What about recruitment?

**Deputy Alan Shatter:** That matter is being addressed at the moment.

### Naval Service Operations

10. **Deputy Martin Ferris** asked the Minister for Defence the costs of any visits outside of Irish waters by any of the Naval Service vessels during each of the past five years; the locations to which they sailed; and the purposes of these sailings. [6836/12]

**Deputy Alan Shatter:** The Naval Service commits a number of its annual patrol days to foreign deployments. In 2011, 54 days out of a total of 1,480 patrol days were committed to visits outside Irish waters. Following discussions between the Department of Foreign Affairs and Trade, my Department, and the Naval Service, locations are considered on the basis of the optimum yield that can be derived for Ireland.

The tabular statement contains information on the locations visited by the Naval Service over the past five years and the purpose of these deployments. Details of the costs in relation to these visits are also included for 2010 and 2011, and the costs in relation to 2007 to 2009, inclusive, are currently being compiled. I will ensure that the outstanding data is forwarded to the Deputy as soon as possible.

Year	Destination	Purpose of Visit	Cost
2007	Oslo, Copenhagen, Klaipeda, Kiel (vessel 1)	For diplomatic purposes and also both voyages were structured to facilitate high intensity training of Naval Service Cadets and Officers over short period of time.	
	Oslo, Aalborg, Gdansk, Kiel (vessel 2)		
	Malaga, Burgas, Constanta, Valetta	For diplomatic purposes	
	Zeebrugge, Belgium	For cultural purposes (Naval Service invited to attend Belgian Navy Days — a celebration of the Belgian Naval Service.)	
	Rotterdam, Netherlands	For diplomatic purposes	
	London, UK	For cultural and diplomatic purposes (Naval Service participated in St Patricks Day festivities)	
	Bilbao, Spain	For diplomatic purposes	
	Bordeaux, France	For economic purposes (Requested by Enterprise Ireland)	
	Toronto, Canada	For diplomatic, cultural and economic purposes (President McAleese opening of Famine Park Toronto)	
	2008	Miami, Charleston	For economic purposes (Host receptions for business communities attending cruise ship convention)
Mediterranean/Black Sea		For diplomatic and cultural purposes (Maritime Festival)	
Canada (Quebec/ Montreal/Halifax)		For diplomatic and cultural purposes (Quebec 400 celebrations)	
Kiel, Hamburg		For economic purposes (Kiel Week and Enterprise Ireland event in Hamburg)	
Zeebrugge, Belgium		For cultural purposes (Naval Service invited to attend Belgian Navy Days — a celebration of the Belgian Naval Service.)	
Liverpool		For diplomatic and cultural purposes (City of Culture)	
Lisbon		For operational purposes (Headquarters of “Maritime — Analysis and Operational Centre — Narcotics”)	
La Rochelle, France		For economic purposes (Annual Boat Show — invite from Failte Ireland)	
2009	London	For cultural and diplomatic purposes (Naval Service participated in St Patricks Day festivities)	
	Edinburgh	For training and operational purposes (Hosting a Fisheries Operations Coordination meeting with the Scottish authorities)	
	Helsinki	For cultural and diplomatic purposes (200th Anniversary of Finnish independence)	
	Boston/Philadelphia	For cultural and diplomatic purposes (Tall Ships Atlantic Challenge and commemoration for Admiral Browne)	
	Oporto	For diplomatic purposes (Standing invitation from Portuguese)	
2010	South America — Argentina/Chile/ Mexico/Colombia	For cultural, economic and diplomatic purposes (Requested by Dept of An Taoiseach — Bicentennial celebrations of Argentina and Chile)	€331,257
	Zeebrugge, Belgium	For cultural purposes (Naval Service invited to attend Belgian Navy Days — a celebration of the Belgian Naval Service.)	€18,535
	Copenhagen, Denmark	For diplomatic purposes (500th Anniversary of Danish Navy)	€6,602

Year	Destination	Purpose of Visit	Cost
2011	La Rochelle, France	For economic purposes (Annual Boat Show — invite from Failte Ireland)	€7,721
	Oslo, Kiel, Hamburg	For diplomatic, cultural and economic purposes (Requested by Dept of Foreign Affairs and Trade).	€44,093
	Helsinki, St Petersburg, Tallinn, Riga	For diplomatic, cultural and economic purposes (Requested by Dept of Foreign Affairs and Trade — Helsinki visit built on the success of previous visit in 2009. Tallin was European Capital of Culture in 2011. Riga was a stopover).	€44,770
	Brest	For operational and training purposes (Joint Deployment Patrol with the Community Fisheries Control Agency (CFCA))	€5,508
	Greenock	For cultural purposes (Tall Ships communications vessel)	€4,722
	Brest	For operational and training purposes (North Atlantic Coast Guard Forum(NACGF) exercises)	€6,072

The costs shown reflect the marginal costs of these trips when compared to the costs that would have arisen if the ships had patrolled in Irish waters for the same periods.

**Deputy Jonathan O'Brien:** Before I ask a supplementary question, I wish to echo the sentiments expressed by Deputy Calleary about the role of the Naval Service in Glandore which has brought home to the public the importance of the Naval Service and the credit due to the personnel for what they have undertaken in Glandore.

The Minister referred to the locations being chosen with regard to the optimum yield to be derived for Ireland. Are these optimum yields in terms of training or promotion? What criteria are applied during discussions with the Department of Foreign Affairs and Trade? Are the benefits of these trips solely for the Naval Service personnel or do they also aim to promote Ireland as a destination? Are these criteria taken into account when these decisions are made?

**Deputy Alan Shatter:** I join with both Deputies in acknowledging the extraordinary work following the dreadful tragedy that occurred in Glandore. I refer not just to the work of the Naval Service but of all those individuals and agencies which have been engaged in dealing with a tragedy which we all wish had not happened.

To reply to the Deputy's question, the particular visits or voyages serve a range of purposes. For example, the voyages offer an ideal opportunity to reach out to the Irish diaspora around the world in an effort to attract inward direct investment to our economy. A naval ship offers the ideal platform for State agencies such as Enterprise Ireland to host receptions attended by local business interests where relationships can be developed. However, I am also cognisant of the costs of deploying the Naval Service to foreign locations and in 2011 I approved only those deployments which I believed yielded the optimum economic, diplomatic and cultural return.

I will give the Deputy some examples of the visits arranged, all of which are detailed in the tabular return. In 2007, before my time as Minister, the Naval Service undertook a visit to Oslo and Copenhagen for diplomatic purposes. Voyages and training visits were structured to facilitate high intensity training of Naval Service cadets and officers. Visits were made to Malaga, Burgas, Constanta and Valetta for diplomatic purposes. A visit was made to Zeebrugge in Belgium for cultural purposes. Further information is contained in the tabular statement. I refer to more recent visits such as a visit to Hamburg for diplomatic, cultural and economic purposes and which was requested by the Department of Foreign Affairs and Trade; a visit to Helsinki, St. Petersburg, Tallin and Riga, for diplomatic, cultural and economic purposes at

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the request of the Department of Foreign Affairs and Trade. The Helsinki visit built on the success of a previous visit by the Naval Service to Helsinki in 2009. Tallinn was the European capital of culture in 2011 and Riga was visited on the way. There is a series of visits for a range of different purposes and they are either training-related or are related to diplomatic, cultural or economic activities or trade promotions in order to attract business to Ireland.

### Overseas Missions

11. **Deputy Micheál Martin** asked the Minister for Defence if the armed forces will be participating in conflict resolution and counter terrorism cooperation activities during the presidency of the Organisation for Security and Co-Operation; and if he will make a statement on the matter. [6735/12]

**Deputy Alan Shatter:** The Organisation for Security and Co-operation in Europe, OSCE, is the world's largest regional security organisation comprised of 56 states from Europe, Central Asia and North America. The OSCE offers a forum for political negotiations and decision-making in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation. It puts the political will of its participating states into practice through its unique network of field missions.

Ireland assumed chairmanship of the OSCE in January 2012, for a period of one year. It is Ireland's first time to assume this role, and the chairmanship provides Ireland with an opportunity to project its foreign policy values onto the international stage. It is also an opportunity for Ireland to further the goals of the organisation.

A total of eight Defence Forces personnel are involved in OSCE matters during Ireland's chairmanship this year. An Irish officer has recently been appointed as head of the OSCE high-level planning group in Vienna for the period from 1 January until 31 December 2012. The high-level planning group is mandated to make recommendations to the OSCE chairperson in office on the development of a plan for the establishment, force structure requirements and operation of a multinational OSCE peace-keeping force for the area of conflict dealt with by the OSCE Minsk conference on Nagorno-Karabakh. Another Defence Forces officer serves as a staff officer to the high-level planning group.

A total of three Defence Forces personnel are also currently deployed to OSCE missions. Two officers are deployed to the OSCE mission to Bosnia and Herzegovina, and one officer is deployed to the OSCE mission to Serbia in Belgrade. One Defence Forces officer continues to act as military adviser to the permanent mission of Ireland to the OSCE in Vienna. Two additional Defence Forces officers have also been deployed to Vienna to support the permanent mission during Ireland's chairmanship.

**Deputy Dara Calleary:** This is a wonderful opportunity for this country to have the OSCE presidency. Is there a budgetary commitment on the part of the Defence Forces to the presidency in excess of our usual commitment to the OSCE? In terms of the ongoing presidency of the OSCE, are the eight personnel specifically in place for this year or is there an ongoing commitment to the organisation on the part of the Defence Forces?

**Deputy Alan Shatter:** I do not have the figure for the exact budgetary amount but from what I recollect it is extremely modest. I will give the Deputy the exact figure. Clearly some members of the Defence Forces are playing a role that arises because we have the chairmanship. The numbers may change when we get to 2013. The numbers I have supplied to the Deputy relate

to operations this year. He may see in one of the examples I gave that one officer will be chairing a particular group that would normally be chaired by the country chairing the OSCE.

### EU Presidency

12. **Deputy Michael McGrath** asked the Minister for Defence the input he has had in preparation for the Irish Presidency of the EU Council in 2013; if defence cooperation will be a priority for him during the Presidency; and if he will make a statement on the matter. [6741/12]

**Deputy Alan Shatter:** The preparations for the upcoming Irish Presidency of the EU Council in 2013 have been under way since mid-2010. The Departments of the Taoiseach and Foreign Affairs and Trade are the lead Departments in planning for the Presidency. Two inter-departmental committees have been established. The interdepartmental committee for co-ordinating the Presidency, chaired by the Minister of State, Deputy Creighton, is responsible for policy aspects. The interdepartmental administrative planning group, chaired by the Department of Foreign Affairs and Trade, deals with administrative, logistical and resource elements. Officials from all Departments, including my Department and the permanent representation to the EU are represented on these committees.

On the issue of defence, formal and informal meetings are held during each EU Presidency. In consultation with the European External Action Service, EEAS, Ireland will facilitate a formal meeting of the Foreign Affairs Council in defence Ministers format and a formal defence policy directors meeting. Both of these formal meetings will be held in Brussels. It is also my intention to host, in Ireland, a number of informal meetings and seminars, including a defence Ministers informal. Usually, the subjects of discussion at the informal meetings range from current military operations, co-operation between the EU and other international organisations, the development of EU military capabilities and ongoing developments in the European Defence Agency.

The agendas for Ireland's Presidency defence related meetings will be considered in consultation with the EU High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton, the EEAS and our trio partners, Lithuania and Greece. Both my officials and I will be in regular contact with the High Representative, the EEAS and our trio partners in the lead-up to Ireland's Presidency in order to prepare the defence agenda.

**Deputy Dara Calleary:** The Minister has given us an indication in his justice portfolio of some of his priorities, for instance, the europeanisation of the Criminal Assets Bureau, CAB. Does he have any specific interests or priorities to progress by using the Presidency agenda in the defence area?

**Deputy Alan Shatter:** The justice side is somewhat different to the defence side because of the role of the EU representative for foreign affairs and security policy, Baroness Catherine Ashton. I do not wish to comment on it in advance of engaging with her on the agenda. We have particular issues on which we do want to focus which we regard as of importance and to which we believe we can make a contribution. I can mention some of these to the Deputy but I do not wish to go into them in any substantial detail. Effectively, in the context of plenary discussions that have been taking place we hope to advance priorities in the defence realm but no final decisions have been taken regarding the main priorities.

If the Deputy attended those meetings he would know there are several issues that are constantly a focal point of discussion. Some of them are of general importance in the context of the European Union, such as the difficulty with piracy in the Horn of Africa. Colonel Mike Beary is engaged in training Somali troops in Uganda to support the interim government in

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Uganda. The issue and the area will continue to be one of focus and concern. Issues arise as to how piracy should be addressed and the kidnapping of individuals. There is substantial co-operation between European Union countries in that regard. That area will continue to be one of substantial concern but there is a range of other issues.

Following the discussions that are currently taking place I hope to be in a position to indicate to the House some areas of priority. Unlike justice, in the defence area issues can suddenly emerge that one must prioritise. It may well be that we will not have a final and clear view of priorities until we get into the second half of this year, but I have no doubt the problems in the Horn of Africa will continue, unfortunately, for some considerable time. The European Union is playing an important role in trying to address those difficulties. In the related difficulties in Somalia, Colonel Mike Beary is in charge of a multinational training force which is making a major contribution to assisting to bring the serious problems that exist in Somalia under some level of control so that there is a working defence force within that country. That is a matter of substantial importance because of the difficulties within there.

### Departmental Staff

13. **Deputy Peadar Tóibín** asked the Minister for Defence the number of vacancies within his Department; the dates on which these will be filled; and if he will make a statement on the matter. [6838/12]

24. **Deputy Catherine Murphy** asked the Minister for Defence if he will provide figures for the total number of employees in his Department who have availed of early retirement thus far and will avail of early retirement in the coming weeks; if he has prepared any contingency to deal with adverse consequences of these retirements; and if he will make a statement on the matter. [6827/12]

**Deputy Alan Shatter:** I propose to take Questions Nos. 13 and 24 together.

Since 9 March 2011, a total of six civil servants in my Department have availed of early retirement. To date, a further four civil servants have formally indicated their intention to avail of early retirement before 29 February 2012. The Government's National Recovery Plan 2011-2014 sets out revised ceilings for public service staff numbers for the Department of Defence which are to be achieved through the implementation of the employment control framework, ECF. Since the introduction of the ECF, my Department has maintained its services through a range of measures, including restructuring, reprioritisation and realignment of business processes, and so on. My Department is required to meet an authorised staffing level of 358 for 2012 and has already met this target. Where a post falls to be filled, my Department will use the mechanisms available.

I am confident that my Department will continue to deliver on its objectives by reprioritising work and streamlining business processes to achieve greater efficiencies despite the reduced numbers.

**Deputy Jonathan O'Brien:** Will the Minister confirm that the Department is operating at full capacity in terms of personnel and that there is no shortfall in personnel?

**Deputy Alan Shatter:** Happily, we are probably one of the few Departments——

**Deputy Jonathan O'Brien:** That is probably the case.

**Deputy Alan Shatter:** —that are in such circumstances. In the context of the Defence Forces, because of the careful accounting within the Department and the efficiencies within the Defence Forces we will be in a position to proceed with further recruitment also as we go through the year so that we maintain the numbers. I accept the Deputy was asking about the Department rather than the Defence Forces but there will be recruitment so that we maintain the numbers at 9,500 in the future.

### Army Barracks

14. **Deputy Denis Naughten** asked the Minister for Defence his plans for Custume Barracks, Athlone, County Westmeath; and if he will make a statement on the matter. [6895/12]

**Deputy Alan Shatter:** As the Deputy is aware Custume Barracks, Athlone is the headquarters of the 4th Western Brigade. The barracks continues to function as an operational military installation and will shortly provide accommodation for personnel relocating from O'Neill Barracks, Cavan and Columb Barracks, Mullingar following their closure at the end of March. There are no plans of any nature to close Custume Barracks.

**Deputy Nicky McFadden:** Will the helicopter service be located in Custume Barracks in order to help people to be speedily brought to hospital?

**Deputy Alan Shatter:** The arrangements in respect of that matter are at an advanced stage of discussion between officials in the Department of Defence and in the Department of Health. I hope we will be able to make an announcement about the matter in the not too distant future.

### Defence Forces Ombudsman

15. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which issues raised in the last report of the Ombudsman for the Defence Forces have been identified and addressed in the interim period; the most important issues requiring attention arising; the extent to which such issues have been addressed; if he will indicate his intentions in regard to these or any other outstanding matters with particular reference to the need to ensure the availability of the necessary resources to meet the requirements now and in the future; and if he will make a statement on the matter. [6939/12]

**Deputy Alan Shatter:** I assume the Deputy is referring to the annual report of the Ombudsman in respect of 2010, which was laid before each House of the Oireachtas on 21 June 2011. The annual report showed a welcome drop in the number of complaints lodged with the Ombudsman, down from 229 in 2008 to 116 in 2010.

One of the issues raised by the Ombudsman in her report was the delay during 2010 in responding to the final reports of the Ombudsman, with 19 cases awaiting attention at the end of the year. I can confirm that these outstanding cases were prioritised and that a final determination issued to the Ombudsman in respect of all of those cases during the first six months of 2011. A total of 35 final determinations were issued to the Ombudsman in 2011, an increase from 20 in 2010. Procedures to prioritise the processing of Ombudsman for the Defence Forces final reports on an ongoing basis have been put in place by the Defence Forces and my Department.

Since the establishment of the Office of the Ombudsman for the Defence Forces in 2005, a number of human resource procedures have been reviewed and revised following recommendations in her final reports, for example, the selection processes for career courses and overseas service. In addition, the recommendations of the Ombudsman have informed the development of a new promotions scheme that is near finalisation as part of the commitments

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under the Croke Park agreement. Nearly 50% of all complaints arise from administrative issues in the promotion system and the new scheme is designed to resolve these. In addition, a standing committee on HR issues reviews the implementation of systemic recommendations from the Ombudsman every month.

While dealing with the individual grievances referred to in the Ombudsman's reports, her reports are also used to inform the ongoing development of best practice in human resource management for the Defence Forces. The case load of the Ombudsman has been falling in recent years as HR systems in the Defence Forces have been improved and action has been taken to improve the overall workplace environment.

Funding of €520,000 was allocated in 2011, but the actual expenditure requirement of the office was in the region of €486,000. While the funding allocation for this year has not yet been finalised, it is my intention that the 2012 allocation will be appropriate to meet the needs of the Ombudsman's office for this year having regard to the current economic constraints.

**Deputy Jonathan O'Brien:** One section in the report referred to the possibility of extending freedom of information provisions to the Office of the Ombudsman for the Defence Forces. What is the situation? The Ombudsman's report included an expectation that there would be an extension, given the number of freedom of information requests. The report also discussed the additional resources that would be required to deal with an extension.

**Deputy Alan Shatter:** I have addressed the issue of resources. I am satisfied that adequate resources are available to the Ombudsman. The Government is reviewing the current freedom of information legislation with a view to determining what amendments we will introduce to it. This commitment was given in the programme for Government. I do not want to pre-empt any decision that might be made in this regard.

### Consultancy Contracts

16. **Deputy Jonathan O'Brien** asked the Minister for Defence the details of any consultancy services, and value for money policy reviews, paid for by him for each of the past five years; the names of any reports they delivered; the names of those who drafted or conducted the reviews; the moneys paid to those persons; and if he will make a statement on the matter. [6830/12]

**Deputy Alan Shatter:** The information requested by the Deputy regarding consultancy services and value for money policy reviews provided to my Department during each of the past five years is contained in a tabular statement, which I propose to circulate with the Official Report. My Department engages the services of external consultants only when there is a clear need for specialised expertise or services not available in-house. My Department is always mindful of achieving value from external consultancy services.

Year	Name of Consultancy	Purpose	Amount
2007	Petrus Consulting	An independent quality assessment of the value for money review of clothing procurement in the Defence Forces, as part of the standard VFM process.	€2,904
2007-2011	Colonel E.V. Campion (Retd.)	Provides expert advice to the Army Equitation School's Horse Purchase Board in their deliberations following the inspection of horses that are being considered for purchase. The cost per annum is €5,000.	€25,000

Year	Name of Consultancy	Purpose	Amount
2007-2011	ABS Limited	Consultancy on compliance with IMO (International Maritime Organisation) regulations/ship surveys.	€109,324
2007-2008	Achilles Procurement	ICT consultancy for the running of the competitive dialogue process in the procurement of the network operating system.	€5,270
2007	Belair Research Limited	Consultancy on noise survey for Naval vessels.	€14,520
2007	Germic Aviation	Consultancy services in respect of Military Airworthiness Authority.	€25,773
2007	Prolines Limited	Naval Architect Service.	€61,831
2007	Murray Consultants	A public information and awareness campaign on emergency planning. The contract provided for the development of the emergency planning website, drafting, publication and distribution of a handbook on emergency planning and a media advertisement campaign associated with the launch of the handbook.	€2.1 million
2008	PA Consultant Group	Commissioned to make recommendations on the best means of meeting the medical requirements of the Defence Forces. The consultancy focused on the sustainable provision of the relevant medical expertise and services to the Defence Forces. The consultants recommended a programme of major change, implementation of which is ongoing.	€115,130
2008	Independent Monitoring Group	Review of progress made since the publication of Response to the Challenge of a Workplace in 2004.	€37,109
2008	FGS Consulting	A value for money review of military training lands. This review is part of a programme agreed between the Department of Defence and the Department of Finance as part of the Government's value for money and policy review initiative.	€89,540
2008	McCann Fitzgerald Solicitors	To provide legal drafting, research and advice services in relation to the drafting of revised rules of procedure and new court martial rules following the enactment of the Defence (Amendment) Act, 2007.	€53,845
2008	BMT Defence Services Limited, UK	Engaged in relation to the Naval vessel replacement programme.	€85,604
2008	Fujitsu (Ireland) Limited	Provide consultancy and maintenance services for the organisation's Oracle e-business suite and related applications.	€182,261
2008	Entograph Limited	Commissioned to carry out a report for the control of bracken in the Glen of Imaal. The report has been implemented.	€30,129
2008	Mott McDonald Limited	Commissioned to carry out a review of the safety policy at Casement Aerodrome in Baldonnel.	€50,000
2008	Brendan Gallagher, Refrigeration Consultant	Consultancy on refrigeration and air conditioning plants on NS ships.	€9,860
2008	Promara Limited.	Naval Architect Services.	€7,714
2008	Redstone Technologies	ICT consultancy for the fishery protection service IT system disaster recovery plan.	€4,961
2008	Sea Training International	Consultancy on Naval Service RIBs.	€7,755
2008-2009	Moloney & Associates Limited.	Consultancy on noise survey on Naval vessel LE Emer on completion of remedial work.	€5,760
2008 -2009	Magnum Opus	Engaged to provide project support services for the National Emergency Co-ordination Centre.	€116,207

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Year	Name of Consultancy	Purpose	Amount
2009	Deloitte	A review of the finance branch of the Department. The objective of the review was to examine the business processes, procedures and organisational structures in operation in finance branch and to provide a report making recommendations for improvements in order to maximise efficiency and effectiveness.	€97,868
2009	Mc Guinness Killen Partnership Limited	An independent review of documentation in relation to a legal action initiated by a staff member.	€2,430
2009	Version 1 Limited	Commissioned in 2009 and 2011 to provide a report in respect of Oracle licence management in the Department of Defence and the Defence Forces. The results of this report will assist in the formulation of policy and practice in the area of licence management.	€3,661
2009	Germanisher Lloyd	Consultancy on compliance with IMO (International Maritime Organisation ) regulations.	€14,351
2009	Energy Services Limited.	Energy consultancy on technical aspect of joint procurement exercise.	€22,113
2009	Raymond Burke Consulting	An independent quality assessment of the value for money review of Naval Service vessel maintenance, as part of the standard VFM process.	€2,800
2010	DQ Networks	To provide technical assistance with the ICT technical plan for the decentralisation to Newbridge.	€10,386
2010	Epsilon Consulting	An independent quality assessment of the value for money review of military training lands as part of the standard VFM process.	€2,178
2011	ISAS	Information security advice relating to mobile mail solution.	€10,395
2011	Eirdata Environmental Services Limited	Consultancy on compliance with national standard energy saving measures.	€5,808
2011	Graham Evans Fire & Safety	Consultancy on compliance with international maritime standards for naval base oil storage facility.	€2,880
2011	University of Limerick	Consultancy on value management procedure for Naval Service on the decommissioning of vessels.	€5,869

**Deputy Jonathan O'Brien:** Was any consultant asked to look into the possible closure of barracks and the impacts thereof, for example, Kickham Barracks?

**Deputy Alan Shatter:** No. Substantial reports on the issue were carried out but I engaged no consultants in 2011 in respect of it.

### Departmental Expenditure

17. **Deputy Jonathan O'Brien** asked the Minister for Defence the details of the Departmental funding allocated to office equipment and external IT services; the money paid to external companies; the names of these companies and the services they provided for both 2010 and 2011. [6829/12]

**Deputy Alan Shatter:** The overall departmental funding allocated to office equipment and external IT services was €2.4 million in both 2010 and 2011. This allocation covered the purchase of IT equipment and software, ongoing licence support costs, office equipment purchases and externally provided maintenance and ongoing support. The payments to external companies for ongoing support, the names of these companies and the services they provided in 2010

and 2011 are contained in a tabular statement that I propose to circulate with the Official Report.

Company Name	Service Provided	2010	2011
Acrospire	Website Support	€3,571	€0
Baker Consultants Limited	Bluecoat Device Support	€0	€15,055
Bandwidth Telecommunications	Call Cost Monitoring Support	€0	€1,475
BearingPoint Ireland Limited	HRMS Support	€8,207	€5,858
Bluewave Technology	Domino Support	€5,989	€5,445
Caveo Information Systems Limited	Anti-Virus Support	€6,292	€1,149
Conor Flynn T/A ISAS	Security Advice	€0	€10,395
DQ Networks	Technical Infrastructure Advice and Support	€10,368	€3,978
Flextime Limited	Flexi System Support	€5,618	€6,075
Fujitsu (Ireland) Limited	Network and Application Support	€73,626	€78,031
Futurerange Limited	Emailfilter Support	€3,291	€3,291
Hibernia Evros Technology Group	Microsoft Exchange Support	€11,009	€5,504
Integrity Solutions	Firewall Support	€0	€8,488
IPOptions	Trendmicro Upgrade	€0	€907
Waterford Technologies	Email Archive Support	€6,485	€8,409
Webcloud	Website Support	€2,032	€4,308
Total		€136,488	€158,368

**Deputy Jonathan O'Brien:** The amount is significant, but it covers a wide range of equipment and services. When the Minister referred to licence supports, did he mean licence fees? What percentage would be paid towards licences rather than the purchase of new equipment?

**Deputy Alan Shatter:** A large proportion of the allocation for office equipment and external IT services covers ongoing licence support costs, which the Deputy will see from the tabular statement are fairly static. They have not changed for a considerable time.

**Deputy Jonathan O'Brien:** Are they on a contract basis and are we tied into contracts?

**Deputy Alan Shatter:** Yes, there are contracts. The tabular statement details the different companies. As there is a large number, I do not want to read out their names. It would probably be unnecessary. The statement provides the company names and the services they provide, for example, website support, call cost monitoring support, etc. It also outlines the costs in 2010 and 2011. The variations in costings are detailed. If the Deputy has further questions on any individual item, he is welcome to table a parliamentary question or to write to me about the matter. We will ensure he gets a response.

### Defence Forces Equipment

18. **Deputy Mary Lou McDonald** asked the Minister for Defence the amount of money spent in 2011 to acquire each of the following chemical detection equipment, bodily armour, force protection equipment, rifle enhancement and communication equipment; and if he will make a statement on the matter. [6834/12]

**Deputy Alan Shatter:** The purpose of defence equipment procurement is to acquire, maintain and manage equipment, weapons and ammunition for the Defence Forces at the appropriate

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level of operational readiness in a cost-effective manner. In the current economic situation, the acquisition of such equipment takes place on a strictly prioritised basis to ensure the Defence Forces are equipped to carry out their roles at home and overseas. A particular focus is maintained on ensuring that modern and effective equipment is available for overseas operations, as is the case with the current UNIFIL operation in Lebanon.

The provision for defensive equipment in 2011 allowed for the acquisition of a range of priority equipment, such as chemical detection equipment, personal body armour, force protection equipment, rifle enhancement equipment and communications equipment, including the supply and maintenance of all communication equipment and information technology equipment. The amount expended was €1,295,282 for chemical detection equipment, €269,304 for body armour, €1,524,186 for force protection equipment, €462,505 for rifle enhancement equipment and €11,478,755 for communication equipment.

Each of the supply subheads, including the main subhead associated with the acquisition of defensive equipment, will operate with reduced allocations in 2012. However, it is expected that further work will be carried out on a number of priority programmes, including the upgrade of the Steyr rifle.

### **Civil Defence Board**

19. **Deputy Catherine Murphy** asked the Minister for Defence if he will confirm that in the proposed abolition of the Civil Defence Board, sufficient plans exist to effectively manage the merger of staff into his Department; if he will outline any potential inefficiencies which may arise as a result of the merger and existing proposals to mitigate against these; and if he will make a statement on the matter. [6828/12]

**Deputy Alan Shatter:** Staff assigned to the Civil Defence Board have always been part of the overall authorised and serving numbers in my Department. Following the enactment of the Civil Defence Act 2002, my Department continued to provide administrative support services in respect of human resources, payroll, training, information and communications technology and so on for the staff of the board. The ongoing provision of these services will not be affected by the abolition of the board.

It is not expected that inefficiencies will arise as a result of the abolition of the Civil Defence Board. On the contrary, in terms of the transfer of its functions back to my Department, it is estimated that the savings in running costs will be at least €60,000 per annum. In addition, there will be an increase in the amount of time staff assigned to civil defence can devote to its core functions.

**Deputy Dara Calleary:** When does the Minister expect to bring civil defence legislation before the House?

**Deputy Alan Shatter:** Work is under way on the legislation. I do not want to give an exact date for its introduction because I am conscious that it will have to be finalised not only by my Department but also by the Attorney General's office. The latter, I understand, is under substantial pressure as a consequence of all the legislation emerging from my own and other Departments. Taken together with the legislation we are obliged to publish within a defined timeframe under the EU-IMF agreement, it is difficult to predict a date of publication for the Bill, but the likelihood is that we will not see it until the autumn. It is very much subject to the pressures exerted by the demands of my own and other Departments.

### Sail Training Scheme

20. **Deputy Martin Ferris** asked the Minister for Defence if he has approached the Department of Finance to secure funding to re-establish an Irish sail training vessel. [6837/12]

**Deputy Alan Shatter:** As the Government has no plans to re-establish a national sail training scheme or to procure a ship to replace the *Asgard II*, I have made no approach for funding to the Department of Finance. In the context of settling the Estimates for the Department of Defence for 2010, the previous Government decided that the national sail training scheme, operated by Coiste an Asgard, would be discontinued, as recommended in the report of the special group on public service numbers and expenditure programmes.

**Deputy Martin Ferris:** Does the Minister agree that it would be a good idea to utilise the *Jeanie Johnston*, a vessel built at considerable expense to taxpayers, as an ideal replacement for the *Asgard II* for the purposes of sail training schemes? The vessel was built in my area and involved a cross-community initiative whereby young lads from both Protestant and Catholic communities in the Six Counties worked together. It is a beautiful ship with a fantastic historical record in terms of its travels across the Atlantic, during which no lives were lost. It should not be sitting idle in the Dublin docks.

**Deputy Alan Shatter:** My Department has been approached on numerous occasions with proposals to use the *Jeanie Johnston* for sail training purposes, but this was never considered a viable option for several reasons. The vessel has not sailed in all conditions, can reach a maximum speed of only 7 knots and is limited in its ability to sail upwind. The working area is not suitable for sail training as there are no side decks and too much open space. Trainees would have nothing to hold onto if they fell, potentially leading to injuries and subsequent legal action. Furthermore, as helmsmen cannot see the sails or where the ship is going, lookouts must stand on the boom to give directions, which is of no value in the context of sail training. In addition, operating and rigging maintenance costs would be high. Some 70% of ports visited by the *Asgard II* could not be visited by the *Jeanie Johnston* as it is too large to dock. It is understood little or no work has been carried out on the vessel since it was purchased by the Dublin Docklands Development Authority in 2005. The rigging is likely to be in a poor condition at this stage and would cost up to €1 million to replace. Unfortunately, having regard to the difficulties outlined and the associated cost factors, the *Jeanie Johnston* is not deemed to be a feasible alternative to the *Asgard II*. As such, the Government has no plans to utilise it for the purposes proposed by the Deputy.

**Deputy Martin Ferris:** I am disappointed at the brief the Minister has been given in regard to the *Jeanie Johnston*. The vessel has been tried and tested and only a minimal amount of tweaking would bring it into line with the criteria for sail training. It is a waste of money to have a vessel which cost €15 million to build sitting idle when it could be utilised as a national resource.

**Deputy Alan Shatter:** I have outlined all of the difficulties of which I have been advised. The appropriateness or otherwise of utilising the ship in the way the Deputy proposes was addressed in the report of the special group on public service numbers and expenditure programmes. In current circumstances, when there are substantial financial difficulties and limited funds, we do not have the luxury of spending money on refitting or re-rigging the ship. In the context of the safety issues to which I referred and its incapacity to dock at a variety of locations, the vessel is not a viable alternative in the manner proposed. Having a particular interest in this matter, I took the opportunity, only a short time after my appointment, to examine the feasibility of

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what the Deputy is suggesting. Unfortunately, the incompatibilities and associated costs make it inappropriate in the current economic climate.

*Written Answers follow Adjournment.*

### Topical Issue Matters

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Ann Phelan — engagement by NAMA with local authorities regarding unfinished estates; (2) Deputy Seán Ó Fearghaíl — the need to review the decision to combine the general allocation model and language support in primary schools; (3) Deputy Niall Collins — the need for a review of expenditure to date on the proposed Poolbeg incinerator, including an assessment of the future viability of the proposed facility and the potential financial expense to the taxpayer; (4) Deputy Patrick Nulty — the decision to disband the panel for recruitment to the Dublin fire brigade service; (5) Deputy Éamon Ó Cuív — the need to ensure adequate resources are provided for community employment schemes run by the Galway Centre for Independent Living; (6) Deputy Alan Farrell — the decision of FÁS to discontinue all training courses in Balbriggan, County Dublin; (7) Deputy Michael McGrath — the need to ensure the former employees of Bowen Construction Limited receive the full amount of outstanding moneys owing to them; (8) Deputy Michael Healy-Rae — the status of the Cork-Swansea ferry; (9) Deputy Kevin Humphreys — the delays in processing applications for carer's allowance; (10) Deputy Michael McCarthy — the need to connect metropolitan area networks, MANs, currently dormant in the west Cork area; (11) Deputy Derek Keating — the need to maintain adequate funding for drug task forces; (12) Deputy Dan Neville — the need for a national survey of public attitudes to disability; (13) Deputy Noel Harrington — the status of the Bantry bypass, County Cork, and the timetable for its completion; (14) Deputy Seamus Healy — the delays in issuing medical cards from the centralised processing centre in Dublin; (15) Deputy Michael McNamara — the status of the northern distributor road in Limerick; (16) Deputy Dara Calleary — the need to make a payment to EmployAbility West, an organisation supporting the employment of disabled people; (17) Deputy Ciarán Lynch — redundancy payments to the former Vita Cortex workers; (18) Deputy Thomas P. Broughan — the need to introduce anti-graffiti initiatives, given the upsurge in such activities in communities across the country; (19) Deputy Patrick O'Donovan — the need to tackle obesity; (20) Deputy Michelle Mulherin — curtailment levels applied to wind farm output; (21) Deputy James Bannon — the need to reconsider section 33 in Chapter 11 of Part 10 of the Taxes Consolidation Act 1997; (22) Deputy Dessie Ellis — to discuss the increase in fares of public transport companies following the most recent budget; (23) Deputy Joan Collins — the need to reverse the cuts in funding to Cherryfield Resource Centre, Dublin 12; (24) Deputy Ciara Conway — the need for schools to have supports in place to assist students with special educational needs with pre-leaving and pre-junior certificate examinations; (25) Deputy Seamus Kirk — to discuss funding changes to the Leader, early retirement, farm improvement and installation aid schemes; (26) Deputy Brendan Griffin — the violence in Syria; (27) Deputy Martin Ferris — the pupil-teacher ratio in Gaeltacht schools; (28) Deputy Brendan Smith — the number of teachers due to retire at the end of February and the number who will be re-employed until the State examinations; (29) Deputy Aodhán Ó Ríordáin — the need for an appropriate site for the Dublin Central Library; (30) Deputy Marcella Corcoran Kennedy — the need to prevent human trafficking and identify and assist victims; (31) Deputy Billy Kelleher — to provide a regional breakdown of the number of nursing and other staff expected to leave the Health Service Executive at the end of February; (32) Deputies Richard Boyd Barrett, Joe Higgins, Clare Daly and John Halligan —

the need for a public inquiry on the application by Providence Resources to drill for oil and gas on the foreshore in Dublin Bay; and (33) Deputy Mick Wallace — the reduction in the provision of guidance counselling at Gorey community school, County Wexford. The matters raised by Deputies Ann Phelan, Seán Ó Fearghaíl, Martin Ferris and Dan Neville has been selected for discussion.

### Topical Issue Debate

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#### NAMA Properties

**Deputy Ann Phelan:** I thank the Ceann Comhairle's office for allowing me to raise the issue of unfinished housing estates and the non-engagement of the National Asset Management Agency, NAMA, with the planning authorities in resolving site issues. NAMA has been mentioned several times in the House today. As an institution, it seems to have an impact on all aspects of life in the country. I have been invited to residents' meetings at which I have been alarmed to discover that where NAMA is a stakeholder, it is apparently refusing to discuss its role with local authorities and residents in reaching solutions which will ensure the satisfactory completion of unfinished housing developments.

The attitude seems to be that because NAMA is a bank, it has no resources to deal with aspects of its business outside that banking role. I accept there is a rationale for this. However, it is not a satisfactory outcome for the many who invested their life savings in their home and are now living in unfinished housing estates. What about the aspirations for co-operation contained in the report of the Government's advisory group on unfinished housing developments published last May? In the section, Partnership Approach with Residents, the report states:

Many unfinished developments are having a serious impact on the living environment of residents. These developments also impact on the wider community, society and the economy. The primary objective of addressing unfinished developments should be to address the needs of residents.

The advisory group considers it imperative that stakeholders work together and co-ordinate their efforts to resolve problems associated with unfinished housing estates. It also believes that local authorities, developers, site owners, financial institutions and approved housing bodies should ensure that, where possible, residents are directly and centrally involved in resolving problems. Progress can be made where the various stakeholders work with residents and use their collective resources. All those involved should work in a co-operative and pragmatic way.

Many of the residents with whom I have spoken are in despair. They have had enough. Some unfinished housing estates are being used for criminal activity, including as hide-outs and for the sale of drugs. Every effort must be made to ensure those living in unfinished housing developments can live peacefully in their homes. The first priority is to ensure that unfinished housing developments are secured to reduce the safety risks to residents and members of the public. In this regard, residents appreciate the recent efforts by Government through the provision of scarce resources to make safe a number of sites around the country.

Residents are entitled to their rights. I ask that the Government instruct NAMA to engage with residents in compiling site resolution plans, as recommended by the advisory group.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** I thank Deputy Phelan for raising this important matter.

[Deputy Brian Hayes.]

NAMA has advised me that it has and continues to engage actively with the Department of the Environment, Community and Local Government and local authorities regarding unfinished estates and on the issue of housing in general.

Following release of the report of the advisory group on unfinished housing developments last June, the Minister of State with responsibility for housing established a national co-ordination committee to oversee action on unfinished developments and to monitor and drive progress. NAMA has two representatives on this committee, which meets on a regular basis with the City and County Managers Association. The national co-ordination committee has focused its initial attention on the 243 estates categorised by local authorities as the most problematic from a public safety perspective, Category 4.

It is often assumed that the vast majority of unfinished estates are under NAMA control. However, only 29 of these estates are controlled by NAMA debtors or receivers, which is less than 12% of the total number of unfinished estates. NAMA has committed to fund, through its debtors and receivers, the cost of essential urgent works on these 29 estates, which is estimated at €3 million. NAMA advises that good progress has been made on the public safety issues surrounding these estates. Issues have been resolved in 12 estates and 11 other estates are in receivership, in respect of which satisfactory progress has been made with local authorities on agreeing site resolution plans. It is proposed to appoint receivers as a first step towards resolving safety issues in the remaining six estates.

The national co-ordination committee has now shifted its attention to Category 3 estates. NAMA estimates that approximately 14% of these relate to NAMA debtors. The next step is to clarify the status of each site and to agree a plan and timetable for optimum site resolution. As with Category 4 estates, this will involve NAMA working closely with the relevant local authorities.

On the matter of social housing in general, the Minister for the Environment, Community and Local Government, Deputy Hogan, announced on 21 December last that he had agreed with NAMA that 2,000 housing units would be made available in 2012 to people on social housing lists, through leasing agreements with local authorities and volunteer housing associations. The objective behind the initiative is to provide individuals and families on social housing lists throughout the country with new homes provided by the State from properties already built but not being utilised. The agreement between the Minister and NAMA also includes a commitment by NAMA to put more housing units on the market, put aside more money to finish projects pending their sale or leasing for social housing purposes and to assign designated staff to manage legal and other problems that might be associated with completing transactions. In announcing this initiative, the Minister, Deputy Hogan, welcomed the agreement as one of the largest housing allocations made in the history of the State and a welcome boost to those most vulnerable in society.

NAMA has advised the Minister for Finance that on foot of the announcement made by the Minister, Deputy Hogan, it has provided a list of housing units to the Housing and Sustainable Communities Agency, which is, in turn, engaging directly with local authorities with a view to aligning the NAMA listing with their specific social housing needs. In that context, the Housing and Sustainable Communities Agency is co-ordinating the response to NAMA. Where a demand is identified by a local authority, efforts will be made by NAMA to secure suitable properties for social housing. Housing units being advanced by NAMA will be provided through the social housing leasing initiative under standard terms and conditions. The local authority will have the option of leasing the properties directly. Alternatively, an approved

housing body may secure the properties through direct leasing or in some cases, by purchasing property, using private or HFA finance and leasing it back to the State.

As evident from my reply, NAMA is engaging actively with local authorities on the matter of unfinished estates and social housing. Can it improve that work? Yes, it can. The Deputy's highlighting of this issue and the importance of the strategic role played by NAMA in partnership with local authorities in areas where they have a responsibility, is an important part of that communication.

**Deputy Ann Phelan:** While I accept what the Minister of State had to say this matter needs to be closely monitored. There are people living on housing estates, in respect of which the developer or NAMA does not engage and the local authorities say their hands are tied and they cannot do anything. These people are experiencing huge difficulties in their estates, with many undesirables, such as people involved in the drugs industry and burglars and so on moving in. Residents of unfinished housing estates are experiencing significant social problems. NAMA appears more concerned about the big developer than with residents working on the ground to resolve these issues. I will be keep a close eye on progress in this area.

**Deputy Brian Hayes:** NAMA's remit is to maximise disposal, in terms of value, of assets for the taxpayer. NAMA's task is in the first instance to appoint debtors-receivers, whose task it is to maintain these estates. Where this is not being done in a satisfactory manner, NAMA has the power under section 141 of the NAMA Act to apply to the District Court for an entry and maintenance order. NAMA's task should in the first instance be to persuade debtors-receivers to ensure unfinished estates are maintained.

For the information of the House and, in particular, the Deputy who raised this matter, Members of the Oireachtas can contact NAMA through a dedicated e-mail address, namely, *OIR@nama.ie*. If there are specific estates in her constituency or elsewhere about which the Deputy would like information, including whether a particular estate is under NAMA control, whether a receiver has been appointed or whether NAMA is considering taking action under the section 141 proposal to exact more maintenance standards and so on, she should e-mail NAMA direct at that address. That might be a useful port of call for the Deputy.

My understanding is that the chairman of NAMA recently appeared before an Oireachtas joint committee.

At the time, he made it perfectly plain to the committee that NAMA would not give land away but obviously would work with community groups with an interest in particular pieces of land that have remained undeveloped to ascertain the optimum solution in consultation with the local authority. If there are specific issues to which the Deputy refers, she might e-mail them directly to the aforementioned e-mail address to ascertain the status of those lands or estates and to establish what action can be taken.

### School Staffing

**Deputy Seán Ó Fearghail:** Ba mhaith liom mo bhuíochas a ghabháil leis an Leas-Cheann Comhairle as ucht an seans a thabhairt dom an ábhar tábhachtach seo a ardú. I welcome the Minister of State, Deputy Cannon, to the House to deal with this matter. He will be aware that on 3 November, the Tánaiste and Minister for Foreign Affairs and Trade announced the Government's decision to close three Irish embassies, namely, the embassy in Iran, the embassy in Timor-Leste and the embassy to the Vatican. The reason given for this initiative was cost savings and Members now are aware the price tag placed on the closure of the Irish Embassy to the Vatican was a saving of €455,000, which comprised the cost of running that embassy in 2010.

[Deputy Seán Ó Fearghaíl.]

Fianna Fáil has made it clear from the outset that it is opposed to the closure of the Irish Embassy to the Vatican because of the strong historical links with that post and its position as an important listening post for international affairs and because it is the religious centre point for the Catholic faith. The Irish Embassy to the Vatican represents one of Ireland's oldest diplomatic ties, with a diplomatic presence to the Holy See being established as long ago as 1929, when the Vatican State itself was founded. This embassy is being closed at a time when other countries, such as Russia, the United Kingdom and Australia are building up their diplomatic links with the Holy See.

The Tánaiste denied that the decision to close the embassy was a consequence of recent strained diplomatic relations and stated that the key consideration obviously was where savings could be made. He went on to state "I was anxious to retain resident missions in countries where there is a clear economic or trade interest". Therefore, it appears as though the foreign policy being pursued by the Government is founded solely on the basis of economic advantage rather than on broader diplomatic goals or on shared values. It is interesting that as I speak, a detailed debate is under way in one of the committees on the matter of Ireland's election—

**Acting Chairman (Deputy Tom Hayes):** I must bring to the Deputy's attention that the issue being discussed is the need to review the decision to combine the general allocation model and language support in primary schools.

**Deputy Seán Ó Fearghaíl:** I apologise but that is not what I was notified of. Obviously, there is a point of confusion.

**Deputy Ciarán Cannon:** I am here to respond to the education topic.

**Acting Chairman (Deputy Tom Hayes):** The Minister of State is present to respond to the education issue.

**Deputy Seán Ó Fearghaíl:** I have been advised that I am here to deal with the Vatican issue. I am afraid I am in the Acting Chairman's hands on that matter.

**Deputy Ann Phelan:** The Deputy is absolved.

**Acting Chairman (Deputy Tom Hayes):** The Minister of State does not have to hand a response to that matter.

**Deputy Seán Ó Fearghaíl:** In that case, may I raise this matter at another point? Will I be given another opportunity to do so?

**Acting Chairman (Deputy Tom Hayes):** I certainly will ask.

**Deputy Seán Ó Fearghaíl:** My apologies but certainly this issue is what I was informed of.

**Acting Chairman (Deputy Tom Hayes):** If the Deputy wishes, he may revert and talk about the other issue.

**Deputy Seán Ó Fearghaíl:** No, I am not in a position to start the other one. I will be at a later date.

**Acting Chairman (Deputy Tom Hayes):** Very well. I will advise the Ceann Comhairle.

**Deputy Seán Ó Feargháil:** While I will give way to the next speaker, will I have the opportunity to revert in respect of these two matters given there was a communications breakdown?

**Acting Chairman (Deputy Tom Hayes):** I will communicate it to the Ceann Comhairle's office and will request that this be allowed.

**Deputy Seán Ó Feargháil:** Excellent. Thank you, Acting Chairman.

### **Pupil-Teacher Ratio**

**Deputy Martin Ferris:** There obviously is septic confusion coming from the Acting Chairman following his exploits in Dundrum over the weekend.

**Deputy Seán Ó Feargháil:** It was not his fault.

**Deputy Martin Ferris:** I raised this topic for debate because it is causing considerable concern within the Gaeltacht part of County Kerry and in other Gaeltacht areas nationwide. While there have been adverse changes to the pupil-teacher ratio across the board that will have a similar detrimental impact, that on Gaeltacht schools is being aggravated by the abolition of the discretionary ratio that used to be in place. This means the minimum number of pupils required for a four-teacher school has risen from 81 to 83 but in Gaeltacht areas, where the minimum previously was 76 pupils, a school now requires 83 pupils to qualify for a fourth teacher. As this number will be increased to 86 for all schools by 2014, the consequential increase in Gaeltacht areas will be 10 pupils, compared with five pupils elsewhere.

The increase in the required enrolment means Scoil Naomh Eoin Baiste, Lispole, will lose one teacher next September. This is a serious blow for a small rural school that will have a serious impact on the education provided. This impact was worsened because the school authorities had thought they had fulfilled the necessary criteria up until last September, when 80 pupils were enrolled. While this number exceeded the criterion of 76 pupils, it was then arbitrarily and without prior notice increased to 81 pupils. Subsequently, the school was informed it would need to have 83 pupils enrolled next September or it would lose another teacher. According to information in my possession, unless rescinded the new pupil-teacher ratio will mean that 13 of the 14 schools in the County Kerry Gaeltacht will lose teachers over the next three years. This will have a further detrimental impact on Gaeltacht areas in general and obviously, any movement of children and families to other areas, which might be one of the consequences, will accelerate the decline of Irish as the first spoken language in these regions.

As with other cutbacks that are being made, the bottom line appears to be solely financial. People who support increasing the pupil-teacher ratio always will be able to produce evidence that it makes no difference. Apart from the existence of a large body of evidence to support the opposite, it is strange that some people only discover the scientific argument for increasing the ratio when their own party does so. Apart from the educational argument in favour of retaining the lower ratio, there also is the argument in favour of retaining the schools, which many believe will be forced to close. I have heard some teachers and parents express the suspicion that this is the real object of the exercise. That would have a great impact on local communities in general and an even greater impact on Gaeltacht communities in particular, given the central role of the language in the education of children, who may in future be forced to travel to schools outside their own communities. I ask the Minister to reconsider the changes to teacher-pupil ratios across the board and that in addition, at the very least, he should restore the discretionary ratio for Gaeltacht schools.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am taking this topical issues debate on behalf of my colleague, the Minister for Education and Skills, Deputy Quinn. I thank Deputy Ferris for raising the matter as it affords me the opportunity to explain to the House the reasoning behind the changes to the staffing schedule.

Schools in Gaeltacht areas historically have operated the same staffing schedule as ordinary schools for the creation of a classroom teaching post at primary level. However, a slightly more favourable schedule operated for the Gaeltacht schools to retain a post between the bands of four and 12 classroom teachers. There was no increase in the budget in the general average of a pupil-teacher ratio of 28:1 used to allocate teachers to primary schools, including Gaeltacht schools, and this is something for which many people across the education sector had called. However, the budget did include a phased increase in the pupil threshold for the allocation of classroom teachers in small primary schools.

The only thing that is changing for small schools is that their average class sizes will no longer be as advantageous as they have been in the past due to the phased increases in the pupil thresholds in the staffing schedule. I am aware that some schools claim they will have more pupils in the school next September than they had last September and that some allowance should be made in such a situation. The existing staffing appeals process can be accessed by those schools that are projecting increased enrolment that would be sufficient to allow them to retain their existing classroom posts over the longer term. Details of this appeals process and how it will operate will be made clear as part of my Department's forthcoming circular. It will issue shortly to all schools on the staffing arrangements for the 2012-13 school year.

Even when all of the phased increases are implemented, the threshold for a second teacher at 20 pupils still will be significantly lower than the minimum of 28 pupils that was required for the appointment of a second teacher in rural schools prior to the late 1990s. I stress strongly that school communities should have no reason to feel there will be a forced closure or a forced amalgamation of their local schools. Rural communities, including those in the Gaeltacht, represent a cornerstone of Irish heritage and the schools in rural Ireland are in turn the cornerstone of these communities.

Achieving savings in my Department's budget has required the making of some very difficult decisions at a time when the school-going population is increasing. We want to be as fair as possible in making such decisions. One third of all public sector employees in this State work in the education sector. It is simply not possible, therefore, to completely exempt staffing levels in education from the Government's need to reduce expenditure. I have trust and confidence in the capacity of school principals and teachers to play their part in making the best use of their available resources in order to achieve the best possible educational outcomes for pupils.

**Deputy Martin Ferris:** I take no comfort from the Minister of State's reply. The population in the Gaeltacht areas in my constituency is declining as a result of emigration. For primary schools with eight classes, the loss of one teacher can mean that those who remain on the staff are obliged to cover a range of classes. Stating that the pupil-teacher ratio in the schools to which I refer is less than 28:1 does not take into account the number of classes which the teachers employed in those schools must take. There is a belief that what is being done here is a ploy to force the amalgamation of schools. As a result of the declining population to which I refer, many schools in the Gaeltacht areas in my constituency will have to close. As a result, it will be necessary for pupils from those areas to travel outside them to obtain an education. The Government's policy in this regard is contributing to the forced decline of the Irish language. Essentially, that policy is one of discrimination against the language.

In the context of the negotiations that will take place with principals in Gaeltacht areas in the coming days and weeks, I hope there will be an understanding with regard to the major role the schools to which I refer play in trying to ensure our language survives. In addition, account must be taken of the fact that the loss of a teacher from one of these schools exacerbates the problems experienced by those he or she leaves behind.

**Deputy Ciarán Cannon:** I reiterate that there is no attempt on the part of the Government somehow to set aside the very important work being done in furthering the national language and ensuring those who wish to pursue their education through it are given support in every way possible. The preferential pupil-teacher ratios that exist in the small rural school system are in place for a reason. Deputy Martin Ferris outlined the fact that teachers in these schools are obliged to teach in a multi-class environment. My mother taught four classes — quite successfully, I hope — in a small rural school for 42 years. The pupil-teacher ratios that will obtain in small rural schools following the introduction of the various changes by 2014 will still be significantly more advantageous than those which exist across the remainder of the rural school network. By that date, it will still be possible for a teacher in a two-teacher school teaching ten pupils. That will remain — and rightly so — a significant advantage to such teachers and it reflects the fact that they are obliged to teach in a multi-class environment.

At a time when the public finances are under great strain, we must ensure that the very valuable but limited resources available to us will be used in the very best way possible. I do not believe, and I am sure Deputy Martin Ferris will agree with me in this regard, that it is sustainable to have someone teaching only six pupils. Such a scenario can arise under the current system. I have every confidence in the capacity of school principals to play their part in making the best possible use of the resources to which I refer.

On numerous occasions in recent months, both the Taoiseach, Deputy Enda Kenny, and the Minister for Education and Skills, Deputy Quinn, have stressed that on their watch no rural school will be forced to close or amalgamate without the express wish of the local community involved. Our policy in this regard is directly opposed to that being pursued by Deputy Martin Ferris's colleague, the Northern Ireland Minister for Education. The latter recently stated that any school with fewer than 105 students cannot operate properly and cannot provide a proper educational experience to the children who attend it. In September of last year, the Northern Ireland Minister for Education indicated that it would not be possible to plan in respect of the education system in that jurisdiction on the basis of school buildings but rather that such plans would have to be based on the needs of pupils. He said: "One third of our 863 primary schools have fewer than 100 enrolled", and that "difficult, sometimes unpopular, but necessary, decisions" would have to be taken to reduce that number.

The Government has never stated that it will forcibly close or amalgamate any schools. However, Deputy Martin Ferris's colleague, who works less than 100 miles from this House, is about to engage in a process designed to do precisely that. A little honesty and less hypocrisy in respect of these matters would, therefore, be appreciated——

**Deputy Dan Neville:** Hear, hear.

**Deputy Ciarán Cannon:** ——and would make what Deputy Martin Ferris and his colleagues in Sinn Féin have to say seem much more credible.

**Deputy Martin Ferris:** The Minister of State is obviously not very well acquainted with the Six Counties. I can understand that because he has hardly ever visited the place. He probably does not even understand who is responsible for funding the Six Counties. In this State, tax-

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payers — including the Minister of State, me and everyone else in this House — are responsible for funding education.

**Acting Chairman (Deputy Tom Hayes):** We must move on to the next topic.

**Deputy Kathleen Lynch:** Who is responsible for——

**Deputy Ciarán Cannon:** The Deputy is not talking about funds.

**Deputy Martin Ferris:** The victims of the Government's policy will be school-going children.

**Deputy Dan Neville:** The Deputy should not be denying his party's policies.

**Deputy Martin Ferris:** Teachers who are removed from the type of schools to which I refer will be employed elsewhere.

**Deputy Ciarán Cannon:** That is correct.

**Deputy Martin Ferris:** However, the pupils attending those schools will be victimised as a result of the Government's policy and those opposite do not give a good goddamn about that.

### **Public Attitudes to Disability**

**Deputy Dan Neville:** I thank the Ceann Comhairle for providing me with the opportunity to raise this matter. I recognise the work of the National Disability Authority in the context of the national survey of public attitudes to disability in Ireland. That survey is quite disturbing in many ways. There has been a drive on the part of many NGOs, Government organisations and others to remove the stigma relating to and encourage a better understanding of disability and create opportunities and promote equality for people with disabilities. Unfortunately, the survey to which I refer indicates that our attitudes in respect of these matters is not good.

We must be concerned in respect of this survey, particularly as it shows that negative attitudes towards disability are actually hardening and that there has been a deterioration in attitudes towards people with physical and intellectual disabilities in the past five years. Among the survey's main findings are that 34% of people with disabilities face restrictions in socialising and that almost 24% of people in general would object if children with mental health problems were in the same classes as their child. In addition, some 21% stated that they would object if a child with an intellectual disability or autism was placed in a class with their child. The survey further indicates that only 37% of people agreed that adults with intellectual disability or autism should have children if they wish. This is down very significantly from a figure of 64% in 2006. In addition, only 56% agreed that people with mental health difficulties had the same right to have sexual relationships as those without disabilities.

The Government should take immediate action in respect of the findings contained in the survey in order that we might stop people with intellectual disabilities slipping further away from mainstream society. The entire objective in respect of destigmatising the area of disability was to ensure people would reach their full potential and play a full role in society. It can be inferred from the survey that the will to achieve this objective is slipping.

Deirdre Carroll, the chief executive of the society, stated society needed to ask whether it is progressing or regressing in its treatment of people with disabilities. She stated we are going back to the days "where children with an intellectual disability didn't attend their local schools

and mix with other children, and adults were pushed into institutions at the edges of communities”.

The survey shows people with disabilities continue to face significant barriers in all areas of their lives, in schools, at work and in their neighbourhood, which precludes them from becoming valued and integrated members of society. Perhaps the Minister of State will address the objective of the Government that 3% of positions in all public bodies would be available to those with levels of disability and outline the progress that has been made. I know in some public authorities, particularly local authorities, substantial progress has been made and the percentage of people who have been employed is far more than 3%. Perhaps the Minister of State will make a general comment on the area because this issue seems to have slipped down and receives less attention.

These barriers in many ways are central to the isolation experienced by people with disabilities and we must ensure in every way possible that people with disabilities are seen as highly valued and equal members of Irish society, which they are. Will the Minister of State comment, if she has information, on See Change, the national mental health stigma reduction partnership which deals with stigmatisation and the same issues with regard to mental health. We recognise mental ill health and disability are two separate issues but there is a commonality with regard to the stigma surrounding them.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I do not intend to restate the statistics provided by Deputy Neville. I fully accept his commitment not only to this area but also to mental health. Not alone has he spoken about this issue through the years when no one else wanted to speak about it but he definitely educated many people with regard to mental health and the topic of suicide.

The National Disability Authority, NDA, conducted surveys of attitudes to persons with disabilities in 2001, 2006 and 2011. The 2006 survey showed marked improvement in the public's attitudes towards people with disabilities, save in relation to those with mental health difficulties. Unfortunately, the NDA's survey completed in 2011 shows a serious deterioration in attitudes towards persons with all types of impairments, although there is some evidence that gains made in 2006 regarding attitudes towards those with mental health issues have been retained. The survey found a general hardening of attitudes towards people with all types of disabilities, whether in schools, the workplace or in community life. Some of the survey findings are truly worrying.

Only 48% of respondents agree that children with sensory impairments should attend the same schools as those without disabilities. This is down from 58% in 2006. Almost a quarter — 24% — of respondents said they would object if a child with mental health difficulties was in the same class as their child. This is up from 21% in 2006. We are meeting somewhere in the middle and attitudes are definitely hardening. Only 62% believe children with physical disabilities should attend the same schools as children without disabilities. A total of 21% would object if a child with intellectual disability or autism was in the same class as their child. This is up significantly from 8% in 2006. Only 37% agree that adults with an intellectual disability or autism should have children if they wish, and this is down very significantly from 64% in 2006. Only 56% agree that people with mental health difficulties have the same right to have sexual relationships as those without disabilities.

The survey also demonstrates that people in general are less comfortable living beside a person with a disability, whether physical, sensory or intellectual, but have most difficulty living beside those with mental health difficulties. All of the statistics will be on the record but at this

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point I would like to state that regardless of whether people have difficulty living next to a person with a disability, and the survey shows the greatest difficulty is with regard to those with mental health difficulties, it is a fact that people with mental health difficulties live either with us or near us in communities.

We should be grateful the Government is determined to push on with the changes and advances being made not only in mental health but also with regard to people with disabilities. We need to confront these attitudes. We have funded programmes such as See Change, Make a Ripple and other fine campaigns. Advertising on mental health issues has had a profound effect. Funding local groups with regard to the social interaction that needs to take place with people with disabilities and people with mental health difficulties has made a huge difference.

A total of 26% of people with disabilities said people's attitudes posed a barrier to their participation in life activities. This contrasts with only 3% of people without disabilities who reported such attitudinal barriers. One argument constantly made with regard to attitudes is that one cannot legislate for attitudes, and this is true. One cannot legislate to force someone to change his or her attitude. However, as Jack Straw once said, one cannot legislate for attitudes but one can legislate to ensure someone's attitude will not detrimentally affect someone else's, and this is the course we should take. The survey also found that people with disabilities are twice as likely to be socially isolated from family and friends than those without disabilities.

International evidence outlined by the NDA has shown that personal contact and collaboration with people with disabilities on an equal basis is the most successful way to achieve attitudinal change. We have funded SHINE to co-ordinate the two year See Change campaign to promote positive attitudes to those with mental health difficulties. The survey would suggest this has been significantly successful.

We now have the national disability stakeholder group, which is a cross-departmental group at the centre of government. Up to this point its membership was comprised only of service providers and Government agencies. It now has a range of people, including those representing the mental health area, people with physical disabilities and those with life experience of what it is to have a disability. Recently, two people with intellectual disabilities were appointed.

We are pushing out the boat and we are determined that attitudes, legislation and how people live their lives with disabilities will change. However, I agree fully with the Deputy that we have so much more to do.

**Deputy Dan Neville:** I thank the Minister of State for her reply. While we cannot legislate for attitudes, as she stated, we can campaign to change them. We saw the result of significant investment in the very successful campaign on road safety, which is often quoted as a headline. The level of finance is not available for similar investment in this area, but there should be a level of support for attitudinal change. Often people use the word "stigma" very loosely but do not fully analyse or understand exactly what it means. It means using negative labels to identify people with mental health problems and disability. It is at the root of fear and misunderstanding of these issues. People hold negative opinions towards people with disabilities and mental health problems simply because they do not understand the issues involved and because they rely on myths and misconceptions about the areas. International research and policy documents identify stigma as one of the most persistent barriers to understanding the problems with mental health and disabilities and the importance of these areas.

The Minister of State mentioned the objectives of See Change and the examination of their effectiveness. It is important to put those on the record. See Change wants an environment where people can be more open and positive in their attitudes and behaviour towards mental

health; greater understanding and acceptance of people with mental health problems; greater understanding and knowledge of mental health problems and of health services that provide support for mental health problems — that would also apply to people with disabilities; and a reduction in the stigma associated with these issues and the need to challenge discrimination.

Unfortunately, attitudes towards mental health create a misunderstanding among people and that misunderstanding leads to people with a disability or a mental health problem having low self-esteem. They feel isolated and hopeless, and that can deter them from seeking help. Responding to that stigma people with disability or mental health problems can sometimes internalise the public attitudes to which I referred and become so embarrassed or ashamed that they often conceal the symptoms and fail to seek treatment. There is a knock-on effect from those attitudes in terms of the way people provide and obtain treatment for conditions that can be treated. Improvement can be obtained in terms of quality of life and contribution to society.

**Deputy Kathleen Lynch:** I do not have any additional back-up notes but everything the Deputy said is correct. It is about continuously speaking out in public and treating the issue in its normality. That is what we must do. People with disabilities are contributors to society. They work, are part of our community and contribute, not just to the public purse but to the social discourse as well.

The emphasis in terms of mental health and disability is often compared to the road safety campaign. Deputy Neville rightly said it is the insidiousness of stigma, and the hidden attitude, that is difficult to deal with. I am not dismissing the people who did such an exceptional job in terms of road safety but there are physical things that can be done in regard to road safety to make the roads safer and prevent accidents happening. There is a different attitude towards mental health and disability and the greatest barrier is the insidiousness of that attitude. The Deputy is right. The attitude sometimes can prevent people from reaching out for help, and seeking that help too late can mean one is left with an enduring condition. I agree with everything the Deputy said.

**Deputy Dan Neville:** May I briefly respond?

**Acting Chairman (Deputy Tom Hayes):** Both the Deputy and the Minister were given a good deal of latitude.

**Deputy Dan Neville:** Regarding the campaign against attitude and stigma, it was a former Minister in the Minister of State's party, Noel Browne, at another time who destigmatised and changed attitudes towards tuberculosis. It can be done. The examples exist of how that can be achieved.

### **Legal Services Regulation Bill 2011: Second Stage (Resumed)**

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

**Acting Chairman (Deputy Tom Hayes):** Deputy Bernard Durkan has 15 minutes remaining in his slot.

**Deputy Bernard J. Durkan:** I had to rush here from a foreign affairs committee meeting and, unfortunately, will have to rush back again shortly. I will be brief.

I referred earlier to the costs of the tribunals to the taxpayer and the necessity to re-examine the way we do things and the manner in which such costs seem to accumulate. As Deputy Alex White said, it gives the legal profession a bad name and creates an impression in the minds of

[Deputy Bernard J. Durkan.]

the people that a judicial inquiry into these issues should never again be held. That is a sad reflection on our society and the way matters have progressed.

Reference was made to the multi-disciplinary proposals and the setting up of such enterprises. I do not know the answer to that question. I do not know whether it is a good idea to have people such as auctioneers, property developers or many other people within a particular practice. They might create a conflict of interest that would not necessarily be beneficial to the public good or to the interest of the taxpayer. The Minister might comment on that issue because it has arisen. For instance, all Departments have legal advisers and sometimes the legal advice is in consort with the legal advice sought outside Departments. Sometimes the advice offered within Departments is correct and soundly based and sometimes it is not, as we are all well aware, with obvious consequential costs to the State and the State agencies. That is an area we must carefully examine to make sure we do not enable something to occur that might be the last thing we had intended.

Legal costs generally is an issue that arises frequently, not only generally but in individual cases. As a non-legal person, it is embarrassing from time to time to go through some of the Bills that come from different legal firms under different headings. Suffice to say that in the times in which we live the general public have great difficulty understanding how these situations arise. Similarly, they have great difficulty understanding how, in many cases, the resolution of a particular case comes to virtually the sum total of any award that might accrue. That is extraordinary. A week does not pass that we do not see some evidence to that effect. That suggests one of two things. It could suggest there is no sense going the legal route to resolve certain issues, in which case the rights of the individual are secondary and no longer protected in the State. That is a serious situation. In the context of this legislation it is incumbent on us as legislators to ensure that does not occur, in other words, that the result of attempting to achieve one's rights through the courts should lead to a situation where the cost is such that the entire exercise was null and void or of no benefit to the complainant in the final analysis. It is a serious issue and one that must be dealt with. I know that everybody involved will be anxious to do that.

Similarly, I am aware the law society and the Bar Council of Ireland have expressed considerable concerns about the Bill. That of its nature would be normal but it is important for those organisations to carefully examine the extent to which change is necessary and the degree to which they can lend their approval because there is no sense in the State and eminent organisations like the law society and the Bar Council of Ireland to be at loggerheads. That is important in a country where the separation of powers is enshrined in our Constitution. It is of particular importance now that on all sides we recognise each other's position and the need to ensure fair play, transparency and accountability is part and parcel of the legislation we are discussing.

On the issue of arbitration in regard to fees, I do not know the answer. No matter what happens, one side or the other will feel aggrieved. A question that seems to arise is the unfairness of the level of fees charged in certain quarters in particular situations. That should not be the case. It should not transpire that to achieve one's rights or entitlements under the law one should have to forego them in terms of potential future income or whatever the case may be. The matter should not be the sole preserve of a legal firm setting out a bill for legal costs for the individual concerned, and it is not, as there is the provision for taxing and so on. Such provision is made in this legislation. Due regard should be had for reason. We have read about cases where the degree to which the arbitration of fees or taxing in that respect takes place seems to vary dramatically from case to case. In some cases it appears a senior counsel

is called upon to do very menial work by way of reference to the itemised accounts. To reiterate the standing the legal profession needs to have in this kind of situation, to which Deputy White referred earlier, it is important for it to be recognised that it is not possible simply to think of a figure off the top of one's head and charge it to the client regardless of the costs involved.

I am sure Members will be pleased to hear about an interesting incident that occurred. Many years ago when I was first elected a Member of this House a constituent came to me to complain about the manner in which he had been treated by a legal firm. I could not name the firm in these hallowed surroundings but I found a way to probe the matter and I sent a gentle reminder to the legal firm in question and received a profound and offended response two or three months later suggesting it was outrageous that I should have raised the matter in this fashion and demanding that I recant and apologise. Whether the legal firm had a mischievous legal secretary or there was a hidden message, or it was a mistake I will never know but enclosed with the letter was an opinion from senior counsel indicating that the firm in question was seriously at odds with the procedures and had left itself wide open to serious action being taken by the client on whose behalf I raised the case. I thought it was a interesting incident. It reflected the outrage on the part of the person who had been accused of doing a wrong and I am not saying this applies particularly to the legal profession. It is interesting how it happened that the senior counsel's opinion was in the same envelope and no reference was made to it but it turned the other argument on its head.

We all receive complaints about conflicts of interest, particularly in regard to conveyancing, where an unfortunate solicitor decides to oblige everybody by dealing with the two sides, but that does not work out well. It is not a safe route to go. It is very dangerous. I have dealt with countless such cases, as I am sure other Members have.

When we introduced legislation to provide for legal separation and divorce, a proposal that was put forward, and to which we all agreed, was that it should be accessible to all sections of society, and the same applies to everything else. As time has progressed, we seem to have drifted further and further away from that concept. It is now only something that becomes available to those who are better off and they pay through the nose for it.

There is provision in the legislation to make changes in regard to legal aid service. I would question the effectiveness of that service following the passage of time. I am not sure it is as effective as it was intended to be. Many young practitioners get involved in it at an early stage and it is important and useful for them but for some unknown reason there are long delays, backlogs and waiting times. There is the notion that if a public representative makes an inquiry, nobody should attempt to give him or her information that would indicate by what year it might be possible for the unfortunate client to have his or her case brought before the family law courts or other courts.

I would like to go into greater detail on the issues of concern to me during the debate on the later Stages of the Bill.

**Acting Chairman (Deputy Tom Hayes):** I note Deputies John Browne and Robert Troy are sharing time.

**Deputy John Browne:** Yes. I would like to share my time with Deputy Robert Troy. I welcome the Bill and this opportunity to say a few words about the legal profession. They are much maligned people and perhaps have been more maligned than politicians on occasions when criticised about their exorbitant fees and the money they have received for their work at the tribunals. I have held the view that the money paid to them by the tribunals was approved by the Government of the day. A good deal of unfair criticism has been levelled at the barristers who have worked on tribunals.

[Deputy John Browne.]

Fianna Fáil welcomes significant parts of the Bill, including those parts that introduce greater transparency and will make it easier for young people to qualify as either barristers or solicitors by ending the monopoly that the Law Society and King's Inns have on training both branches of the profession. The introduction of greater transparency is a welcome move that will allow the free information on costs that should help reduce costs and allow consumers to gauge value for money. However, these reforms give rise to a number of problems and a series of measures are needed to strengthen them. Our amendments will reflect this. We intend to put forward a significant number of amendments on Committee Stage.

There is concern that the Bill will give rise to problems in that too much powers are being taken by the Minister unto himself. One of the great achievements of the Irish judicial system is that it is recognised internationally as being independent. Many of the new eastern European countries sought to base their new legal systems on the systems operating here.

A great benefit of the Irish legal system is that members of the public know that the State is not given any preferential treatment before the Irish courts. This is particularly important since the State is involved in many cases that come before the courts. Under the Minister, Deputy Shatter's proposals, there is a danger that the principle of independence of the Irish legal system could be questioned and this is not the image we want to portray at home or abroad.

The legal services regulatory authority quango will be made up of 11 members and, from what the Minister said, it appears that seven of these members will be appointed by the Minister. The new legal practitioners disciplinary tribunal quango will be composed of 16 members nominated by the Minister for Justice and Equality, with three members to be nominated by the Law Society and three members to be nominated from the Bar Council. Thus, the majority of its members will be nominees of the Minister. In effect, the Minister for Justice and Equality and, by extension, the Government, will control the regulation of lawyers in Ireland. This is not a great prospect. I ask the Minister to clarify this when he replies at the end of the debate.

Multinational companies that base themselves in Ireland do so in part because they know any dispute they have with the Irish State can be determined fairly before the Irish courts. If it is the case that every lawyer in Ireland will now be regulated by the Government, there inevitably will be a question mark over the independence of Irish lawyers taking cases on behalf of multinationals against the Government. A message may go out internationally that since Irish lawyers are regulated by the Government of the day, it may be preferable for multinational litigants before the Irish courts to avail of the services of English or other European lawyers. The Minister needs to consider how future Ministers for justice may abuse the enormous power conferred upon them. I have no great problem with the ability of the current Minister to deal with this — I have every faith in him — but it may cause problems down the road. The Minister should reconsider this whole area and perhaps not take so many powers onto himself but instead have a more independent basis for regulating the legal system.

The central problem with the Irish legal system is that it is too costly. It is unacceptable that citizens who wish to have their rights vindicated are prevented from doing so because of the appalling financial consequences they may face should they lose the proceedings. The Acting Chairman knows, as do people on all sides of the House, that because of the high costs involved, people are not prepared to go to the courts and they are certainly not prepared to take on Government bodies. I have seen this in my own county when local authorities and VECs make decisions against members of the public who are not in a position financially to do anything about it. The costs of such bodies are usually borne by the taxpayer or the ratepayer, but the ordinary Joe Soap is not in a position to take court cases because of the high costs.

The Minister says his Bill will fully spell out the principles that guide the assessment of legal costs, which I welcome. He also said that the key principle is that of reasonable costs for appropriate work done. However, what the Minister has not clarified is whether lawyers and their clients will be able to contract out of the requirements of this legislation. If it is the case that a solicitor is able to agree with his client that the provisions of the new Bill will not apply, then the provisions are mere window dressing. Solicitors who encounter clients for the first time, invariably when they are in a very vulnerable position, will be able to seek to persuade them to sign a separate agreement on costs. Unless the facility to contract out of the provisions of the Bill is removed, it will have a limited impact on legal costs, and I fear that people will still not be in a position to avail of legal services, as is the Minister's intention.

A major concern is that the cost of paying for this vast new quango, which is being imposed upon the legal profession by the Minister, will result in an increase in legal costs. The quangos are to be funded by the legal people themselves and, as the Minister and I both know, these costs are usually not borne by such people but are passed on to the customer. This is something the Minister needs to re-examine. Why do we need such a large number of people on these quangos, and why are the costs involved so high? The Minister should clarify how he intends to make sure the costs are not passed on to the consumer. If the cost of running the two bodies he is talking about setting up are passed on to the consumer, the whole purpose of the Bill — that is, to reduce legal costs — will be lost. The Minister needs to provide clarity on this.

I welcome the provisions of the Bill which deal with education. The Law Society and the King's Inns currently hold a monopoly on training for entry to the solicitor and barrister professions, respectively. I must declare my interest in this regard, as I have a son who is a barrister.

5 o'clock He had to go about becoming a barrister in a roundabout way because none of the family was involved in that area, and many roadblocks were put in his way, but eventually he did qualify and is now one of the people who is making some money in this area. He is not overly happy with the Bill, but I take a different view, because the costs of barristers and solicitors are far too high at present. I felt at that time that both of the bodies I mentioned had a strong monopoly. I welcome the fact that the Minister has now decided, although different Ministers have talked about it for many years, to remove this.

The opening up of education provision will be a step towards reducing costs and ultimately broadening access to the legal professions in general. The long route to becoming a solicitor — or, in particular, a barrister — eliminates the possibility, for many people, of choosing it as a viable career. It is a welcome change.

Fianna Fáil will put forward a number of amendments that have been already outlined by Deputy Calleary. I am sure the Minister will listen to the amendments and, if they are sound and will stand up to legal challenge, include some of them in the Bill. Overall, we welcome the Bill, but there are certainly some changes required. The Fine Gael-Labour Party coalition talked about getting rid of around 140 quangos, but now the Minister is intending to set up two more. This will be very costly, and my major concern is that the costs will be passed on to the consumer.

**Deputy Robert Troy:** I too welcome the opportunity to speak on this Bill. We in Fianna Fáil welcome significant parts of the Bill, including the provisions on transparency and those that make it easier for young people to qualify as either barristers or solicitors by ending the monopolies of the Law Society and the King's Inns. There are, however, areas in which we have grave concerns. Concerns have been expressed about certain provisions by many members of the public and of the legal profession.

[Deputy Robert Troy.]

Before I speak about these, however, I would like to follow up on a point that Deputy Browne made. When Fine Gael and the Labour Party came to power, they promised they would cull quangos. Fine Gael pledged to abolish 145 quangos in its document *Reinventing Government*. The programme for Government also committed to reducing the number of State bodies. Notwithstanding this, the Minister is proposing to establish two new quangos, the first of which is the legal services regulatory authority, which will be required to regulate the whole legal profession in this country. Such a quango will be large and costly, and in order to carry out the functions of the Law Society and the Bar Council it will be heavily staffed. The Minister has indicated that this body will be paid for by the legal professions themselves, but the experience historically is that most costs such as this are passed on to customers. The second quango is the legal practitioners' disciplinary tribunal, a quasi-judicial body which will preside over alleged cases of misconduct referred to it by the legal services regulatory authority. I question the need for two more quangos. The creation of this tribunal renders obsolete the Legal Services Ombudsman Act 2009, which was introduced by the then Government with the aim of having a single statutory independent body to deal with complaints. This Act was similar to the UK regulatory model, which has been also rejected by the Government in its creation of a legal services regulatory authority rather than an oversight body.

One of the greatest achievements of the Irish judicial system is that it is recognised internationally as being fully independent. As Deputy Browne said, many of the new eastern European countries sought to base their legal systems on the one operating in Ireland.

The fundamental issue is the separation of powers and the independence of our legal system. In that context, I wish to quote from a number of letters I received from various constituents about the Legal Services Regulation Bill. One letter states:

Firstly, might I say that there are many provisions in the Bill that I would welcome, however, in its current format I am extremely concerned that the Bill represents a most serious undermining of the independence of the legal profession. Such independence is essential to protect the rights of citizens and this independence is alarmingly threatened by the Regulatory model proposed by the Minister in this Bill.

Whilst the vast majority of the legal profession have no objection whatsoever to Independent Regulation of the profession, what is proposed by the Bill is in fact regulation by the Minister!

That is, in turn, regulation by the Government. While I do not in any way question the integrity of the current Minister, this legislation will be in place long after he departs office. The legislation will be implemented by future Ministers, so it is important that it is not open to interpretation. My correspondent goes on to state:

To emphasise my point I set out hereunder the proposed powers of the Minister/Government in relation to the intended Regulatory Authority.

1. The Government will appoint/remove members of the Authority [seven of the 11 members will be Government nominees].
2. The Government will determine the terms of office remuneration and expenses of the members of the Authority (Section 8).
3. The Minister is to be kept informed by the Authority of developments in relation to the provision of legal services by Lawyers and the Authority assist the Minister "in coordinating and developing policy in this regard" (Section 9).

4. The Minister approves appointment of Consultants or Advisors by the Authority. The Minister (with consent of Minister for Public Expenditure and Reform) approves the fees to be paid to Committee members, Consultants and Advisors (Sections 12 and 13).

5. The Authority's three year strategic plan must be approved by the Minister and must "comply with any directions issued from time to time by the Minister in respect of the form and manner of plans preparation" (Section 16).

6. The Minister can direct the content and form of the annual report by the Authority to the Minister and the Oireachtas Committee on Justice (Section 17).

7. The Minister can request the Authority to prepare or approve a code of practice or professional code and the Authority "shall" do so. The Authority "shall" submit the draft code of practice or professional code to the Minister for consent to its publication or approval .... with or without modifications. (Section 18). The Minister's consent required for Authority to amend, revoke or withdraw approval for a code of practice for professional conduct (Section 18).

8. The Minister appoints a CEO of the Authority on recommendation of the Public Appointments Service for such a period of office not exceeding five years.....

9. The Minister appoints the staff of the Authority and determines their grades, remuneration, terms and conditions (Section 20).

10. All estimates, financial information and accounts of the Authority are subject to approval of the Minister. The Minister can appoint any person to examine the accounts of the Authority (Section 22).

The letter continues in that vein. The recurrent theme is the involvement of the Minister. I do not question the integrity of the current Minister but this legislation will be in place long after he leaves his position. The letter continues:

You will probably already have noted the concerns expressed in relation to the Bill separately by the three international legal bodies describing the Bill as "one of the most extensive and far reaching attempts by a Government to control the legal profession". These concerns are expressed by the incoming President of the Council of Bars and Law Societies of Europe (CCBE) who described the independence of the legal profession as "a fundamental value of European Law" and it is also a widely held view that any breach of that principle (such as enunciated in the current Bill) will most probably lead to litigation before the European Court of Justice and the European Court of Human Rights.

I could read another few pages from the letter I received but no doubt the Minister has received, heard and hopefully listened to the concerns outlined by the legal profession. Undoubtedly, he has met its representatives. I hope he will listen to the concerns that will be expressed in the amendments that will be brought forward on Committee Stage.

It is important that anything we do in this area makes it as affordable as possible for people to access legal services. As Deputy Browne said, some people cannot afford to go to court to clear their good name. To conclude on a positive note, an element of the Bill we welcome is the cessation of the monopoly on legal training of the Law Society and King's Inns. It will open a new avenue for people to enter the profession. I hope the Minister will take on board the concerns outlined in the House today as well as the concerns of members of the public and of the legal profession when the Bill progresses to Committee Stage.

**Deputy Charles Flanagan:** I wish to declare an interest in the legislative measure before us. I am a member of the Law Society of Ireland. Notwithstanding that, I am pleased to have an opportunity to comment on this important legislation. It is a milestone in the development and regulation of members of the legal profession, both solicitors and barristers.

I accept that reform of the legal profession is somewhat overdue. I congratulate the Minister, Deputy Shatter, on this initiative as well as a number of other important initiatives he has undertaken since his appointment as Minister for Justice and Equality less than a year ago. I refer in particular to the Judicial Council Bill, which I expect to be debated later this year.

There have been several reports on the matter of structures and regulation, most of which have concluded that the current structures are somewhat restrictive and anti-competitive. The Competition Authority formed this view some years ago. In more recent times the troika has specifically adverted to the need to reform legal services. However, it is important that we consider the Bill in the context of the tangible benefits to society and the economy — the principal objects, the intended targets and the likely results. In December 2006 the Competition Authority issued its report. Of the 29 recommendations, a handful referred specifically to the Law Society. It is fair to say that all the recommendations for reform of the Law Society have been implemented.

As a public representative I have two major concerns about legal services, both of which have been mentioned by previous speakers and both of which go to the core of this legislation. They are the cost of going to court and the appropriate structures being in place when something goes wrong. On the latter point, I am particularly pleased to note a recent initiative on the part of the Law Society in the area of complaints and redress procedure. The Law Society has indicated in correspondence to the Minister for Justice and Equality that it has given up control of dealing with client complaints and has recommended in correspondence from the president of the Law Society that all such complaints should in future be made to, and dealt with by, an independent body. This represents a fundamental change in the position of the society. It is admitted by the society that this is to address a public perception, which has been echoed and re-echoed in this House for many years, that members of the legal profession should not adjudicate on client complaints against members of the society, as has been the case for upwards of 150 years. I welcome the society's ceasing to handle complaints.

While there has been a public perception that there has not been lay involvement, it is important to state that the Law Society of Ireland has been accustomed to oversight of an independent and lay nature. There is a perception, which I heard this afternoon, that self-regulation is a cosy closed arrangement operating against the public interest and to the detriment of the citizen. It is important that the House be reminded that the complaints and client relations committee of the society has, currently and for a number of years, a majority of lay members, involving representatives of IBEC, ICTU and the Director of Consumer Affairs. The appeal of a complaint decision is currently to an independent adjudicator that has been in operation for the past 14 years and is both independent and lay. That independent adjudicator has reported from time to time on the need for further reform. These reports and recommendations, by and large, have been acted upon to the benefit of the consumer and the public. There is a further appeal on the part of the consumer to the Solicitors Disciplinary Tribunal, which body is entirely independent of the Law Society of Ireland, wherein the society exercises nothing in terms of control and little in terms of influence. That entire process is subject to the authority and control of the President of the High Court.

While I accept the public perception, an examination of the reality is different. Notwithstanding that, I welcome the reform as outlined and communicated by the Minister. It is essential, in the context of these reforms, that there be open and constructive dialogue between the

professional bodies and the Minister. I welcome the fact that there have been a number of meetings. It is essential that both arms of the legal profession buy into the current process.

It is widely recognised and accepted that the ECB-IMF-EU Commission deal recommends change to ensure the provision of legal services to the public at a reasonable cost. Law and justice must be accessible and available at all times. It is accepted that agreement reached with the troika will not, at this stage, be unravelled and the concept of the legal services authority will be introduced. I welcome that. I do not believe anyone, in the context of the current debate, is of the view that this proposal will be unravelled, or that the clock will be turned back.

There are a number of concerns with which I hope the Minister can deal during the debate on Committee Stage when amendments will be proposed. I do not have time to deal with them now in the detail I would like. For example, the legal difference between the definitions of misconduct and of professional negligence should be maintained. There are compelling reasons for doing so. The differences are substantive and are there for good reason.

Having been a member of such a body for a number of years, I accept that no professional body, and in particular the Law Society of Ireland, can act as regulator and representer at the same time. That situation represented an essential conflict. If I am a member of a professional body I may, from time to time, require that body to represent me. If that professional body, at the same time, regulates me that regulation must be always in the public interest. It is difficult to argue that a conflict does not exist in such a situation. I welcome the comments of the Minister, which views he has held for a number of years, and with which I agree.

I would like to see a greater level of debate on limited liability partnerships and limited companies being envisaged for the arms of the profession. I would welcome that but I am not so sure about multidisciplinary partnerships. They are not recommended by The Competition Authority. What has changed in the meantime to allow an acceleration of views that such multidisciplinary partnerships are in the best interest of the public? These issues must be dealt with in a detailed way on Committee Stage. The idea that barristers, solicitors and accountants, along with other commercial enterprises, are free to form companies and partnerships might seem, on the face of it, a good one. However, large firms can operate to the detriment of smaller firms when the best in the business can be hired to represent corporate entities in all their cases, to the exclusion of other members of the profession and, ultimately, to the detriment of the client. This can lead to a situation where an individual taking a personal injury action is unable to gain access to appropriate, or top drawer, legal representation because the cream of the profession is under exclusive contract to the opposing party. This would limit the rights of the citizen to have the best possible representation, which the Irish citizen, or consumer of services in this jurisdiction, is uniquely able to access, no matter how small the firm representing him or her. A plaintiff or defendant in this jurisdiction can have access to any barrister he or she wishes, as long as the barrister does not have a conflict of interest or other commitments. This ability is not reliant on the size or location of the firm. There are issues in this area that need to be addressed.

The matter of independence has been mentioned. An independent legal profession is an essential component of any democracy. Such independence and freedom from State control and interference is an important bulwark against abuse, be it State organised abuse or corruption. There is concern that an excessive degree of ministerial control may well be contained in the Bill. Whatever regulatory authority is constructed, it must be wholly independent. This independence is essential for those consuming the service. The process at all times must be free from State control. Having regard to the fact that 50% of litigation cases conducted in the Irish courts currently involve the State as a named party, there could well be grounds for a perception that the matter of independence could be compromised.

[Deputy Charles Flanagan.]

The proposed structure of the authority must be independent and seen to be so in every respect. On Committee Stage I hope to deal with certain issues in respect of sections 8,13 and 16 to 20, inclusive. I would not like the Government to exercise undue influence and control, as remarked upon by bodies such as the Irish Council for Civil Liberties. These issues can be dealt with to the satisfaction of the groups from which commentary has been forthcoming. Lawyers ensure the protection of fundamental rights and freedoms in society and to vindicate these rights of citizens, they must at all times be free to advise clients accordingly. The legal profession, therefore, must be independent of the State. Members of the new authority should be appointed in such a way as to ensure that independence.

We must also deal on Committee Stage with the concerns expressed about the costs of the new authority. Concern has been expressed about the levies that will fund the legal services regulatory authority. The expenses of the authority as broken down — 10% from the Bar Council, 10% from the Law Society and 80% *pro rata* between the society and the council — will impose a burden that ultimately will be placed on the shoulders of the consumers of the services. Measures must be introduced, therefore, to minimise costs, which is an important objective of the Bill in the first instance.

The fusion of the professions, a subject widely reported on in the Competition Authority report in 2006, appears to be inevitable. Why have we had such a rush towards this inevitability over a five year period? An unintended consequence might be an increase in costs which would drive many lawyers out of the profession and thereby restrict access to the law by members of the public.

Concern must be expressed about the rural general practice and the access of members of the public to specialist expertise when required. Society can only benefit from having a more transparent, streamlined and less costly system, as intended in the legislation. However, I must quote the oft-hackneyed phrase of the 19th century English judge Sir James Mathew who said, “Justice is open to all — like the Ritz Hotel.” There are consumer concerns about costs which must be met.

I note that the Department of Finance paid €33 million for external legal advice in 2009. We have commented on all sides of the House about the extraordinary cost of legal services for tribunals. Today we read about the legal costs for NAMA in 2010 totalling €27.56 million, an extraordinary amount of money in any circumstances. The cash-strapped HSE is continuing to spend €20 million a year on external legal advisers. This is being done despite the fact that it has its own internal legal office which costs €500,000 a year. It created a national legal services department in March 2010 to provide professional advice for the organisation, yet that same organisation can spend up to €20 million a year on external legal services, even though we all know about trolleys and budgetary constraints in the health service. I call on the Minister for Health to provide a detailed report on the effectiveness of the HSE’s legal advice procurement process. There are issues that need to be dealt with. I also ask the Minister for Justice and Equality to look at the tendering systems in place in local authorities, many of which have in-house legal departments, yet they are spending hundreds of thousands of euro on external legal services. I want to revisit the issue of the procurement and tendering processes for legal services for the HSE.

I congratulate the Minister on the many initiatives he has taken since he took over. Change must be progressive and inclusive. However, there are certain aspects of the Bill which give rise to concern. We must at all times be convinced in this House that we are going to reduce costs. We must ensure there is a complaints handling system that is transparent and in which

people have trust. More than anything else, we need a legal profession that is independent of vested interests but also independent of undue State control and influence.

**Deputy Michael Healy-Rae:** I sincerely thank the Technical Group, the Whip and her staff for arranging for me to have speaking time. I also acknowledge the presence of the Minister in the Chamber.

I have no difficulty with measures that seek to modernise the legal system and aim to provide for better and fairer delivery of legal services to the people. In fact, if we could all avoid engaging legal services or dealing with solicitors or barristers, we would definitely be a lot happier and richer and have a lot more peace of mind. Unfortunately, it is a sad fact of life that we need such services every day in one way or another, whether in buying a house which not many can do at present or perhaps appearing in court for failing to buy a television or dog licence.

Generally, leaving aside the fact that, like any of the professions, there may have been rogue operators during the boom time, legal professionals have served us well for many years. Many of them engage in *pro bono* work in their own time to assist people who cannot afford to pay them. This should be highlighted in the House because I certainly know many who have been very kind, helpful and thoughtful in dealing with people in difficulty who would not have enough money to engage professional services. This is very much appreciated by those concerned. However, to use the old analogy, the Minister is using a lump-hammer to crack a nut.

I would be grateful if the Minister listened to me because I have gone to the trouble of preparing what I have to say to him. He can talk when he is outside the Chamber. If he was addressing me, I would do him the courtesy of listening to him.

**Deputy Alan Shatter:** I have heard everything the Deputy has said. I have not missed a word.

**Deputy Michael Healy-Rae:** I thank the Minister. I would like to repeat that he is using a lump-hammer to crack a nut.

**Deputy Alan Shatter:** I heard the Deputy say that.

**Deputy Michael Healy-Rae:** That is the best way to describe the proposals contained in the Bill.

There are many problems with the Bill. It seems the Minister has reluctantly admitted there are problems with it, following the exertion of pressure from all quarters. There was no consultation and no research conducted in advance into the many proposals made in the Bill. In fact, a number of key proposals go against the recommendations of the Competition Authority in its report on the legal professions in 2006. The authority recommended that there be independent oversight, a model which would see an independent regulator overseeing the work of the front-line regulators, the Law Society of Ireland and the Bar Council of Ireland. This type of model is consistent with international best practice and is far more effective and cost-efficient. The Minister now knows that he was wrong about the independence of the legal services regulatory authority and it seems he is now going to do something to fix that. The Bill as it stands provides for a level of government control over the appointment and running of the regulatory body which will run directly contrary to the core value of independence in the administration of justice. This is not just the view of the members of the Irish legal profession. The Bill has been widely criticised by various international groups, the Council of Bars and Law Societies of Europe, CCBE, the International Bar Association and the American Bar Association. The Minister has finally realised that the system of ministerial control over the functions and appointment of members of the regulatory board was not appropriate and it seems he is now

[Deputy Michael Healy-Rae.]

considering amendments to deal with the situation. It must be said that the person who never made a mistake never made anything and if the Minister is willing to consider amendments then this is to be welcomed.

Apart from the proposals in the Bill there are clearly other ways of dealing with regulation of the legal professions. For example, the Bar Council has suggested a form of independent regulation of the legal professions by an independent regulator of the nature and type recommended by the Competition Authority in its 2006 report. The regulator would be independent of the legal professions and of the Government. The Bar Council and the Law Society already have systems in place to regulate their members so there is no need for the Minister to re-invent the wheel. All that is needed is an independent regulator to oversee and supervise the regulation by the Law Society and the Bar Council. This would be a more efficient and effective form of regulation to that proposed in the Bill. It would also be considerably less costly. I ask the Minister to give serious consideration to this alternative proposal.

With regard to the cost of the regulatory body, the Minister was wrong about the costs of the regulatory body and he will need to go back to the drawing board. No regulatory impact assessment was carried out before this Bill was published. The establishment of this new quango without any prior assessment of the costs and the economic case for same, runs directly counter to good governance, common sense and the policy commitments in the programme for Government 2011. At a time when the nation is on its knees we cannot afford to even talk about setting up new quangos without any proper prior assessment of the costs involved. What has happened to the pre-election promises to abolish or merge quangos? It seems that the Minister's master plan is that the legal profession will have to bear the entire cost of this new quango. It does not take a mathematical genius or an honours maths student to figure out that the costs associated with the new quango will inevitably be passed on to consumers and that, ultimately, it is the public who will have to pay for the Minister's newest quango.

The county of Kerry has provided some of the nation's most distinguished solicitors and barristers over the years with the Liberator being the most famous. These proposals are daft when one thinks about it; if they had been around during O'Connell's time, he would have been regulated and overseen not by the Law Library, his colleagues or the King's Inns, but by a political appointee of Pitt the Younger or George III. What is more, he would have had to pay for the privilege of being regulated.

The Minister is also wrong about the introduction of multi-disciplinary practices. This new type of business model would see the cream of the crop of solicitors and barristers setting up in practice together. Needless to say, these practices would be concentrated in the capital, where some people think that the world stops at the Red Cow roundabout, and in the other main cities. The proposals have the potential to make the profession more elitist and prevent people entering or developing a practice by concentrating the best lawyers in a small number of large city firms. The proposed structures will undermine small solicitors' firms up and down the country who rely on ready access to independent barristers in order to be able to compete on a level playing pitch with the large city firms. These local solicitors are in and out of court every day defending people and in many cases where a client's liberty may be at stake, the solicitors need to be able to call on the best barristers to help out. Under the new system the best of the barristers may be tied into one of these new multi-disciplinary practices who may in turn be under a retainer and a contract to the main insurance firms who can afford to pay top dollar. For example, there are many fine solicitors in my native county and when they sit down with their clients to pick the best barrister team — be that at junior or senior level — to do battle in the field of the High Court in Dublin, they should have a free choice to pick who

they want, as is the case now, rather than be hived off to one of those who did not make the cut into the multi-disciplinary chambers. These new chambers will make litigation more of an uphill struggle for the people of small towns in rural Ireland.

Concerns about the proposed structures have been expressed by FLAC, the Free Legal Advice Centres. For many long years FLAC has provided an invaluable service to people up and down the country who cannot afford to pay for legal advice. If FLAC says there are problems then the Minister should sit up and take heed of what it says. Legal partnerships and multi-disciplinary practices were not recommended by the Competition Authority nor by the legal costs working group or in the programme for Government. No independent economic assessment of this or other models of business structure for the delivery of legal services has been undertaken prior to the publication of the Bill.

The Minister also seems to want to merge the two professions of barristers and solicitors in some way. I am not sure whether he wants them all to be solicitors or all to be barristers or whether he knows himself. The fact that the Minister is a solicitor might have something to do with it but I do not know. However, I know that it does not make any sense to start throwing the whole system upside down without properly engaging with the professions and, more particularly, considering the implications for the public.

Cutting legal costs is a very important consideration. I will give credit where credit is due. I welcome the provisions of the Bill dealing with the actual costs of legal services and the introduction of a more transparent legal costs regime. In the current economic climate, people must be able to get value for money and it is crucial that people should be entitled to shop around for solicitors and barristers offering the most competitive estimate for any legal work. We need transparency on the fees to be charged and oversight to ensure the fees paid reflect the work actually done. I welcome those parts of the Bill dealing with costs.

The Minister will, no doubt, say the troika required him to publish a legal services Bill by October 2011. However, that does not excuse the publication of the Bill in its current format without a proper consideration and study of the public interests involved and without solid information on the costs involved and other impacts of the Bill if enacted in that form. It seems bizarre in the extreme that the Minister, a member of the legal profession, could have come up with some of the proposals made in the Bill without properly consulting his legal colleagues and also bodies such as FLAC. It seems from the general reaction to the Bill that he has alienated and antagonised much of the legal profession in the process of introducing it. He has been a respectable, hard-working solicitor for more than 35 years and is the author of a book on family law. He is certainly no slacker when it comes to taking on work and has sat on the lauded benches in front of the Supreme Court on many an occasion, as was his right. Now, however, he needs to take a step back, take a deep breath and seek wiser counsel.

What I want for the members of the public I serve is the provision of a top class legal service which will be available to all and sundry at a reasonable cost. However, it seems the Bill will not do the job it is meant to do. I, therefore, call on the Minister to go back to the drawing board. He must go back to his colleagues in the legal profession — if they are still talking to him — get the views of the public, knock heads together and sort out this issue once and for all.

One issue on which I have focused is the importance of local solicitors. The Minister is as aware as I am, as well as all Members of the House who deal with the public on a daily basis, that family firms of solicitors operate in smaller cities, towns and villages which have provided a great service for generations. Children have followed in the footsteps of their parents, be they solicitors or barristers. They have had an interest in the legal profession just like those who have followed their forebears into the political profession. The reason they do so is they know what it is like, get a liking for it, want to study it and serve in that line. I am afraid that

[Deputy Michael Healy-Rae.]

what the Minister has proposed will centralise the legal profession in the larger cities, from which the best barristers will work. They will be debarred from operating for smaller solicitor firms. By stealth, the smaller firms of solicitors throughout the country will be squeezed out. They provide employment in their own local areas for the staff who work in their offices. They pay rates and their taxes and are a valuable part of the community. We would all be happier if we never had to go to a solicitor, but life does not work out that way. Therefore, I am afraid of the big monopoly the Minister is creating. He does not have a grasp of the implications, despite the fact that he is an eminent and great solicitor. Unfortunately, he has been based in Dublin for 35 years and is one of those who thinks everything finishes at the Red Cow.

We have all heard about the great things the Government intends to do in office. On a daily basis the previous Government was criticised, yet the solution offered when the Government took office was that it would set up a new quango. That is not right. That is not what the Government parties campaigned for. At the same time the Government seems to be very good at providing jobs for its own crowd. I could quote instances, but I will not.

**Deputy Alan Shatter:** I challenge the Deputy to do so.

**Deputy Michael Healy-Rae:** No, I will not, but there are such instances. Even though I could say what I believe to be fact, I will not do so. Perhaps the Minister might do it to someone else, but I will not do it to him, even though he might like me to do so. He and I know there are such instances and who the people are. We all know what the Government has done. Those who follow politics——

**Deputy Alan Shatter:** The Deputy was doing all right until a few minutes ago, but he is now descending into the hole he is digging for himself.

**Deputy Michael Healy-Rae:** I am sorry, but I am not in the habit of interrupting the Minister. However, I am pleased I have touched a nerve. Obviously, I have hit something that is a little raw. If that is the case, well and good.

**Acting Chairman (Deputy Joe O'Reilly):** The Deputy's time is up.

**Deputy Michael Healy-Rae:** In summary, I hope the Minister will take on board what I have said in good faith. He knows that much of what I have said makes sound, solid sense. I also hope he will take on board my constructive criticism. Let him imagine for one minute what he would say to me if our roles were reversed and I was setting up a quango.

**Deputy Alan Shatter:** I would not be reading a brief someone else had furnished to me.

**Deputy Willie Penrose:** I am pleased to have the opportunity to contribute to the debate on the important Bill before the House. I must comply with my legal obligation by making a declaration of interest by stating I am a practising barrister and a member of the Law Library. However, I am not speaking as a puppet, an advocate or at the behest of any organisation or sectional interest. I will express my views on certain matters which may well overlap or coincide with those of the various regulatory authorities and professional authorities. I will make suggestions where I believe improvements can be made to the Bill. I genuinely anticipate that the Minister will at least assess, evaluate and consider them in the context of formulating Committee Stage amendments. I hope he will not exhibit a closed-mind mentality to suggestions from whatever side of the House they may emanate, take the stance that he knows best or adopt a paternalistic attitude, which would be the worst of all worlds. Openness to alternative ideas

and propositions could help to make this a landmark Bill, which I know the Minister wants it to be. It has a major contribution to make.

I wish to make it clear that legislation has to be introduced in line with the commitments in the programme for Government to which I personally signed up and from which let me not resile. Let us not try to play every side of the House. The commitments given and the Bill must be enacted to ensure independent regulation is introduced for the Law Society of Ireland and the Bar Council of Ireland. Therefore, let us not run away or resile from that to which we have signed up.

I have no problem with the Bill and would not attempt to argue from the proposition that these bodies should be subject to self-regulation. Notwithstanding this, there is no empirical evidence that the current system which has been updated by the Minister's own body, the Law Society of Ireland, and the Bar Council of Ireland has failed in any respect. As Deputy Charles Flanagan said, it has been forgotten that there are lay majorities in both bodies. The people concerned make an evaluation and have an input to the disciplinary process. In that regard, they have been progressive. However, the system of regulation proposed in the Bill goes way beyond what the Competition Authority recommended, a model based on the system introduced in the United Kingdom in the Legal Services Act 2007. In effect, it was an overarching regulation for both wings of the profession that permitted day-to-day regulatory functions to be reserved to the Law Society and the Bar Council. This appears to have worked well.

I will not disclose Cabinet matters, but I understood that the Minister committed at the Bill's inception to enter into meaningful negotiations with the various regulatory authorities, namely, the Bar Council and the Law Society, regarding the form of regulatory structure to be introduced. However, this commitment was not adhered to. In his reply to a request for such discussions, he stated that the regulatory structure had been agreed by the Government and was not open to amendment. He also stated that the final decision on the forms of business structure or partnership was the Government's and that it would represent settled Government policy. Once again, it was not open to discussion or amendment.

This was not how I understood the matter was going to be advanced. I will go no further, but fundamental changes are being proposed in the Bill and I am somewhat surprised by the entrenched view. At least two issues need to be addressed, but other issues are also involved. People seem to have mistaken the Minister's view of the matter. The education issue will be up for discussion.

I come from a non-legal background. The way the Bar Council and King's Inns operated allowed me, a person from a non-professional, working class background, to achieve what I wanted. No major obstacle was ever placed in my way. That I did it as a mature student made it more difficult, as most people know.

Perception often becomes reality even if it does not accord with the facts. In the Bill as drafted, 11 members of the authority will be appointed by the Government upon the Minister's recommendation. Although I understand that he is moving away from this provision, it represents a staggering level of State control over the profession. The Bar Council and the Law Society, the relevant bodies, will nominate two members each. The selection and appointment of members to the legal services regulatory authority poses an issue, but I understand the Minister is dealing with it. I accept his bona fides in that regard.

The Minister will exercise minute control over many of the authority's functions, which were outlined by a previous speaker. During the few months I was a member of the Cabinet, I learned that some provisions must be included so that the Bill complies, not with what the Minister wants, but with what the parliamentary draftsman wants. We ordinary legal people

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would rather have the system simplified and I understand why the Minister might not want to be named as the person who must sanction this or exercise control over that, but the legal counsel advised. One needs to examine the Bill to appreciate the number of times that ministerial consent or approval is required. The direct ministerial involvement provided for in the Bill might only be apparent, but it could lead to the perception of a worrying degree of Government interference in the legal profession. This is not the Minister's intention, as he is a legal person of eminent renown, but I am concerned about the perception becoming reality.

The Government might not do something itself, but it is involved in cases through its agencies. No more than myself, the Minister has probably taken many cases against the State as well as acted for it. The State is involved in almost half of all litigation procedures that appear before courts, be it in regard to criminal or civil matters, judicial reviews, administrative issues, etc.

People could perceive the Bill as compromising the profession's long-cherished independence. Many people did not give this perception great credence, but I read a report of the recent international legal bodies conference, which was attended by the American Bar Association, the International Bar Association and the Council of Bars and Law Societies of Europe. While they have an interest, these are independent bodies and, at the conference, each expressed significant concerns about the perceived lack of independence and the proposals' cost. These proposals have provoked international concern and are matters of comment. Any proposed authority must be transparently independent of the Executive and-or ministerial control over the manner in which it exercises its functions, powers and obligations. I feel strongly about this issue.

The Minister has probably replied to my next point and will state that this is a different matter. Other bodies have been established to exercise control over various matters, including discipline, admissions, etc., but they do not have memberships that are as large as this authority and are not subject to the same degree of ministerial input.

A number of staff will need to be employed. Will anyone employed by the Law Society and so on form part of the legal services regulatory authority? Many of them have a great degree of proficiency in various fields. Perhaps they could be redeployed to the authority.

There will be costs. When one employs people, there will be salaries, pensions and expenses. We know the answer to this, in that the members of the profession will initially be required to pay for it, but the cost ultimately will be devolved to the clients.

The authority is to be financed by way of a levy on the profession and the costs will be substantial. The levy's proportions will depend on the number of complaints and members in each wing, namely, the Bar Council and the Law Society. There are 2,300 barristers, but there must be 9,500 or 10,000 solicitors, which is the Minister's profession. That is a ratio of 4:1. The levy will impact on the Bar Council and Law Society's finances, which they need for their various buildings, etc. The Law Society is cherished as a centre of excellence and there is great collegiality. There are many things that people do not see. For example, young barristers get help from barristers who have been around for a number of years. The collegiality and friendships are important. The Law Society continues to expand and must also spend money on training, continuing professional development and so forth, all of which are important.

The complexity of the regulatory framework will considerably increase the cost of practising at the Bar. I will not speak for solicitors, as I am not one, but I presume the case will be the same for them. The cost will represent a significant obstacle to entry into the profession. How will young people who come from a background similar to my own and who wish to be barristers be able to access their preferred profession after working hard to secure qualifications at

an academic level? The Minister has professed himself as an advocate of opening up access to people from every socioeconomic background. In this light, it is ironic that his first act of reformation effectively restricts such access and makes it the preserve of the rich. In other words, we will go back to the era of elitism, which should be wiped away. People from every socioeconomic background should be allowed to access the profession. This matter must be considered.

There is a significant number of low earners in the legal profession. While there is no denying that some people are making a good living, that is not the full picture. In fact, those earning only modest sums may be forced to leave the profession, as we have seen happening in recent years. If the legal profession were as much of a gravy train as it is often portrayed, why is the exit door crammed with those who wish to leave? The additional costs for practitioners who stay on in the profession will be passed on to clients, which will have the opposite effect to the Minister's stated objective, namely, to reduce costs to the public. The general cost provisions of the Bill are generally in the public interest and amount to a noble and important objective. However, theories and objectives are one thing but all that matters is what happens in practice.

There are significant costs associated with the proposed legal practitioners disciplinary tribunal. This is of particular concern given that we already have an independent, cheap, accessible, effective and fair disciplinary process which includes a majority lay representation. That system was put in place some years ago and there does not seem to be much evidence of a clamour for change from the public. The proposed regulatory authority has several powers and functions which give rise to fundamental concerns, including its obligation to devise proposals to advance issues such as the unification of the two branches of the profession, provisions for the establishment of partnerships, including multidisciplinary practices, direct access to barristers and so on. The important question is whether these changes ultimately will be in the interest of the public.

The Bill provides for the establishment of five new regulatory bodies. The regulatory authority will have 11 members, the complaints committee of the regulatory authority will have 16 and the legal practitioners disciplinary tribunal will have 16. In addition, there will be the office of the legal costs adjudicator and the advisory committee on grants of patent and precedent. The first three of these bodies — the regulatory authority, the complaints committee of the regulatory authority and the legal practitioners disciplinary tribunal — will have 43 members between them. There can be little doubt that significant costs will arise in regard to the implementation of these proposals. I understand that the Bar Council's regulatory functions are carried out at a cost of some €200,000 per annum, with members of the disciplinary bodies, which all include a lay majority, doing the work on a voluntary basis. In fairness to him, the Minister has strongly advocated the abolition and streamlining of various quangos. Yet he is setting up, under these provisions, a parallel stream of quangos. That seems to be at odds with stated Government policy.

In regard to the proposals on partnerships and multidisciplinary practices, it is my understanding — the Minister will correct me if I am wrong — that they could be introduced on foot of proposals from the authority itself and that no further legislation is required for that purpose. Whatever emanates from the legal services regulatory authority should be subject to debate in this House. Multidisciplinary practices were considered by the Competition Authority but, peculiarly, were not recommended in its report. The independent referral Bar has been a cornerstone of our democracy since the foundation of the State and I have observed no public outcry for its abolition. There is a rule in the Bar, which is set down in the code of ethics and practice, called the cab rank rule. It states that any person who wishes to initiate legal pro-

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ceedings and has a cause of action or stateable case will be represented where necessary by a barrister. I am concerned that the ability of counsel to take on cases at no cost to clients who cannot afford those services will be severely diminished or eroded by these provisions of the Bill. The cab rank rule must be preserved.

As I said, the Competition Authority specifically advised against solicitor or barrister partnerships on the basis that they would effectively reduce competition. Such partnerships will concentrate specialisation in small groups. Deputy Michael Healy-Rae made the point that increased costs and increased complications will adversely affect the ability of disadvantaged clients to access the legal system. The effect of these changes will be to undermine the Law Library — perhaps that is what some people want — and therefore undermine small to medium-sized firms of solicitors, many of which are based in rural areas, and their ability to challenge the larger firms by choosing barristers with appropriate expertise.

This State has the same population as Birmingham. Business structures that are appropriate for other countries of significant size may not be appropriate here. I say this as a word of caution. The proposed structures have only just been introduced in the United Kingdom and have not yet been assessed as to their viability or suitability. We should proceed with great caution. Partnerships of whatever kind will increase rather than reduce costs. By allowing such structures, the cost of insurance will increase, acting as another barrier to entry and continuing practice within the profession.

The Bain report investigated the issues in a Northern Ireland context and came down against these structures. Direct access to barristers is not permitted in many similar law jurisdictions, including in the North, Scotland, England, Wales, New Zealand and Australia. As a barrister myself, it is not something I would embrace. It is importance that the independence and objectivity which one has when one stands back and gives an opinion is retained. Partnerships will dilute the primary duty and first obligation of a barrister to the client and the court.

I have no objection to other provisions in the Bill, such as that the wearing of wigs and gowns be made optional. In regard to the provisions allowing solicitors to become senior counsel, it will be interesting to see how that works but I have no difficulties with it. However, I am perplexed by the apparent necessity to include in the Bill a section which provides that solicitors and barristers, on being engaged by a client, must agree as to who should be the leader in a case. If they are unable to do so, the client will ultimately make the decision. As a practising barrister, I am aware that under the current rules applied by the Bar Council, in place since June 2007, we must provide cost estimates to instructing solicitors and, by extension, to the client. Therefore, there is already a high degree of transparency in terms of costs. It did not require any legislative underpinning or sanction in order for barristers to provide that type of information. Moreover, it enables solicitors and clients to shop around in what is clearly a competitive environment.

Unfortunately, I am out of time. There are several issues I intend to deal with in detail on Committee Stage. I hope the Minister will engage with us in the spirit in which we will put forward proposals, to strengthen the Bill in the interests not only of the professions but of the clients they serve.

**Deputy Clare Daly:** I propose to share time with Deputy Seamus Healy.

**Acting Chairman (Deputy Joe O'Reilly):** That is agreed.

**Deputy Clare Daly:** The operation of the legal services and the manner in which they are regulated forms the basis of a critical debate. Many points have been made about the public

interest, with suggestions that it is synonymous with the interests of barristers and solicitors. They are not necessarily one and the same. There also has been a great deal of reference to the Minister's motivation in this Bill. There are far more fundamental issues at stake in this debate. I would stand back and look at this very much from the standpoint of citizens' access to justice, an issue of huge and increasing concern to many people against the backdrop of economic austerity.

There is no doubt that most ordinary people are excluded from access to the legal system as it currently operates. One of the main reasons for this is the phenomenal level of costs. A system where justice is available at a particular cost is effectively a system where justice is denied. That reality must be addressed. It is indefensible that citizens in jeopardy of losing their homes are having to pay €15,000 upfront in respect of legal representation in the High Court. It is a joke. Many citizens are upskilling so as to provide legal advice and assistance to their neighbours who have been left behind by many in the legal profession. There are many who are a fine example in this regard, including those involved in New Beginnings and other solicitors and barristers who provide their services free of charge. However, there is only so much those people can do within the current system. It is a testament to the legal profession that there are 650 volunteers working in the free legal aid system. However, anyone dealing with residents or workers will know that system is stretched to exploding point and is totally and utterly under-resourced. Any meaningful reform of legal services in this State must include resourcing of the free legal aid system.

In one of its submissions on this legislation, the Bar Council states that a competitive environment already exists in this area and that legal fees have been driven down. I do not agree. As stated in today's edition of *The Irish Times*, €27.5 million in legal fees relating to NAMA has already been paid out. It is expected a further €2 billion in legal fees will be paid out in this regard. The issue of fees needs to be addressed.

The Bill contains some provisions which must be supported. Everyone is coming at this debate from the point of view that self-regulation has not worked and, therefore, something else is needed. Many people, in particular those in the legal profession, believe that while some oversight and regulation is needed, this legislation swings the pendulum too far. We must take on board their points. However, there is a thin line between self-regulation and defending self-interest, not alone in the legal profession but in all other areas. We must be honest.

During the Celtic tiger era there was corruption in the planning process, much of which was facilitated and defended by members of the legal profession, and billions of euro of untaxed revenue was channelled through tax evasion schemes and charitable trusts established in places such as the IFSC by top legal firms in this country, including Matheson Ormsby Prentice. Also, fraud in conveyancing and so on was at the very least facilitated by a minority of solicitors. The current system of regulation does not work. While I agree something else is required, this does not mean that what the Minister is proposing is the answer. However, these issues can be addressed by way of amendments on Committee Stage.

The main focus of this Bill is composition of the legal services regulation authority, in respect of which the Minister is given an undue role and influence in terms of his or her power to nominate seven people. This needs to be changed. I could not support this legislation based on that provision as currently drafted. The Minister has countered this argument by saying that judges are political appointees and asking what is the problem with his appointing seven of the 11 members of the authority. I do not agree with that argument which does not compare like with like. It is an unfair comparison. The Judiciary has an established role as defined in the Constitution. It was not even possible to reduce judges' pay without putting the matter to the people by way of referendum. Its powers are well delineated and defined in law. Although the

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Judiciary is politically appointed, the Oireachtas can, under Article 35.4.1° of the Constitution, impeach judges. There is in place a mechanism in this regard, which I believe is appropriate and is proper oversight of an independent Judiciary. I regret this mechanism has not been used more. This week and previously, I attempted to have discussed in this House the matter of judges who, prior to enactment of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, unlawfully decided to hold family court cases relating to property disputes *in camera*, and to have the Minister intervene and impeach those involved, but it is not possible to have those issues discussed here. I believe judges should be answerable and accountable. In my opinion, they should be elected and subject to recall.

In its submission on this legislation, the Bar Council states that while it accepts the need for regulation, this legislation goes too far. Comparisons have been made with China and Vietnam, which in my view is, in terms of sense of proportion, well over the top. I do not believe that is a fair comparison. There is no evidence to back up the assertion in the presidential address of the *Law Society Gazette* that this legislation will end the independence of the legal profession and will not allow solicitors to function without external interference. There is no evidence to support this assertion and nothing that could be pointed to that would specifically prevent such independence. This does not mean I believe the Minister's composition is appropriate. The alternative suggested by the Bar Council, namely, that there be a 13 person committee which would comprise not alone members of the Bar Council and Law Society but an array of others such as a cost accountant nominated by the Legal Cost Accountants Association, a person nominated by the Chief Justice, a person nominated by both IBEC and ICTU and various other representatives, including one nomination by the Minister, FLAC and the consumers association, is better than the Minister's proposal. However, it is not enough. That type of regulation is far too reflective of the professional bodies and does not give enough protection to ordinary citizens or take on board their serious concerns in regard to the manner in which legal services bodies operate. We will be seeking to change this by way of amendment on Committee Stage. We want to provide for involvement of persons who work with NGOs, FLAC, the Northside Community Law Centre and other similar bodies, thus ensuring more representation of ordinary people than professional bodies. This needs to be done.

A regulatory impact assessment must be done. That the Minister is only considering this now when we are discussing the legislation is completely wrong. That exercise should have been completed prior to drafting the legislation. We are paying lip-service to reform unless we consider this legislation side by side with the resourcing of organisations such as FLAC and others. The reality is that many people looking for justice do not know where to go. They have no confidence in the current system. They fear the courts and do not believe they will get justice there. This is fuelled by measures such as the Government imposing massive fines on ordinary citizens who engage in campaigns of civil disobedience rather than on those at the top of society. We need to look holistically at this issue. The Bill as drafted must be amended, which we will seek to do on Committee Stage.

**Deputy Seamus Healy:** I welcome publication of this Bill which deals with legal services regulation, which is an important issue. There is no doubt that we need a roadmap for the future of legal services in this country. Regardless of whether one agrees with the Bill, it sets out at least one vision in that regard. We all know that reform of legal services is long overdue. We can no longer allow self-regulation in this area. There must be an independent system in this regard, as the current position undoubtedly is unacceptable and has gone on for too long. A number of features are required in a new dispensation, including independent regulation and an independent disciplinary procedure. Moreover, decreased costs and increased access to

legal services for citizens are required. In addition, I refer to something that is not included in this Bill but which has been touched on a number of times by Deputy Clare Daly, namely, the availability of free legal aid for citizens. The current position in this regard is abysmal. There are huge delays and waiting lists for people who require such services. Apart from the initial interview, such people must wait for services for long periods of anything up to two years. For the public, it is crucial that this service be expanded. It must be properly staffed and resourced and must be available within a reasonable timeframe for those citizens who are faced with a problem. The position at present is that despite the best efforts of free legal aid staff, ordinary citizens simply have a highly inadequate system with huge in-built delays. This issue must feature to a much greater extent in this Bill.

All Members deal with the public in their clinics and have found there is grave public concern about the existing system. This relates in particular to costs, complaints and the question of self-regulation. I note the question of costs arises regularly. People believe the level of costs to individual clients excludes them from the system to a large extent. This obviously is a subject that must be addressed in a significant fashion. Moreover, the cost of activities such as inquiries and tribunals also has arisen regularly and continues to do so. Similarly, the huge costs paid by entities such as NAMA are another concern, as is the fact that many of the firms and individuals being paid significant fees by NAMA were part and parcel of the entire development bubble. However, such firms and individuals now are feeding off the recession as well and this is another concern for ordinary citizens.

One source of frustration to both the public and many Deputies is the entire question of complaints. Many members of the public who experience a difficulty find themselves in a position in which they can get absolutely no satisfaction. While one might argue there is a structure in place or whatever, most ordinary people who have a difficulty in respect of complaints find that despite their best efforts in approaching all the various agencies, they emerge on the other side having had a negative experience. They emerge without a solution to the complaint and, even worse, with the perception they were not listened to during the course of a complaints procedure. This obviously is an area that must be dealt with.

It is a pity there was not considerable additional consultation before this Bill was drafted. It is a pity that various organisations involved in this sphere, such as the free legal aid centres, the Law Society of Ireland, the Bar Council of Ireland or the Oireachtas Joint Committee on Justice, Defence and Equality were not involved in a much more thorough consultation on this Bill. Had this been the case, I believe Members would have had better legislation before them.

One area that has given rise to serious cause for concern is the question of the regulatory authority and the nomination of the majority of members thereon by the Minister. As I stated, various agencies already have raised issues in this regard on the separation of functions. I believe this is an important issue and do not believe the structure in place in the Bill is adequate. I believe there should and must be an alternative to that structure. One must have strong, proper and independent regulation in this regard and the current proposal as set out in the Bill is not satisfactory. The question of whether a legal ombudsman structure would be a better arrangement must be considered. In addition, other structures certainly must be examined because the current structure as proposed in the Bill tends to undermine the independence of the legal system and its separation from the Executive. The strong views that exist on this issue are not confined to the Bar Council of Ireland or the Law Society of Ireland but may be found among the public in general, in non-governmental organisations and the free legal aid centres. This issue is central to the Bill and must be resolved.

I note the word “quango” has been mentioned a number of times during this debate. There are quangos and quangos and if the legal profession is to be properly and independently regu-

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lated, a structure must be put in place to so do. It must do so effectively on behalf of the public and the citizens who require a legal service that is fair, adequate, accessible and affordable. Consequently, it is necessary to have in place some form of organisation. Simply to call it a quango and then dismiss it for that reason simply is not good enough. A structure and architecture must be put in place for this purpose and this will come at a cost. While I welcome aspects of the Bill, this particular section of the Bill must be re-examined. It is unacceptable in its present form and should be amended substantially during the course of the passage of this Bill.

**Deputy Alan Farrell:** At the outset, I wish to comment on the points made by Deputy Healy. He is absolutely correct in respect of this particular authority. A number of quangos have been targeted for abolition by the Government but this Bill proposes the establishment of a new authority. This is highly positive and I welcome the positive comments made by the Deputy.

I thank the Minister for introducing this Bill to the House.

Reforming our legal system is a hugely complicated task which is laden with responsibility. In recent decades, a number of issues relating to the reputation of the legal services have arisen primarily as a result of their involvement with, in particular, the tribunals.

This is possibly one of the most important items of non-financial legislation that will be passed by the Houses of the Oireachtas and it will form a significant part of the Government's legacy, perhaps to an even greater degree than we currently realise. I commend the Minister for Justice and Equality, Deputy Shatter, on undertaking this difficult task and on his commitment to legal reform. I also commend him on ensuring that an appropriate amount of time has been set aside in order that the Bill might be debated in the House. Fine Gael emphasised the need for legal reform both before and during the general election campaign and indicated its intention to making legal representation more affordable and more accessible for every citizen. It is commendable that the Bill has been presented at such an early point in the lifetime of the 31st Dáil.

While seeking to reform our legal services, we must surely be aware that we must not reduce all argument for change to the lowest common denominator merely because we are experiencing a financial crisis. Many Deputies referred to the fact that the impact of any changes made as a result of the passing of this Bill will be felt for years to come. It is important, therefore, that the Bill should strike a balance in order to best serve our society and our country. We have been presented with a great opportunity to reform our legal services and we must not waste it. There is no doubt that history will judge us harshly if we squander the opportunity to which I refer.

There was much discussion regarding the Irish legal system in the weeks and months preceding this debate and a great deal of focus was placed on the complications surrounding the reform and regulation of the legal profession and the Government's involvement in that regulation. It is clear that the Bill has been drafted with reform, the public interest and greater accessibility to and competition in the legal sector in mind. In that context, it is important that we should strike a balance between these aspects and the need to ensure we have an independent legal profession. The vast majority of legal professionals have enormous respect for the law, justice and the reputation of their profession. To date, their activities have been overseen by their respective regulating bodies, namely, the Law Society and the Bar Council. The Bill proposes the establishment of a new regulatory authority for both legal professions.

I welcome the Minister's recent statements regarding his commitment to form a regulatory body that will be independent. The ratio of appointees — along with certain functions that will be conferred upon this body — has been exposed to robust debate from both national and

international bodies. However, I believe that the make-up of the regulatory authority has been designed not only to take account of competition and consumer focus but also to ensure a fair and proportionate regulation of the professions. The authority will be an expert group that will advise on more than legal policies and it will also make recommendations on what is best for the consumer and the industry as a whole.

We have a lamentable history when it come to Government appointees to boards and authorities. While I acknowledge the Minister's bona fides in this regard are beyond reproach, I believe that the appointment of the members of the proposed legal regulatory authority is worthy of debate and, perhaps, alteration on Committee Stage. The vesting of certain powers with the Minister of the day — such as that to appoint or remove members if necessary — may leave a door open to old ways. That door should be firmly shut. There is no place for political interference in respect of authorities of this nature now or in the future, particularly if we want to ensure genuine reform.

While I believe the Minister has placed the relevant provisions in the Bill to ensure that the new authority will be held accountable in the context of ensuring proper reform and change, to whom will his successors in office be accountable in this regard? Those in government have been forced to introduce legislation on political reform as a result of the corruption and interference of their predecessors. I am concerned that while it might close one door, the Bill may open another. If that proves the case, we will not have learned from our own unfortunate history. In that context, I fully welcome the Minister's decision to reconsider his role in establishing codes of conduct. I am of the view that we can, through this Bill, set a precedent as to how the legal profession and the Government might strike a balance in other areas. I hope the Department of Justice and Equality will be able to assess a means by which a panel of possible experts will be nominated by both professions and that there will be equal debate and eventual agreement from the Government and the professions regarding who it might be appropriate to appoint to the authority. As a number of Deputies indicated, it might be opportune to discuss using nominating bodies as an alternative to the Minister directly appointing seven members.

Legal professionals have been open to reform for some time. Despite the appearance of some newspaper articles to the contrary, those professionals to whom I have spoken in recent weeks and months all stated that reform is required. Solicitors throughout the country are struggling to keep their heads above the water and many trainee solicitors cannot secure apprenticeships. Junior members of the Bar, particularly those who have been devilling or who are at the beginning of their careers, are struggling to survive financially. This must be taken into account in the context of any reform of the professions.

It must be borne in mind that there is a level of distrust in the legal profession on the part of the public. This is due, in part, to the mismanagement of tribunal process by successive Fianna Fáil Governments and other individuals both in the context of establishing the tribunals and in being the catalyst which gave rise to a need for their being established in the first instance. I hope the Bill will serve to restore the public's confidence in the legal profession. In attempting to legislate for full transparency, advertising and the opening up of the legal services market, we will see to it that individuals will have the security of mind to allow them to make informed decisions and that they will not be concerned with regard to being charged the unfair or extortionate prices that have been associated with the legal profession in the past. What is being done here will increase people's confidence in the legal profession.

I hope that by contributing to this debate I will ensure that while ensuring the passage of this Bill we will not lose sight of the fundamental importance of a proper functioning legal system which operates in the best interest of the country and its citizens. I hope the regulatory authority will consider the long-term implications of creating new business models when it

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comes to multidisciplinary practices to ensure that expertise will remain fairly available to every citizen who seeks it. We do not want to replace one elitist model with another in an effort to make the process more affordable in the short term.

It is true that a one-stop-shop approach can ensure a less intimidating process. However, we also know from experience that the success of large corporations comes at a cost, namely, losing small businesses, quality produce and specialised expertise. This approach might introduce a conflict of interest for barristers in the context of directly introducing the influence of the practices in which they operate. It could also give rise to the loss of the independence of the Bar, something which has long served consumers and their rights.

There are other economic benefits to having an independent Bar. It is a resource available to all solicitors and consequently to consumers. Any legislation which may undermine these practices should only be entered into if we can safely say that it will not lead either to a loss of proper independent legal representation or to further costs for consumers in the long term. For example, under the cab rank rule all solicitors have access to a range of expertise and their choice in respect of this will be dependent on past efficiency and budget. This rule results in a competitive and independent Bar, with some 2,300 barristers competing for business. If there are five leading barristers whose expertise is in the area of environmental law, they will be in competition with each other and a solicitor can access the best possible person to do the job at a competitive price.

Should we take three of these barristers out of the equation into the more attractive and lucrative area of commercial law, we will take valuable expertise from the consumer and reduce competition at the Bar while creating a monopoly of expertise in multidisciplinary partnerships. Further to this, these proposals were not set out by the IMF or in the Competition Authority report.

Therefore, I call on the Minister to commit to carrying out, as has already been called for, economic research in the field to produce evidence this transformation of the Bar will benefit the customer enough to justify the impact on the legal profession, and to revisit the decision to include it as legislation in the Bill, instead of introducing a further amendment at a later date to reduce the risk of making such distinctive changes for change's sake.

As I mentioned earlier, I have spoken to many legal professionals and law students about their opinions on the Bill and I am pleased to note the positivity on many levels, mainly about access to entering the profession itself. I look forward to the debate on Committee Stage relating to the proposed changes to the manner in which students may qualify as legal professionals.

I would like to quote an Irish judge of the 19th century, Sir James Mathew, who was born in 1830, who said, "In England, justice is open to all — like the Ritz Hotel." I am grateful for the opportunity to speak on this topic and it is my hope the Bill will seek to make this comment completely untrue of the Irish legal system. I look forward to debating the issues raised in my speech, and many others, on Committee Stage to ensure such significant changes to our legal services serve the public while maintaining the independence of the legal professions.

**Deputy Dominic Hannigan:** I thank Deputy Farrell for sharing his time with me. I welcome an opportunity to speak on the Bill. Reforming a system as old as the legal system is a great chance to change the *status quo*. These reforms are necessary in order that we can continue to have a criminal justice system in which the people can believe. There is a perception in the country that the system only works if one has money. This perception comes from people who are waiting on legal aid but have to wait up to 11 months for their first meeting with a solicitor.

It comes from people who do not understand the legal maze when they are sent from process to process or go to court for cases which takes years to reach a verdict. We need a justice system in which people can believe and the Bill will help to build this faith.

It is also important that these reforms make access to the criminal justice system simpler and cheaper for the majority of people. I welcome the changes in the Bill that will force members of the profession to provide information upfront on the full amount of the costs it will take to go through with cases. This will mean people will not have to fear an endless number of bills dropping in their letter boxes during and after their cases. It should also reduce costs as people shop around and go to various providers and practices to find one offering the best costs and value. I also hope it will have a positive impact on the State's legal bill as its legal costs reduce in line with these new costs.

We discussed the Bill at a recent meeting of the Brú na Bóinne branch in the Prayer Centre in Duleek several weeks ago. One of the key issues we discussed was the proposed board structure of the legal services authority. I agree with the Minister that there needs to be an independent authority at the top of the legal profession. People need to trust the profession is being regulated in a fair and balanced manner. However, the authority also needs to be trusted by the legal profession itself. I met representatives of the Bar Council on this issue and I agree with them on the concerns they have raised. Like them, I have concerns about the independence of the board if the Minister has direct control over the appointment of a majority of it. It undermines the principle of an independent board. The Minister should not have this level of control over who is appointed to be a member. This does not happen on other boards. For instance, the board members of the Medical Council are appointed by the Minister for Health but they are not selected by him, so the board is independent of the Minister and has the trust of the profession it is regulating. I ask the Minister to re-examine this provision and to continue his discussions with the Bar Council and the Law Society in order they can find a solution that works for everyone.

Another issue which arose with regard to the Bill was the lack of a regulatory impact assessment. I understand the Bill was published in October, which is almost 5 months ago. It was published to meet a target in the memorandum of understanding. It is now February and we still have not had a regulatory impact assessment. This is not good enough. The Bar Council is preparing a regulatory impact assessment, and it would be embarrassing if the Bar Council releases its regulatory impact assessment before we do. I urge the Minister to release the assessment as soon as possible to ensure it is there for everyone to read and so that people see the benefits of the Bill and why we are committed to the reform which will come as a result of it being implemented.

I welcome the Bill and the changes it will bring to the legal profession. I am very hopeful it will lead to a reduction in costs for people and for the Government. I also hope it will make the justice system more accessible to a larger number of people.

**Deputy Catherine Murphy:** I welcome the opportunity to contribute to the debate on the Bill. One would expect to see positive provisions in a Bill of this size but I have very serious concerns that go to the core of what is proposed. My motivation for getting involved in politics in the 1980s remains the same reason I am still active today, which is that I am interested in reform. I see the potential to make significant reforms in the current political climate in particular. I see it as an opportunity and it is not something we should fear.

Much of the architecture of our built heritage is not uniquely Irish. This is equally so with institutions. Our health, education and local government systems were largely developed under British rule, as was our legal system. I am enthusiastic about reforming institutions for the

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better. However, we must go about it in a thoughtful, inclusive and methodical way where we anticipate outcomes and we plan for them.

Too much legislation has been enacted in an academic way which has let us down badly in practice. In recent years the only area where we have seen an attempt at radical institutional reform was the health services, and I refer to the HSE. The architecture of these institutional arrangements were doomed to fail from the beginning. It was quite easy to predict this from the outset. Not only have they been costly, they also have frustrated those working within them and those who relied on the body to provide quality health care.

What was introduced was a perception of change. Accountability passed exclusively to an unelected body. The structures or foundations underpinning the HSE remained largely intact, with a dozen or so independent administrations working differently depending on the region. Services were and are better or worse for clients or patients depending on one thing, which is their address. We all pay the price for this mistake and this most definitely includes those working in the system.

The Bill has flaws, including the absence of a regulatory impact assessment. This is the blueprint that should have underpinned the decisions of what was included in the Bill. Such an assessment was carried out in the UK and published with a Bill in 2007. It followed a lengthy consultation process. The necessity for a regulatory impact assessment when contemplating far-reaching and significant regulatory reform has been accepted and adopted in most OECD states. I doubt there is a Deputy in this House who does not want to see an end to the scandal of huge fees being paid to high profile members of the legal profession. That must be ended but what is being proposed may be equally as costly as what went previously. A rigorous regulatory impact assessment would have allowed us consider that, but that is not what the Minister intends to do. It is what this law, if it is passed without significant amendment, enables the Minister and the Government to do. I refer not just to this Minister and this Government but future Ministers. I refer in particular to the nomination to the boards and the regulatory framework. We can imagine a situation where a Government with an overall majority wanted to control the legal system in a very direct way. This Bill provides that opportunity. It enables that.

The Irish Council for Civil Liberties points out that the State is party to approximately 50% of litigation conducted in Irish courts and, therefore, independence of litigators from State control is a vital element to ensure effective and impartial administration of justice. It expresses concerns about Part 2 of the Bill which relates to the proposed legal services regulatory authority. More specifically, the proposed structure and functioning of the authority as currently proposed is not sufficiently independent of Government, the primary litigator in the State. It highlights some of the detail as to the reason the relationship being designed gives Government too much control. I will read those into the record.

Members of the Authority are appointed by the Government — section 8.

Terms of office, remuneration and expenses of members of the Authority are determined by Government — section 8(11).

Members are dismissed by Government and the Minister — section 8(12).

Ministerial approval is required for the appointment of consultants or advisors in addition to approval of their fees — sections 12 and 13.

The Minister may direct the Authority as to the form and information contained in the annual report — section 17(2).

The Minister must approve strategic plans (section 16) and can request their amendment.

The Minister can request the preparation or approval of a professional code of practice (section 18) which would be subject to Ministerial approval and amendment.

The Minister appoints the CEO (section 19) and staff (section 20).

All estimates, financial information and accounts of the Authority are subject to Ministerial approval (section 22).

The Minister determines the amount of operating costs and administrative expenses of the Authority and the Disciplinary Tribunal (section 69).

The Minister also raises the annual “levy assessment notice” against the Law Society and the Bar Council (section 69).

It concludes by stating that many of these provisions considered in isolation would provide cause for concern and that taken in their entirety, the proposals in the Bill as listed grant the Government significant influence over the authority’s function and constitute a potential interference with the independence of the legal profession. What is scary is not that the Irish Council for Civil Liberties is saying that but that these provisions are contained in the Bill. We have lost our economic sovereignty. We had better be careful not to lose the independence of our legal system.

Peter Ward, chairperson of FLAC, in his contribution to the Dave Ellis memorial lecture, pointed out the obvious, namely, that there is no equal access to justice in this country. Most of us would not disagree with that. He should know because there are 650 volunteer solicitors and barristers in the FLAC centres who give of their time and expertise without any expectation of payment. Peter Ward stated that the proposals in the Bill will ultimately control the legal profession through a body whose majority are appointed directly by the Government. He further stated that that is an affront to the citizens of this country who are entitled to expect access to both a legal process and a legal profession that can be absolutely fearless and independent in pursuing their interests.

He stated also that the Government and the Minister for Justice and Equality cannot and ought not have the proposed roles in the control of the legal profession and that there is no such similar control of the medical profession which does not have a function of holding the authorities of the State to account. Others have made the same point on that. He also stated that it would be an absolute travesty of justice if the popular and understandable desire to impose greater accountability on the privileged profession were to act as a Trojan horse for the diminution of the rights of every person in this country. He said also that there is within the current Bill every possibility that new business models for the delivery of legal services will do just that: provide new business models while ignoring completely the needs of individuals to have their rights vindicated in the face of the State, the institutions of the State and those who have assumed positions of power, money and influence within the State.

The executive director of the International Bar Association expressed dismay to find a sophisticated, developed and democratic state like Ireland proposing to enact a law that resembled those in many countries with only a fragile attachment to democracy and was concerned about the message that would convey internationally. What if the International Bar

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Association is right? The Minister, Deputy Shatter, referred to this as scaremongering but what if it is right? What if it is not scaremongering?

The American Bar Association stated that such a law could have a chilling effect on international corporations prepared to invest in Ireland and needing assurance that they would have access to legal representation free from any hint of Government supervision. Again I ask the Minister, what if it is right? What if that is not scaremongering, as the Minister alleges?

The report of the Competition Authority in 2006 stressed that the body responsible for regulating the legal profession should be “independent of both Government and the profession”. It was the recommendations of the Competition Authority and the legal costs working group to achieve the reductions in cost that the troika required to be implemented. This Bill goes way beyond what the troika sought. The recommendations of the Competition Authority were supposed to be the issue at hand.

The Bar Council made a detailed submission and while it is undoubtedly an interested party and may be considered to have a vested interest in maintaining the system, many of the points it makes are a cause for serious concerns. The Minister can be impartial and examine the concerns it raises. It points to the issue of ministerial control and the loss of independence. It points to restrictions on access to justice and the choice of practitioner and refers to the potential increase in costs.

Regarding the latter, the new regulatory bodies consist of the following: a legal services regulatory authority — 11 appointments plus staff; a complaints committee — 16 appointed members plus staff; and a legal practitioners disciplinary tribunal — 16 appointments plus staff. In addition, a new office of the legal costs adjudicator and advisory committee on the grant of patents of precedence may mean more appointments and more staff.

The concerns the Bar Council raises regarding the legal services regulatory authority is that the executive is effectively under ministerial control. Does the Bill provide for that? Any reading of it will indicate that it does. The costs involved in the establishment and operation of the authority, including its staff, committees, consultants, advisers and inspectors, will be borne by the profession but, ultimately, what is borne by the profession will be borne by the client. The Council has a fair point to make in that regard when we consider that 50% of legal cases involve the State, as I and others have said in this debate. We must pay attention to that. The Council states: “The proposed form of direct regulation of the legal professions by a body which is not independent of the Executive is not only contrary to the recommendations of the Competition Authority and unknown to any other comparable modern democratic State but also runs directly contrary to European and International norms which emphasise the central importance of an independent legal profession in a society which is governed by the rule of law.” It goes on to state that the Council of Bars and Law Societies of Europe “considers the Bill to constitute a grave threat to the independence of the legal professions in Ireland and consequently a threat to the rule of law”.

Section 97 proposes that the work of the legal cost adjudicator shall be in private. This office replaces that of the taxing master, the hearings of which have been held in public. Yet the Minister said in his opening speech that the new office will have an enhanced transparency of its functions. How can it have that when its hearings will be held in private when they were previously held in public? The needs to be changed.

The Minister in his speech made continuing references to the independence of the authority. It appears from he said that what is intended by independence is that the authority will be independent from the profession but not independent from Government. That is a serious flaw. The Minister said: “There is no hidden agenda in relation to ministerial functions or appoint-

ments under the Bill.” The provisions of the Bill do not need a hidden agenda because they are set out. This is not about what the Minister intends to do; it is what this legislation will enable this and future Governments to do. There may be future Governments that are not to the liking of the Minister; the Government will not always be like this one. The Minister has to consider the legislation in terms of its longevity.

The Competition Authority report emphasises the importance of the body, which is to be responsible for regulating the legal profession, being independent of the Government and the profession. This is being said not only by people who have vested interest but by people across the spectrum.

Section 18 provides that the legal service regulatory authority has primary responsibility for preparing or approving a code of practice. The Minister must consent to the publication of any modification to the code or to any new code. He can reject or change the revised code after a consultation process. He can also order the legal services regulatory authority to publish a code or a revised code. How can one use the words “independent regulation” when this type of micromanagement by Government is provided for?

With regard to the section of the Minister’s contribution on funding the new architecture, it is not enough for one to take a punt on this. The Minister needs to make it clear how this large institutional architecture will be funded, how it will play out in terms of clients and legal costs, and that it will not add to legal costs.

I checked the regulatory impact assessment that was done by UK authorities when they were preparing their legislation and noted that the issues involved were robustly examined in terms of what the result would be if nothing was done, what the result would be if a legal services authority or a legal services board were introduced and they also examined the issue of diversity, the social consequences of it and so on. That is what one would call a blueprint and that is what should have been done for this legislation. It is a disgrace that this type of a regulatory impact assessment was not done for such a large item of legislation.

On the new business models, it is essential that the operation of these are teased out. I thought the argument made by the Bar Council of a potential conflict of interest highlighted the inadequate thought that has gone into how these will play out. It is essential that is teased out and it might be possible to do so on Committee Stage.

The same all-knowing approach is being taken to this legislation as was advanced when the constitutional amendment dealing with the Oireachtas inquiries was debated. The Minister said in his opening remarks that he wanted “to put to bed the histrionics and scaremongering”. The best way to do that would be to publish the regulatory impact assessment, which should deal with the issues in a thorough and professional manner without taking a cut at those who raise concerns. If there is a similar system elsewhere in the world to the one proposed, I ask the Minister to point to it.

The approach of the UK Government in this regard contrasts with the failure of the Minister to follow best practice and carry out a regulatory impact assessment followed by a meaningful debate based on the evidence disclosed by such a report. That report consisted of 86 pages and was published preceding the 2007 Act and it included estimates by PricewaterhouseCoopers on the economic and social costs of the various options.

The programme for Government 2011 refers to “Open Government” and under that heading it deals with waste and extravagance and states:

Where there is secrecy and unaccountability, there is waste and extravagance. We will pin down accountability for results at every level of the public service — from Ministers down

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— with clear consequences for success and failure. Ministers will be responsible for policy and procurement and public service managers for delivery.

It goes on to state: “We will require Departments to carry out and publish Regulatory Impact Assessments...before Government decisions are taken.” Why was that approach abandoned in such fundamental legislation?

It seems the regulatory impact assessment is intended to be published before Committee Stage. It is at that Stage that we deal with the details of the Bill, not the broad framework. It is essential that we have a blueprint, which we do not have, before we start re-arranging the detail. We get one chance at this in terms of reform. I see the cup as being half full in terms of the report. I am enthusiastic about the opportunity for radical reform of many of our institutions. Good process is needed if we are to get good outcomes. We can point to where we have had very bad outcomes, where there has been a very inadequate process. There is serious reason for us to be concerned about this legislation.

**An Leas-Cheann Comhairle:** I call Deputy Tony McLoughlin. I note he is sharing his time with Deputies Paul Connaughton and Joe O’Reilly.

**Deputy Tony McLoughlin:** That is correct. I welcome the opportunity to speak on this legislation. This Bill complies with elements of the EU-IMF deal specifically concerning the level of competition and the high cost of some legal transactions. It was found that restrictive practices within the profession have stymied competition, which inevitably sees costs increasing. The organisation of the legal profession and the costs associated with legal services in Ireland have been subject to continuous criticism by successive official reports during the past number of years. The Minister must act and he is doing so in this Bill.

It is worth noting the comments by the Consumers’ Association which has stated that the legal professions had been sheltered and welcomed the transparency being introduced by the Bill. I am aware of many of the concerns expressed to Members by solicitors who are concerned at the level of control the Government would exercise over the legal profession.

Further concerns were expressed to me regarding the control the proposed Government controlled legal services regulatory authority would have over all aspects of legal professional practice, including training, entry and discipline. This authority will be appointed by the Government on the recommendation of the Minister. I suggest to the Minister that he might examine the membership make-up of the authority again and review some suggestions or alternatives on the composition of this important regulatory authority.

In response to those criticisms it is imperative that we compare the existing *status quo* with what is proposed in the Bill. Many people criticise professionals or organisations that are, in essence, self-regulatory and that is what we have currently in the legal profession, which encompasses areas around solicitor and barrister training, adjudication of legal costs and the behaviour and professional conduct of solicitors.

As a TD, I have had to deal with a constituent who has raised the issue of legal bills involving a legal separation case and when I suggested how the appeal mechanism worked, the person expressed amazement that the body to which the person would appeal would not be totally independent from the legal profession. Needless to say, in that case there was no reduction in that legal bill.

I very much welcome the fact the Bill introduces a single streamlined complaints mechanism for all legal practitioners. Currently complaints about legal practitioners are dealt with separately according to their profession. Currently, there are four different bodies that deal with

complaints about solicitors: the complaints section of the Law Society, the independent adjudicator, the disciplinary tribunal of the High Court and the taxing master. It is welcome that the Bill creates a streamlined, three-step approach to dealing with complaints about both barristers and solicitors. Complaints are initially dealt with by a complaints committee; they may then be referred to a disciplinary tribunal which may impose sanctions and, where the misconduct merits heavy sanctions, these are imposed by the High Court on foot of an application by the tribunal. The Bill defines misconduct by legal practitioners which includes overcharging, as well as fraud, dishonesty and acts or omissions likely to bring the profession into disrepute.

The authority can also investigate legal practitioners on its own initiative at any time for the purpose of establishing whether they are in compliance with the Act, the Solicitors Acts or any regulations made under these Acts. I welcome these improvements and more in the area of complaints procedures which will rightly be welcomed by the general public.

Deputy Charles Flanagan touched on the role of local authorities and the legal advice used by them. I am aware of a local authority which has engaged the same legal company for more than 40 years and been threatened with possible legal action if it considers readvertising for legal services. I acknowledge that the same local authority has sought and obtained reductions in its legal charges; however, I appeal to the Minister to engage with the Minister for the Environment, Community and Local Government to assess and research the level of fees local authorities pay, how long firms are contracted to local authorities and the level of advertising for tenders across the country annually by local authorities because in many cases proper procurement is not taking place. I understand there must be a level of continuity, but at least every five years — the duration of a council term — tenders should be sought by local authorities. I would welcome consideration of this by the Departments of Justice and Equality and the Environment, Community and Local Government.

The number of colleges providing law degrees for students has broadened during the years, which is welcome. However, this is not the case in respect of professional legal education, as the Honourable Society of King's Inns is the only provider for solicitors and barristers at this level in the State. The Competition Authority has found that the reservation of professional legal training by the Law Society of Ireland and King's Inns prevents competition in legal training and may also restrict competition in legal services. A person wishing to train as a solicitor can train only on a full-time basis and, in the case of both solicitors and barristers, in a single school located in Dublin which has no incentive to minimise its costs and hence its course fees. That is not acceptable. Therefore, I welcome the Ministers initiative in this regard.

**Deputy Paul J. Connaughton:** I thank the Leas-Cheann Comhairle for giving me the opportunity to speak about this important matter. I commend the Minister for his timely overhaul of the regulation of legal practitioners in Ireland. Not only does this long overdue Bill implement commitments given under the EU-IMF agreement to remove restrictions to trade and competition, but it will also result in greater transparency in the legal profession.

Before one becomes a legal practitioner in Ireland, there are a number of complex hurdles to be overcome. It is welcome that the Minister has instituted a fairer complaints system and a mechanism for having costs reviewed and that he is now also going on to ease the path of suitably qualified people into the legal profession, which will further reduce costs. Currently, the Law Society of Ireland and King's Inns have a monopoly in training solicitors and barristers, respectively. I warmly welcome the fact that the Bill allows other bodies to be accredited by the newly established legal services regulatory authority to provide these services. There are hundreds of legal graduates who would love the opportunity to work in the legal profession but find they are blocked from doing so by an archaic entrance system which maximises revenue through costly exams and other procedures.

[Deputy Paul J. Connaughton.]

There is a perception that the Law Society of Ireland and King's Inns exams are putting an artificial brake on the number entering the legal profession, yet statistics from the Law Society of Ireland and the Bar Council of Ireland show that numbers have increased dramatically since 1970 when Ireland had approximately 2,000 people practising law as either solicitors or barristers. The current figure stands at 14,000, of whom 2,247 barristers are, but the real explosion has been in the number of solicitors. In 1970 there were just under 1,800 solicitors practising. Around 1998 the number had reached 4,000. The barrier of 8,000 was breached around 2009 and in just two further short years another 4,000 solicitors were added to the rolls of the Law Society of Ireland. Of the 12,000 solicitors currently in operation, 45% operate as sole practitioners, while 75% operate in firms with fewer than four solicitors. Thus, there are approximately 9,000 small firms of solicitors around the country, many of which have seen a large fall-off in conveyancing business. With business reducing and costs extremely tight, most of these firms are not in a position to take on an apprentice, with its attendant additional costs. Thus, people who have graduated in law since the demise of the Celtic tiger find they have little or no hope of completing their training under the current requirements.

I note that the council of the Law Society of Ireland agreed that it would be in the best interests of the public and the profession to support the new independent complaints structure provided for in the Bill. I urge the Bar Council of Ireland to state its feelings on the issue. People who have complaints alleging misconduct, the provision of inadequate professional service or the charging of excessive fees by solicitors must have a clear and independent mechanism for seeking redress, which is provided in the Bill. I also welcome the decision by the Law Society of Ireland that, following enactment of the Bill, all such complaints should no longer be made to that body but instead to the legal services regulation authority or, in cases in which a dispute relates to fees charged, the legal costs adjudicator. This important method of regulating costs will result in a reduction in legal costs which will bring Ireland more into line with the rest of Europe and create a more competitive environment.

Self-regulation has always been a difficult subject. It is welcome that in recent years lay members or non-solicitors nominated by groups such as IBEC and ICTU were involved in handling complaints and, since 2009, have been in a majority on the complaints and client relations committee. This reflects the fact that solicitors realised the need to address the public perception that they should not be adjudicating on complaints made against members of their own profession.

I welcome the move by the Minister to modernise the procedures and, in particular, the effort to make legal costs more predictable. The new Bill imposes a requirement for greater transparency in legal fees and will result in the development of guidelines on legal costs. It is also welcome that the charging of excessive legal costs can now be treated as misconduct under the complaints procedure. The excessive legal costs regime which has been prevalent in Ireland for many years is another major barrier to business. Reduced costs in this area will make life easier for the owners of small and medium-sized businesses across Ireland. Of course, legal costs are just one example of how the consumer has been ripped off in the past, a fact readily identified by the EU-IMF delegation, which has resulted, thankfully, in action being taken on this issue.

The new Bill represents a breath of fresh air for the legal system which, up to this juncture, was bedevilled by archaic terms and practices. I commend the Minister, a qualified legal practitioner, for having the determination to see this long overdue Bill through.

**Deputy Joe O'Reilly:** I commend the Minister for his introduction of this legislation. It merits mentioning that when in opposition he had a unique record of introducing reforming Private Members' Bills and since coming into government he has introduced a raft of legislation, much of it reforming, radical and new.

The backdrop to this legislation is provided by the recommendations of the Competition Authority, notably in 2006, the exhortation by the IMF-EU troika last year, and a plethora of other reports and recommendations. The objective of the legislation, in simple lay person's terms, is to reduce the cost of access to the law and make access easier. The Bill deals with the regulation of legal services, education and training, new business structures, complaints handling and cost adjudication procedures.

It is worth mentioning, before we talk about the much debated regulatory authority, that there is nothing in the legislation that will impinge on the professional independence of individual solicitors or barristers. Their independence remains sacrosanct in that they take a brief and act independently and with total professional integrity; they are immune from challenge in that respect. There is nothing in the legislation that will interfere with that time-honoured precedent, rightly so.

Part 2 of the Bill proposes the establishment of a legal services regulatory authority. That results from the acceptance of what is implicit in Competition Authority reports and in other recommendations from the troika and so forth that we cannot allow the legal profession to self regulate any further. That is not to suggest malpractice in the past but it is not the best method for transparency, for the reassurance of the public and to get the optimum result. If self regulation is to go out the window, it is to be replaced with the regulatory authority. An old college friend of mine, Mr. Ken Murphy, the director of the Law Society of Ireland, is in the Visitors Gallery. I acknowledge that the Law Society has accepted the principle of independent regulation of the legal profession.

In so accepting, however, it very validly comments on the proposed regulatory authority. The purpose of the authority will be to protect the public interest, the proper administration of justice and the interests of consumers and to promote competition. The questions are about the membership of the authority. The legislation provides that there will be two members from the Bar Council, two members from the Law Society and seven will be nominees of the Minister. The controversy arises from this. I am very impressed by the fact that everybody who lobbied me on this issue was at pains to accept the bona fides of this Minister in this regard. Their fears existed in the notional sense that a Minister at a given time in the future could misuse the appointment procedure in the legislation. I am confident of this Minister's bona fides but I appeal to him to consider amendments on Committee Stage that will reassure the public and, very importantly, the profession in that regard.

I made the point earlier that the professional independence of individual lawyers dealing with cases is not at issue and is not challenged in any fashion. However, it is important that it is obvious to them that the independence of the regulatory authority is also in no way compromised in terms of its membership. I appeal to the Minister to consider various models. He might examine the possibility of having the Commission for Public Service Appointments deciding on the membership or the possibility of nominating bodies making nominations to the authority. He might also examine the possibility, although it is fraught with its own difficulties, of using the Oireachtas committee procedures. The Minister has the expertise, both personally and within the Department, to examine methods whereby it can be clear that his intention to achieve independence of regulation, which is implicit in the legislation, is transparently the case and that the profession is confident about it. I ask him to consider all these matters on Committee Stage, and I look forward to his response and to discussing amendments that might emerge

[Deputy Joe O'Reilly.]

on that Stage. Perhaps the Minister would consider a specific nominating body from consumers, that is, people who will be the users of the law. They must be the critical consideration.

The legislation provides for the establishment of a legal practitioner disciplinary tribunal with 16 members. Again, I urge the Minister to examine the method of appointment to this tribunal with a view to eliminating any perception of a possible risk in that area. I believe he will give consideration to that point.

The Bar Council and individual barristers who have spoken to me about the Bill are concerned that if the new procedures and the regulatory authority become too expensive and too cumbersome administratively, the levies on legal practitioners will become prohibitive. That would defeat the purpose of the Bill in terms of the numbers who could reasonably enter the profession and their capacity to practise. I appeal to the Minister to reassure us on the streamlining of the authority with regard to minimising costs and to reassure us that there will not be a level of fees on barristers which would make it impossible for them to practise. This is an important point and I appeal to the Minister, Deputy Shatter, to consider it.

I am impressed that the authority can consider the issue of professional legal education and the possibility that it could be provided through other accredited authorities or institutions. I am aware from both personal experience and anecdotally from my constituents that the cost of professional training in the legal profession is excessively high. Anything that can be done to introduce competition and reduce costs in that area should be done. Deputy Penrose spoke earlier about how he was able to access the legal profession from a working class background. My information is to the contrary and that many individuals from the working class and the poorer sections of our society find it impossible to muster up the required fees for a legal education. It is important that something be done to limit those while maintaining standards. I welcome the possibility that more institutions will be accredited in that area and that it will become subject to competition.

Finally, with regard to the mixed business structures, I welcome the possibility of multi-disciplinary practices with solicitors and barristers practising together. It is the Minister's intention that the sole practitioner and smaller practices will still be able to survive independently and that there will be mixed structures. I look forward to his response on that issue on Second Stage.

A number of Members spoke on an issue germane to the Second Stage debate, although it is not specific to this legislation. It is the question of legal costs for local authorities and the State. I appeal to the Minister to consider tendering in this area and annual check-ups on expenditure by authorities on legal costs. It would be a shame if this reforming legislation, the objective of which is to reduce legal costs for the consumer, were implemented but we did not conduct other exercises to reduce costs to the consumer through taxation of the legal profession.

**An Leas-Cheann Comhairle:** Deputy Joanna Tuffy has 20 minutes, but she has just two minutes to speak now before Private Members' business commences.

**Deputy Joanna Tuffy:** I must first declare a personal interest in this issue. I am a qualified solicitor and have practised as a solicitor. In fact, I went into the profession quite late in that it was not my first choice. I completed a degree in English and history and came out of college at a time of high unemployment. I did various things, including a social employment scheme. Eventually I got a job as a clerical officer in the vocational education committee and I worked in the Dublin Institute of Technology, DIT, in Bolton Street.

During that time I attended the legal studies course in the DIT in Rathmines. Later, I took the entrance examinations to the Law Society. In that regard the professions are accessible. Compare that with medicine or other professions. One cannot take other routes into those professions, with the exception of the second chance to enter medicine for people who do the course in Limerick. Generally, however, one could become a solicitor without having a degree. People who have no third level education can do an entrance examination. Both professions are very accessible to people who come from different backgrounds and go into them through different routes.

Debate adjourned.

### **Private Members' Business**

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#### **Community Employment Schemes: Motion (Resumed)**

The following motion was moved by Deputy Aengus Ó Snodaigh on Tuesday, 7 February 2012:

That Dáil Éireann:

- calls on the Government to immediately reverse the cut of 66% to the community employment (CE) schemes' training and materials budget and to immediately reinstate the training and materials budget to 2011 levels;
- notes that:
  - the proposed Department of Social Protection review is creating confusion and frustration; and
  - these budget cuts will affect some of the most vulnerable in our society and will force CE schemes to close;
- recognises the:
  - essential services provided by CE schemes to the public and their participants;
  - important role CE schemes play in providing training to the long-term unemployed; and
  - key role special CE schemes play in providing community-based drug rehabilitation;
- acknowledges the important role CE schemes have played in providing child care facilities and assisting people back into education;
- condemns the abolition of concurrent payments and the CE qualified child increase paid to lone parents on CE;

- further notes that these cuts make participation in CE unaffordable for most lone parents, thereby threatening the community child care infrastructure, and calls on the Government to reverse these cuts;
- further recognises the important role CE schemes have played in providing training and education to lone parents; and
- calls on the Government to engage fully with CE schemes and their representatives, with the view to extending the CE schemes by increasing the number of CE places available, including special CE schemes, and enhancing the training available to participants.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

- “ — acknowledges that the plans set out by Government in Budget 2012 form an important step in returning Ireland’s economy to a sound footing and regaining our economic sovereignty;
- commends the commitment, dedication and work of all those involved in the management and administration of community employment (CE) schemes;
- regrets that the ongoing reviews had not taken place previously;
- notes that in 2012, in excess of €315 million will be provided by the Government to support community employment and, that as a result, over 22,000 participants will secure valuable experience whilst supporting local community endeavours;
- confirms the continuing support of the Government for the cost effective maintenance of crucial local services provided by community employment;
- notes that there has been no reduction in the number of CE places available for 2012;
- recognises the key role CE special schemes play under the National Drugs Strategy, where places are ring-fenced for CE drug rehabilitation with the specific objective to *“help recovering drug users develop their personal and employment skills and find a pathway back to work”*;
- notes that the Government has commenced two reviews of community employment, both of which are to be completed by the end of March 2012, to ensure that:
- adequate funding is provided (taking account of all funding and revenue sources available to sponsors); and
- the schemes meet their labour market activation and progression targets whilst taking cognisance of the rationale and relevance of all scheme objectives;

- acknowledges that no CE scheme has been closed as a result of the reductions in training and materials grants since the announcement of the reduction, and further notes that the Government has committed that all schemes will be supported during the period of the ongoing financial review;
- recognises that there is a considerable variation across CE schemes in relation to the amount of training provided, materials required, overhead costs and the potential for sponsoring organisations to meet certain costs;
- notes that schemes will no longer receive a standard grant per participant but rather, will be provided with a specific level of support aimed at meeting their specific costs;
- further notes that the baseline amount of the grant remains at €500 per participant announced in the budget, but that there will be discretion to make up to €1,000 per participant available to schemes in respect of the training and materials grant this year, based on a clear demonstration of need by the CE schemes; and
- welcomes:
  - the engagement by the Minister for Social Protection, Joan Burton T.D., with Department of Social Protection staff to ensure that schemes are supported during the period of the reviews;
  - the commitment by the Minister for Social Protection to ensure that the role played by stakeholders in community employment is acknowledged in the ongoing reviews of community employment;
  - the assurances given to community and voluntary organisations that no CE scheme will be forced to close as a result of the reductions in training and material grants, pending the completion of the financial review of each CE scheme by the end of March 2012; and
  - the commitment of the Minister for Social Protection to ensuring that, following the completion of the financial and activation review, community employment will support both the labour market activation and progression of individual participants, in addition to the maintenance of local community services.”

**Deputy Catherine Murphy:** This motion is broad ranging but its focus is community employment schemes. One would have to wonder how many of the schemes will survive in light of the measures announced in the budget.

The only value the Government sees in the scheme is progression to work. The last time I looked there were close to 450,000 people unemployed. That, of course, is the official figure. In the construction sector, for example, those who worked under C2 certificates and those who were formerly self-employed are not even counted because they are not entitled to sign on. The figure could be significantly above that talked about. Finding work will be difficult and making people redundant from community employment schemes, where they offer a valuable service to the community, is daft. The value to the community of community employment schemes needs to be evaluated.

[Deputy Catherine Murphy.]

It is not enough simply to count their cost and progression to work as the only benchmarks of their success. I have been on the board of the County Kildare Centres for the Unemployed for 15 years. Their services are needed and appreciated now more than ever and the demands on those services are very high. That service could have to close its doors because the materials and training grant makes the difference between keeping it open and closing it. I have also been on the board of a community sports centre, which has good progression rates. However, there are huge benefits to the community across the age spectrum from that centre where children and young people are involved in sport.

Most people who are involved in community employment schemes do not have an MA or a PhD. Can we please look at the value of the schemes rather than at the one dimensional rates of progression to work? They are much more than that.

**Deputy Mick Wallace:** I also support the Sinn Féin motion. These cuts are a very bad idea. The Ferns community employment scheme contacted me shortly after the cuts were announced. They were upset and scared that their scheme will not survive if the cuts are implemented.

Community employment schemes have much more to offer than they are being given credit for. Most of their participants are job seekers. They want training. They do not want to be idle or lying in bed in the morning.

The Government says its main priority is jobs. It is odd that the Government would cut an area like this if it is really concerned about jobs. These people are looking to improve their employability. Apart from improving their job prospects, to be involved in a CE scheme and in much needed work in a local area improves a person's sense of worth and well-being. This has an added social effect. The social aspect of community employment is not taken sufficiently into consideration. There is a huge social payback.

The contrary is also true. If we do not have schemes like this we will create more social problems. The cost to the State will be all the greater in the long term.

**Deputy Thomas Pringle:** I welcome the opportunity to contribute to the debate on the Sinn Féin motion. Much has been made of progression rates in community employment schemes, but they have developed into much more than progression rates and labour activation. While they are an important part of the schemes, the Minister's cuts will affect the labour activation measures and the social aspect of the community employment schemes.

My town of Killybegs in County Donegal is trying to develop tourism because of the decline in the fishing industry. The cuts in training grants and supports to community employment will impact on that. The local tourist office, where over 10,000 visitors sought information last year, is kept going by community employment. This is information that is not available anywhere else. There will be opportunities for participants to move on to tourism related jobs if the scheme is allowed to grow and develop. These cuts will place the scheme under threat.

The scheme in Killybegs also supports youth projects, child care and residents' associations. These are all vital social services that are not available anywhere else. The CE scheme is the only way communities can provide for them.

In Donegal, we also have the MS Ireland scheme, which provides an exercise programme for MS sufferers across the county. The cuts are forcing exercise assistants to fund their own travel. In a county like Donegal where they may have to travel 40 or 50 miles to assist someone who suffers from MS, the assistants will have to pay their travel expenses out of their own pockets if they are to keep the scheme going. That is a shame on the Government and on the Minister.

The Minister says she will not close any scheme, but the Minister for Education and Skills said he would not close any small schools. He will simply make them so unviable they will voluntarily have to give up. That is the problem with these cuts. I urge the Minister to repeal her decision and ensure the cuts do not happen.

**Deputy Joan Collins:** I am glad to have the opportunity to support the Sinn Féin motion. It is a signal to the Government that any more cuts to CE schemes will have a huge impact on the communities where the schemes operate and on the schemes themselves. There should be an immediate reversal of the 66% cuts to the 2011 levels of the training and materials budget.

This is one of the cruellest and meanest of the many cruel and mean cuts we have seen. Two weeks before Christmas these schemes were told their materials and training grants would be cut by 66%. At the same time projects like Ballyfermot Star and the F2 centres in St. Michael's, Dolphin and Fatima were told they would have huge funding cuts and that they would lose key workers, leaving them without the support they needed. I hope the Minister, Deputy Burton, had a reasonable Christmas, because she left many of these people in a state of anxiety over the Christmas period anticipating what was coming down the track.

It is not good enough to talk about a review. The way the cuts have been implemented is disgraceful. The Minister should have done the review in the first instance, sitting down with the interested groups and talking about how the cuts would impact on their areas. However, these cuts should not happen at all.

Far from being cut, schemes in these areas should be protected and their funding ring-fenced, particularly when one considers the impact of drugs on these communities.

**Deputy Richard Boyd Barrett:** These cuts to CE schemes must be set against today's announcement in the Finance Bill that the Government will give special tax breaks to extraordinarily highly paid, high flying executives in the financial and corporate sector so that they can pay less tax on their unbelievably high earnings. It is okay to do that because, apparently, it will bring us jobs. On the other hand, the Government is lashing into disadvantaged communities, because that is where CE schemes provide services. They provide services and jobs for people in the most disadvantaged communities. In many cases they are the glue that holds communities together, providing child care, after-school care, outreach projects to young people, literacy projects and all sorts of things. They help out where there are high levels of long-term unemployment and poverty and where people need these services most.

These cuts are stupid beyond belief. Community employment workers provide vital social, education and health services. The full going rate for those jobs would be considerably more than the €208 per week these workers are paid. For the most part, they do these jobs because they want to provide services for their local communities.

This is a particular attack on single parents. It makes me sick to hear the Government talk about labour activation when it is simultaneously taking away incentives for single parents to get back into the workforce while serving their local communities. The Government should be ashamed of itself for its double standards and it should reverse these cuts immediately.

**Deputy Michelle Mulherin:** This whole situation creates turmoil. People do not know where they stand with current schemes, other than the fact that the purse strings have been tightened on them. On account of this announcement, we are facing the prospect of schemes being discontinued. We have a scheme for the Ballina Salmon Festival in my town. This scheme is a year-long plan for a one week festival where we get more than 300,000 visitors to our small town. It brings in local revenue of up to €2.5 million. Bed nights are at 100% for the whole

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week. Coupled with the work done with Meals on Wheels, the community employment scheme is part of the fabric of the community and it is facing crisis.

There are rural schemes in places like Mayo Abbey. We like to think there was a time when the local parish priest knew how everybody was getting on, but nowadays the people running these schemes go out into the community to houses where elderly people are on their own, bring them in for a meal once a week and provide them with social contact. They grow their own organic vegetables in the compound where they run the scheme. What they do is probably way beyond what was initially envisaged and the CE schemes do excellent work within the communities where they are organised. They are run by volunteers and sponsors. I could say the same for the Moygownagh scheme and the Michael Davitt scheme, which runs the museum in the area.

The work done in the schemes is wonderful, but they have to have adequate money for materials and safety gear to do the work they are designed to do. There has to be some realism in this. It will be a disaster unless this enters the frame. The schemes have been moved to the Department of Social Protection. First, we were told that viable schemes will not be affected. We still do not know what a viable scheme is. Second, money for the scheme has been cut before the review has been carried out. That does not make sense. I know of several schemes where the sponsors have guaranteed money to the bank to pay insurance to run the schemes and to pay for heat and light for offices. Will those people be left out of pocket? The Minister has been very badly advised by people who know better in FÁS.

**Deputy Seamus Healy:** I absolutely agree.

**Deputy Michelle Mulherin:** Something should be done about it. The review is one thing, but a clear signal has to go out that people on current schemes that were renewed every year will not be left high and dry. They have a legitimate expectation in respect of a contract. Many press releases issued show that there is one layer after another like an onion being peeled, and we cannot get to the truth of what is going on. If it is tough news, it is tough news. I will stand over tough news as a member of a Government party, but we have to be straight with people. If these schemes are not funded, it will be a disaster. I ask the Minister to properly fund these schemes so that no scheme will go to the wall because money is not put into it. That must be the true measure.

**Deputy Pat Deering:** I welcome the opportunity to speak on this very topical debate. It will bring certainty to the issue and that has not been there until now. Neither Sinn Féin or the independents have a monopoly on this issue. CE schemes are in every town and village and they affect every one of us. They have been in existence for more than 20 years and they have been of great benefit to every part of the country. Many people have gained employment at every level as a result of the schemes. For example, in County Carlow, the Delta Centre provides services to adults with intellectual disabilities. There are currently 12 CE employees out of a workforce of 80. It is worth noting that 70% of the permanent staff have progressed through the CE schemes. Progression is very important.

Carlow Regional Youth Service supports and promotes community based youth work, providing essential services to youth in a particular area. In the past year, 70% of the people involved in its schemes progressed to full employment, including one employee who started work on 1 February with Bank of Ireland, which is unusual. As a former chairman of the Carlow County Board of the GAA, I have first-hand experience of CE schemes in every big and small club in my county. They provide great help in the area. Without the CE schemes, they would not thrive.

The review is very important. It will focus the mind strongly. It is important to remember that one size does not fit all. I am aware of this from a sporting point of view, but there is a big difference between sporting clubs and organisations catering for people with disabilities or who are involved in the health services. I would welcome the Minister's commitment as a result of the review that funding will most likely not be provided on an individual basis. Every scheme I have mentioned that is involved in the health service will come up to the mark. When the funding is provided for schemes where the services are required, that will be very important, rather than providing money on an individual basis.

We all know that there are some schemes which are not providing the service they should provide. That needs to be tidied up. We do not have enough funds to keep the ship floating. It is important that we get best value for money and this review will ensure that happens. As a result of this review, I am happy that the important health care services will continue to be provided. I am also happy that between now and the end of the review, the Minister has committed a €1,000 top-up to the schemes that definitely need it.

The scheme needs to be tidied up. We need to have certainty and this debate tonight will bring that certainty.

**Deputy Paul J. Connaughton:** As Members understand, in many communities, both rural and urban, the community employment scheme can be the glue that sticks the local community together. The people in the scheme are the people that assist a whole range of community development groups to see their goals through to fulfilment. While community development groups can often have the ideas and ideals to improve their community, they do not have the skills to bring those to fruition. This is where the local community employment schemes provide the missing piece of what is a crucial community jigsaw.

Since the announcement of the budget last year, all scheme operators understood that there would be cuts, but the nature and extent of those cuts has remained very clouded for scheme operators, and poor communication has compounded the problem at all levels. As someone in constant contact with CE schemes, I recognise that it is important that all training provided represents up-skilling of people for jobs, yet I feel that the hugely valuable social element of many of these schemes is being overlooked. Whether it is a drugs rehabilitation scheme in inner city Dublin or a community employment scheme in Eyrecourt, County Galway, these schemes are providing an extremely important service to the locality. Their actions are instigated from the ground up and this bottom-up approach to development has empowered local communities to spend their scarce resources of employee hours in the areas where they feel it is most necessary and worthwhile.

The mental health benefits of such schemes are constantly being overlooked. In the past year, I have been approached on innumerable occasions by people seeking to get places on CE schemes. Many people found themselves out of work for the first time in their lives as a result of the property crash and found that the daily grind of unemployment made life much more difficult to cope with than the tough physical work they had been doing previously. Getting out to work and making a valuable contribution to the community is the cornerstone of these schemes, and this must be continued.

I commend the Minister on her decision to instigate a review of the measures as announced in the budget. If savings must be made, then it is better that they be made in the training and materials element of the scheme, as opposed to cutting the number of schemes or the number of people on those schemes.

Community employment schemes are an immensely valuable resource to every community in Ireland; to community employment groups and the participants and their families. The

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number of schemes and number of participants must be retained if the valuable work being undertaken by these schemes is to continue and both training and materials are crucial to the continuance of these schemes.

Since the changes have been announced and this review process has begun — I welcome the Minister's decision in this respect — there are quite a number of schemes under financial strain at the moment. I would like to see Department officials and the Minister talk to people involved in the schemes over the next few weeks, because these schemes must be allowed to continue to do their work.

We know that savings have to be made for the review to take place. However, each scheme should individually be consulted on that. The schemes will come up with the savings so they can keep going, but that is the point that has been missed so far.

**Deputy Dara Murphy:** I welcome the opportunity to speak on the Government amendment to the motion. Those of us involved in politics must acknowledge the important and continuing role of the community employment schemes in society and, in particular, in the area of child care and their role in helping to implement the national drugs strategy and their work in education. I concur with the comments of my colleague, Deputy Deering, and with many of the sentiments expressed by other speakers. These sentiments are shared by the Minister herself who spoke last night and they are evident in Government policy. Many of the issues and aspirations expressed during this debate reflect the intentions of the Minister and the Government. It is preferable that red herrings are not introduced such as the suggestion that the community employment schemes are to be obliterated. This is certainly not the case. In particular, it must be emphasised that no reduction is planned in the number of places on CE schemes and no reductions are planned in the number of supervisors.

The aim of the CE schemes is to ensure that those on the live register are ready and able to return to work as soon as possible. It must be acknowledged that there has been a change in emphasis in Government policy as to how money is spent in job creation terms. In 2012, the Government will be increasing its total expenditure on employment supports, up from €882 million in 2011 to €960 million in 2012. In this very difficult economic climate, it must be acknowledged that the Government's number one priority is job creation, and this is the one area where there will be an increase in funding. The ultimate ambition of all these schemes is to get people back to work. There are currently 1,100 community employment schemes with more than 23,000 participants and 1,300 full-time positions which are being maintained. The expenditure on wages is €57 million. I welcome that the report and review will happen within a matter of five or six weeks.

I refer to the wording of the Sinn Féin motion. The Minister has answered all the points raised in the motion. It is the job of the Government to help the long-term unemployed by means of the CE schemes and to help them back into work or to find work for the first time. As is the case in almost all circumstances to do with any form of social welfare, the payments are considerably higher than the supports provided by the Sinn Féin coalition government in the North. I know the Sinn Féin Deputies dislike this point being made but other Deputies raise points of their own repeatedly. This Government is doing far more than what is being done by Sinn Féin in Northern Ireland. I welcome the Minister's support for the CE schemes as they are crucial to communities.

**Deputy Jonathan O'Brien:** Deputy Dara Murphy is a funny man.

**Deputy Arthur Spring:** It is very reassuring that members of the Opposition acknowledge the brilliance of one of our current Ministers, Deputy Ruairí Quinn, who established the community employment schemes. The budget process was new to many of us. The reaction on both sides of the House was that there was something amiss in the budget. It was not Sinn Féin or Fianna Fáil Deputies but rather it was the Labour Party Deputies who decided this decision needed to be reviewed. I called for a review on the national airwaves and I said to my colleagues that we would have to address this issue.

**Deputy Pearse Doherty:** Who is the Minister?

**Deputy Arthur Spring:** We spoke to the Minister. We all recognise the social, personal and financial benefits of the CE schemes but, more important, they provide hope to people at this time. The situation is unprecedented, things have never been worse financially and measures must be taken. However, a reduction of everything to €500 showed a lack of knowledge by the Department as to what CE schemes needed.

**Deputy Aengus Ó Snodaigh:** It is €5,000.

**Deputy Arthur Spring:** Many of us went back to the Minister and told her that there needed to be material funding provided to the CE schemes for them to provide their essential services. The measure announced in the Minister's statement shows a level of flexibility and compassion towards CE schemes and now all CE schemes will be entitled to a grant for materials of up to €1,000. However, they must make an application for this funding.

I am not happy with the provision for training. I acknowledge that it costs €52 billion to run the country and we are only taking in €34 billion. Things do not stack up and everything will need to be reduced until the deficit is addressed. However, there are smarter ways of doing things. I suggest a grouping of the insurance and the auditing capacities of the CE schemes as this would result in savings. I refer to the sharing of services. There has to be a better way of doing things and any fat, if it exists, needs to be taken out. The CE schemes are an essential part of community life. They provide services such as meals on wheels, community-based drug rehabilitation, tidy towns committees and project and marketing development.

This is a very difficult time to be in Government and we do not want to be making these cuts. I know that the next budget will also contain some unpalatable cuts but now is not the time to let go of the wheel. We are in the eye of the storm and we must come out the other side. We are asking people to come with us rather than go against us. We do not need to have a rural versus city divide nor a public service versus private sector divide. The review process will find a smart solution. For instance, there are FÁS buildings lying empty around the country and perhaps training could be provided in those locations by FÁS rather than paying for private contractors. There are instances in my county where the training funding has not been utilised to its maximum. The reduction of €500 is not across the board. The review process should happen before the cuts are imposed. It is unfair for a Minister to have to implement measures over which she has no control but she has taken 700 people into her Department.

**Deputy John O'Mahony:** The issue of funding for community employment schemes is one I have raised at every possible forum. It is an issue that unites all sides of the House. We all want to see CE schemes supported and sustained. The House has debated previously the issue of isolation in rural areas.

Community employment schemes in towns and villages are crucial, both in the urban and rural context, to the delivery of services within the community. When the budget announcement

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of the cut to the materials and training grant from €1,500 to €500 was made, it sent shockwaves through sponsors, participants and communities. It is welcome that the Minister has cleared up some of the confusion in the past week to ten days and that there has been more of a meeting of minds on how the review is to be conducted and how the budgetary changes are to be implemented in the coming weeks and months. I appeal to the Minister to ensure the vital criteria by which community employment schemes have to demonstrate their need for extra funding above €500 will not be overly strict and tight such that it will become impossible to demonstrate the need for a scheme.

Everyone concurs with the Minister's intention that waste must be eliminated and that value for money must be achieved. Some schemes may be better able to absorb administration costs and materials and training costs than others. Community employment schemes are the heart-beat of towns and villages throughout the country. They help to provide and make possible such services as child care, meals-on-wheels and centres for independent living and village enhancement.

It is sometimes pointed out that people working on community employment schemes do not find follow-on jobs. My experience is that people secure sustainable jobs or move into self-employment. Young people participating in such schemes upskill, train and open doors for themselves. I accept, however, that they do not lead to sustainable jobs for all. People involved in such schemes in the later years of their working lives want to work and have a sense of purpose. They receive €20 more than they would in jobseeker's allowance. Surely that kills the myth that that in receipt of unemployment benefit do not want to work.

Community employment schemes have been a vital vehicle for the delivery of some of the services I have outlined. I note that the review is also seeking savings in the administration costs of schemes such as overheads, insurance and audits, which I welcome. However, there is a danger that communities might divide, given that some schemes which are more sustainable or could fund-raise might be rewarded, while others are punished.

Last week we discussed the difficulties in small schools during Private Members' business. I received a letter today from the principal of a small school to say how important the local community employment scheme was, as a shed had been built for the school, a new playground had been designed and a new bicycle rack provided. When there are cutbacks in other areas community employment schemes can sometimes come to the rescue. I welcome the reviews. If there were no community employment schemes, we would propose to the Minister that they be invented. Let us not get rid of something that is working well.

**Deputy Colm Keaveney:** In a healthy, free and open democracy parliamentary opposition is to be valued. It is a necessity. Governments ought to be kept in check and have their policies scrutinised by the Opposition. In that respect, I welcome the motion tabled by Sinn Féin. One cannot demand that the criticisms of the Opposition always be constructive — that would be unrealistic — but one can hope they would often be responsible, particularly in times of crisis such as this, the worst financial crisis in the history of the State.

When we entered government approximately 12 months ago, one could have best described the situation as being akin to a building on fire. It is difficult to sit on this side of the House and receive criticism from those who started the fire and who now have the luxury of absenting themselves from debate, while enjoying the criticism and conflagration that surrounds the issue. It can be difficult to take it from those on the other side of the House who proposed the motion. We understand there is much political capital to be gained on the issue, but it is important to have an open, honest and transparent debate in that respect.

I commend the Minister who has approached the issue with great sensitivity. She needed no lessons from her Labour Party backbenchers on the importance of community employment schemes. She has spoken to the stakeholders, participants and, most importantly, communities. Every one of the stakeholders agrees with her because all the community employment schemes to which I have spoken in recent months have acknowledged that we need to discuss their future viability.

Supervisors have given me examples of expensive training modules provided by private training contractors when the very same training was provided in local VEC training centres. Tuam and district mental health services cancelled a €3,000 computer training event to be offered by a former FÁS manager over two days. He was to be paid €1,500 a day for providing ECDL training. The previous funding system for community employment schemes encouraged scheme management to spend the maximum allocation rather than focus on the achievement of value for money or the true requirements in training scheme participants.

On 1 January community employment schemes were brought under the auspices of the Department of Social Protection, having previously been the responsibility of FÁS. While it was set up with the best of intentions by a previous Labour Party Minister, under the previous Government schemes failed to properly seek value for money. The reforms sought by the Minister amount to nothing more than each sponsoring committee properly costing a business case for the funds receives. Most schemes of which I am aware are already in a position to do this and have no difficulty with being transparent and offering a valid case for the social impact made by the scheme and a business case for additional funding. That is what we call prudential government — protecting the taxpayer. The Minister aims to balance the need to adopt a prudential and responsible approach to the spending of taxpayers' money with the need to protect the social aspect of community employment schemes for communities. The current budget allocation for the scheme is in excess of €315 million, which represents a significant commitment by the Government to the scheme and communities.

The recently announced ceiling of €1,000 per participant in 2012 will provide the necessary reassurance that the Government is committed to communities and community employment schemes. A block grant system for future schemes will focus on the real cost of running the service offered by schemes and encourage communities to take the work seriously and be responsible in terms of sharing costs. Under these reforms, economic necessity has ended up aiding the virtue of a Government which is cautious in using taxpayers' money. The review process is under way and sponsors of schemes will encourage the engagement that will require reforms in terms of the shared services to which Deputy Spring referred. We need reform to have due regard for and a duty to ensure prudence for both communities and scheme participants. We can identify the capacity of schemes to collectively negotiate bank charges, overheads, rates and other charges.

I wish to give an example of where savings can be made. There are two schemes within a two mile radius of my home town. One pays a public liability insurance premium of €3,400 in a brand new build facility. An older scheme in a working, older environment is paying €1,400. In terms of some expenditure items, there are significant ways for us to secure efficiencies and continue to effect reform and change so that we might protect community employment scheme supervisors and the social impact of their schemes.

**Deputy Peadar Tóibín:** May I share five minutes with Deputy Adams?

**Acting Chairman (Deputy Robert Troy):** Is that agreed? Agreed.

**Deputy Peadar Tóibín:** Ba mhaith liom labhairt ar son an rúin seo. Is mian liom tacaíocht a thabhairt do scéimeanna fostaíochta pobail i gcontaetha na Mí agus na hIarmhí. Tá an-chuid oibre á dhéanamh ag an 18 scéim i gContae na Mí. Tá siad lárnach sa phobal. Tá 72 foghlaimoirí ag freastal ar scéim amháin, mar shampla. Cuireann siad seirbhísí faoisimh agus cúraim cónaithe ar fáil do dhaoine le míchumais foghlama agus fisiciúla. Tá naíolann pobail, feasacht ar drugaí agus tearmann do mhná ar fáil freisin. An bhliain seo caite, d'éirigh le 58% de na daoine sin fostaíocht lánaimseartha a bhaint amach. Is cosúil go mbainfidh an méid céanna dóibh fostaíocht lánaimseartha amach i mbliana.

Cén fáth a bhfuil an oiread sin fostaíochta á fháil ag an méid iontach sin? Fuair na hurraitheoirí tacaíocht ón HSE, a bhí ag feidhmiú ar chaighdeán HIQA. De bharr an taithí oibre agus na cúrsaí FETAC leibhéal 5 a fuair siad ar na scéimeanna fostaíochta pobail, bhí siad in ann dul ar aghaidh lena chuid gairm. Má tarraingíonn an Aire siar an maoiniú le haghaidh teagaisc, beidh sé uafásach deacair do na foghlaimoirí leanúint ar aghaidh agus fostaíocht a bhaint amach. Níl mórán na bhfoghlaimoirí in ann íoc as an teagasc atá riachtanach chun caighdeán HIQA a bhaint amach.

Tá sé dochreidte go bhfuil sé seo ag titim amach i lár géarchéim eacnamaíochta. Tá na seirbhísí seo á scrios ag an Rialtas díreach nuair a bhfuil níos mó éileamh ná riamh ar na scéimeanna. Tá sé dochreidte freisin go bhfuil an Aire Coimirce Sóisialaí, a thagann ón Lucht Oibre, ag déanamh scrios ar na seirbhísí seo. Tá Teachtaí an Lucht Oibre ag déanamh ionsaí ar na daoine a thug vótaí dóibh bliain o shin. Tagann an seanfhocal maidir le “biting the hand that feeds you” chugam ag amanna mar seo. Ní hamháin go bhfuil muintir na scéimeanna fostaíochta pobail ag fulaingt, ach tá gnáthphobal na hÉireann atá ag brath ar na seirbhísí seo ag fulaingt freisin.

Ba mhaith liom roinnt eagraíochtaí i mo cheantar fhéin a lua. Tá mé ag caint faoin adult day unit i gCoill Darach; the Aisling Group, which provides support to people who are addicted to drugs; An Tobar; Clann Mór; Daoine Óga; Enable Ireland; the Irish Wheelchair Association; Loreto Day Care; MIDWAY Leighsbrook, which helps people with mental health issues; MIDWAY Beechmount; Meath County Childcare; Meath Women’s Refuge; Navan Employment Options; Na Driseoga; Rehab Care; Rehab Care Autism; Shalimar House; the special care unit in St. Mary’s parish; an Cumann Lúthchleas Gael; Tidy Towns; agus go leor eagraíochtaí eile.

Beidh na daoine atá páirteach sna heagraíochtaí seo, agus na daoine a bhraitheann ar na seirbhísí a chuireann siad ar fáil, ag fulaingt má leanann an Rialtas ar aghaidh. Céard a dhéanfaidh na saoránaigh a bhaineann úsáid as na seirbhísí seo? Beidh easnamh uafásach agus dochreidte timpeall na tíre. Ní bheidh muintir na scéimeanna fostaíochta pobail in ann faic a dhéanamh faoi. Caithfidh smaoineamh ar na daoine a bhaineann úsáid as na scéimeanna fostaíochta pobail agus iad siúd a bhraitheann ar na seirbhísí. Cuirfidh an polasaí seo bac ar fhorbairt ghairm na ndaoine. Goidfidh sé seirbhísí riachtanach ó na daoine atá thíos cheana féin.

Iarraim ar na Teachtaí atá ar na binsí os mo chomhair tosaíocht a thabhairt do mhuintir na scéimeanna fostaíochta pobail in ionad na mbaincírí. Má tá giota beag cuibheas fós ar binsí an Rialtais, iarraim ar na Teachtaí atá ina shuí thall seasamh suas ar son na ghnáthdhaoine agus in aghaidh na polasaithe déine uafásacha seo.

**Deputy Gerry Adams:** The social consequences of the austerity policies of this Government are evident every single day in the cuts to essential public services, the number of young people leaving our shores, the cuts to DEIS schools, the household charge, the slashing of school guidance counsellor numbers, the attack on rural communities through the septic tank debacle, stealth taxes, the crisis in our health service and now the imposition of cuts to CE schemes, which will see the end of many such schemes. At the same time, the Government is handing

over billions in euro of taxpayers' money to criminal banks, as much as €20 billion in its term of office so far. Next month, €3.1 billion, almost as much as the total budget cuts, will be paid to Anglo Irish Bank. Today, the Finance Bill will enact into law the series of indirect tax hikes introduced by the Government, including VAT, excise duties and deposit interest retention tax, DIRT.

The attack on CE schemes affects the most vulnerable and disadvantaged communities and the long-term unemployed who are trying to return to work. Government Teachtaí Dála have praised the schemes and told the House that they provide essential services, but those Deputies do not say the schemes should be protected against budget cuts.

The budget's savage 66% cut in training and education grants threatens CE schemes and, as a result, many will not be able to function. In my constituency of Louth, there are 30 CE schemes. Across Louth, women's networks, community development groups, women's refuges, youth groups, homeless aid and employment groups are dependent on CE schemes to provide their essential services. Is iad mná a n-oibríonn i gcuid mhaith de na grúpaí pobail seo. Tá siad faoi ionsaí ag an Aire. The public and private sectors could not, do not and will not provide these services.

In what has been a mark of the Government, the Minister has taken the bizarre approach of imposing cuts before announcing a review under public pressure. Consulting the schemes before announcing the cuts would have made sense. The Minister could have engaged in dialogue with the people involved and considered the long-term implications and social consequences of taking this vital employment out of communities.

CE schemes in County Louth suffered cuts in recent budgets, but the slashing of training and material budgets by 66% — from €1,500 to €500 per annum per participant — will have a devastating effect on them. Without these grants, sponsors will not be able to cover running costs of as much as €20,000 per annum. These costs include paying for offices, supervisors, insurance, audits, etc.

If the Minister's aim was to design a range of actions to make CE schemes unsustainable without announcing publicly that she was cutting the schemes, she could not have done any better. For example, funding for the Dundalk ICTU centre has been cut by more than 25% since 2009. The centre's CE schemes employ 51 people and the proposed cut in funding would see the budget slashed by €51,000 next year. At the centre, CE workers help members of the public with curriculum vitae, welfare rights, job applications and accessing entitlements. Have no doubt about it — if the Government proceeds with the cuts as outlined, many of the schemes in Dundalk, Drogheda and across County Louth and other embattled communities in the State will close.

The abolition of concurrent payments and the CE qualified child increase paid to lone parents on CE schemes is a shameful step.

Ní thuigim conas gur féidir le Teachtaí Dála i bPáirtí an Lucht Oibre aontú le ciorraithe ar scéimeanna a chuireann seirbhísí chúram leanaí ar fáil. If Government Deputies are genuine when they acknowledge that these schemes play a vital role in communities by providing services such as community child care and so on, they should support this motion.

**Deputy Sandra McLellan:** I welcome the opportunity to speak in support of the retention of funding from which community groups, including sporting and arts groups, throughout the State have benefitted. I have seen in my own area the great efforts to which these groups go to put the funds to good use for their communities. I am also aware of the sacrifices made over many years by volunteers and workers throughout the State in the community development sector and agencies.

[Deputy Sandra McLellan.]

Recent moves in terms of the restructuring of the management of local community development projects were perceived by many as a hollowing out of genuine community development. There is great concern in this regard. Most of the projects funded through community employment funding operate on a shoestring budget and in very difficult circumstances, including those in east Cork. Their objective is to assist the most disadvantaged communities. As the Sinn Féin Party spokesperson for the arts and sport, I take this opportunity to commend those projects involved in combating poverty, social isolation and mental ill-health through the arts and sport. The role they play in terms of their contribution to the social fabric of people's lives is immense. They are helping their communities to deal with the social and economic issues at the heart of many of their problems.

Some of the benefits derived from the arts, such as self-esteem, are primarily personal or individual benefits, while others, such as developing community identity, occur at a community level. It has been suggested that those participating in arts programmes may accrue some benefits directly as a result of their participation. However, there are also less direct and more complex processes that are dependent on achieving intermediary outcomes. For instance, people learn new skills, feel more confident and make new friends as a result of participating in community arts activity and this, in turn, enhances their employability. The Recovery through Art, Drama and Education, RADE, project in Dublin deserves special mention in this regard. It works with drug users to address their addiction and to help them to regain control of their lives. We in Sinn Féin recognise and appreciate this contribution. It deserves to be nourished and enhanced.

Unfortunately, the Minister's handling of the matter beggars belief, with budget 2012 being the launch date for the latest instalment of the attack on community schemes. The announcement to initiate a review of some of those decisions while at the same time continuing with the promised cuts was particularly disappointing. Those in receipt of other payments such as lone parent or disability benefit are being devastated by the Minister's callous approach. It displays a total lack of appreciation on her part of the importance of this funding for those availing of it. It is safe to say that most participants in community employment schemes depend on the money they receive to balance their household budgets from week to week. They count on that money to feed and clothe their families and to heat their homes. The disturbing irony in all of this is that these cuts, which target some of the most socially important initiatives in the State, are happening at a time when billions are being pumped in to the black hole that is a defunct, dysfunctional banking system. Where will it all end and what is it all for?

Local community schemes, like so many of the other projects mentioned over the course of this debate, play an important, almost unquantifiable, role in the lives of many. In times of crisis the services they provide are in greater demand. They deserve recognition, appropriate support and encouragement. That the Government intends to continue its assault on them is a shocking reflection on its notion of what counts for a society. The troika may not value the self-esteem, confidence and quality of life of the people working on community employment schemes — it will be a damning indictment if the same can be said for all of us.

**Deputy Michael Colreavy:** Ireland today, more than ever, depends on the strength of its communities. Those communities have withstood the reckless actions of bankers and developers in recent years. Right across the island of Ireland, they are the bonds that hold our society together. The proposal by the Government to cut the community employment schemes training and materials budget by 66% is an unmitigated attack on those communities and the people who depend on these schemes for help and support.

The Minister said yesterday that the troika has failed to recognise the “intrinsic social value” of some community employment schemes. This could be read as an implicit admission that the troika has instructed the Government to cut this expenditure by 66%. The ESRI’s critical report on community employment schemes was based only on the narrow focus of job activation. However, these schemes are so much more than vehicles of preparation for open employment.

In Sligo-Leitrim, the area I am privileged to represent, community employment schemes provide affordable child care and home care services, support the running of meals on wheels services, facilitate the care of people with disabilities, keep our environment clean and maintain our towns and villages. They support the needs of older people and the delivery of rural transport initiatives. Community employment scheme workers deliver a fantastic service to the community I represent, and the loss of those services would be irreparable. Given that community is at the heart of the entire framework, it is impossible to envision how private firms would be able to replicate these valuable services. Reference was made to the importance of ensuring value for money. That goes without saying. However, I can say without fear of objective contradiction that the majority of community employment schemes in Sligo and Leitrim deliver exceptional value for taxpayers’ money. These services are being provided at a fraction of the cost that would arise if their provision was a matter for statutory agencies or privatised firms.

A cut to the materials grant for community employment schemes will seriously hamper the work they do. They will not be able to afford necessary goods such as petrol for lawn-mowers, for example, or pay for light and heat in their buildings. The materials grant is central to the operation of all such schemes and a reduction of this magnitude will leave many with no choice but to close. The Minister says she will not close any schemes, but the decision to ravage the training and materials budget will, as sure as night follows day, render many of the most valuable schemes unable to continue.

How can vital services such as child care, home care, care of addicts and people with disabilities continue if there is no funding to train those involved? If trainees do not have access to basic instruction, schemes will be prevented from delivering their services to the community. Otherwise suitable participants will not be able to enhance their prospects of progressing into employment. Many schemes provide people with social or mental health deficiencies with a chance to make a positive impact on their own lives and on their wider community. I know people who did not leave their homes until they began to participate in a community employment scheme. That participation has had a major impact on their quality of life. If the Minister’s Department were to suffer a decrease of 66% in its non-pay budget, could it continue to function? It most certainly could not and neither can community employment schemes.

**Deputy Jonathan O’Brien:** I welcome the opportunity to speak briefly on this important issue. No one could doubt the valuable contribution CE schemes make to society. We have heard from all sides of the House of their importance and value not alone to participants but the communities they serve. The anger being expressed by communities in respect of the announcement of these cuts should come as no surprise.

I agree with Deputy Mulherin who said earlier that there is absolute turmoil in the communities in relation to these cuts, that people do not know whether they are coming or going and that the Minister was badly advised in terms of making this announcement prior to the review. It appears to be Government policy lately to announce cuts and then reviews. This has happened in respect of cuts in the disability sector, DEIS and now CE schemes.

Earlier, Deputy Spring called on the people to follow the Government because our deficit must be bridged. I would not follow this Government out the front door because I do not

[Deputy Jonathan O'Brien.]

believe it knows where it is going. This Government has no sense of direction in terms of where it is planning to take this country. The reality is that it is taking us into deeper recession.

Deputy Spring also said that everything must be reduced until the deficit has been addressed. What he failed to say was that everything but his salary and bondholders' payments must be reduced. They are the only things that appear to be immune to cuts these days. Ministers have appointed advisers above salary caps. Is it any wonder that when people outside this Chamber hear this they lose faith in the political system?

I have discussed these cuts with sponsors of CE schemes in Cork. They told me that unless these cuts are reversed many schemes face closure. The Minister for Social Protection, Deputy Burton, said that no CE scheme will close. However, one cannot cut resources by 66% and do away with dual payments without consequence. The impact of these cuts is being felt in communities. People who want to participate in CE schemes, to obtain additional training in order to return to full employment or to serve their communities are being prevented from doing so because of the changes in the dual payment. I am not sure if the Minister is aware of this but there is a cost to people participating in CE schemes. They have to meet travel, child care and other expenses. One cannot expect a person who is already living on the breadline and struggling to make ends meet to take up a place on scheme for €20 extra. That is the consequence of this policy.

Eight participants on a particular scheme in Cork have gone on to full employment. There is not one labour activation measure that this Government could introduce that would match that type of success. There are social consequences to these cuts. CE schemes in Cork provide child care, drug addiction, elderly and after school services. We will not know the impact of these cuts for many years. It will be our children who will suffer and who will have to pick up the pieces in this regard.

I heard many members of the Government say when in opposition that the previous Administration had decimated this country and brought it to its knees, which is true. However, this Government is giving it a kick in the teeth while down.

**Deputy Pearse Doherty:** Cuirim fáilte roimh an deis an cheist seo a phlé. Ar fud an Stáit, tá cruinnithe ag dul ar aghaidh. Tá an mhuintir atá ag obair ar na scéimeanna fostaíochta pobail agus iad san atá ag baint tairbhe astu ag na cruinnithe sin, cruinnithe atá íontach mór. Tá daoine ag cur in iúil do pholaiteoirí ó gach cearn den saol polaitíochta an tábhacht atá ins na scéimeanna seo, agus ag iarraidh a chur in iúil dúinn go gcuirfidh sé deireadh le cuid mhór des na scéimeanna fostaíochta pobail má théann na ciorraithe seo i bhfeidhm.

Agus mé ag éisteacht leis an méid a bhí ráite ag daoine ó Fhine Gael agus ón Lucht Oibre is léir go ndeachaigh na cruinnithe sin i bhfeidhm orthu. There is no doubt, having listened to the contributions made over the past two nights, that at least some of what was said at the meetings across the country on this issue, which many of us attended, has had an impact on Fine Gael and Labour Party backbenchers. It is clear that there is a demand across both sides of the House for these cuts to be reversed. However, the test will be at 9 p.m. when Members will have to vote for or against these cuts.

People working on the front line know more about CE schemes than any of us here. Many of them are in the Visitors Gallery. They have come here from Donegal, Rathcoole, Clondalkin, Drogheda, Dundalk, Blanchardstown and other areas — many others could not come here because of the meeting tonight in relation to supervisors — to demand that this Parliament take action on behalf of communities and those operating and participating in CE schemes.

I have listened to the Government talk time and again about the importance of protecting our communities and creating employment. When one puts these two phrases together, one gets community employment. However, the first action by this Government in relation to community employment is to cut it by 66%. How can anyone believe employment and communities are a priority for this Government? The Minister has told us that the saving to the State as a result of these cuts will be €27.5 million. We have heard from many backbenchers in the Labour Party that everything needs to be cut until we sort out the mess we are in. Yesterday, Deputy Adams learned from NAMA that the legal bill for approximately ten or 12 major legal firms in this State which provided legal advice to it over the past 24 months was a staggering €27.5 million, the same amount which is being cut from 1,143 CE schemes and their 22,000 participants. Who should be cut if one prioritises community and employment? Is it the 12 legal firms which are being paid €3 million plus per year or the 22,000 participants on CE schemes who need help from the State? The answer should be obvious to every Member who has an active conscience.

The Minister told us that she listens to expert advice, that she cannot disregard the type of research and advice given to her and that she takes seriously what researchers say and that such research questioned the value of CE schemes. However, the Minister was selective in terms of the research which she chose to offer this Chamber last night. She used research from the OECD which was critical of CE schemes. She did not refer to other serious and well thought out research such as that carried out by Professor Tony Fahey and Dr. Michelle Norris from UCD or the Combat Poverty Agency, which recognises the true value of CE schemes. It states: "The Community Employment scheme is a core element of much of the area-based social provision now in place in Ireland and its contribution in that regard should be more clearly recognised and incorporated into the rationale for providing it and the bases on which it is evaluated."

I do not have much time but will conclude on this point. These cuts will devastate communities and I note 68 sponsors are located in my native county of Donegal. People argue that one cannot simply call for a reversal of the cuts to the scheme in this House but instead must offer solutions and other ways in which the money can be found. Sinn Féin has done this repeatedly in its pre-budget submission but I will offer Members one other suggestion in conclusion. This time last year, the Minister for Social Protection, Deputy Burton, stood here on the Opposition benches. She is the iron lady of the Irish Republic now, the person who has gone after community employment schemes in an attempt to dismantle and break them. She is the person who went after mothers when she cut child benefit and is the person who went after the young and disabled. Last year, however, when responding in this Chamber to Fianna Fáil's cuts to social welfare, she stated "some €805 million is to be paid to bondholders in Anglo Irish Bank next week".

**Acting Chairman (Deputy Robert Troy):** The Deputy's time has expired.

**Deputy Pearse Doherty:** That is the equivalent of nearly all the social welfare cuts. The only difference now is that Deputy Burton is on the Government side of the Chamber and instead of €800 million being paid to bondholders last week, €1,200 million was paid to bondholders by the Government just two weeks ago.

**Acting Chairman (Deputy Robert Troy):** I must ask the Deputy to resume his seat.

**Deputy Pearse Doherty:** That amounts to three times the value of social welfare cuts. Shame on all the Government Members if they do not vote to reverse this cut.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I thank all Members for their contributions and for taking the time to debate this important issue of community employment. I wish to restate the Government's commitment to prioritising jobs. The Government is committed to spending more than €960 million on employment supports, including €350 million on community employment schemes, in 2012. This will result in an increase in overall expenditure on employment supports this year from the €882 million the Government spent in 2011. This expenditure in support of employment represents a significant increase on the 2011 figure, particularly at a time when public finances are more constrained than ever before.

At present, there are 1,143 community employment, CE, schemes in operation nationally with 23,300 places, of which there are approximately 22,000 participants and 1,300 full-time supervisor posts. There is no reduction in the number of community employment places for 2012 and no reduction in the number of CE supervisors. Following the changes to allowances for participants announced in the budget, it still is the position that taking a place on a CE scheme is financially beneficial for all participants. Even after the changes in one-parent family payments announced in the budget, a lone parent with two children who is an existing participant in a community employment scheme will receive a payment of €423 per week for 19.5 hours work. Due to the current economic circumstances and the need for the Department to find savings of—

**Deputy Aengus Ó Snodaigh:** How much does a new participant get?

**Acting Chairman (Deputy Robert Troy):** The Minister of State, without interruption.

**Deputy Aengus Ó Snodaigh:** I simply asked him a question.

**Acting Chairman (Deputy Robert Troy):** The Minister of State has the floor, without interruption please.

**Deputy Ciarán Cannon:** In order to find savings of €475 million in the budget, it is necessary to examine all aspects of expenditure of the Department. The savings of €27.5 million that the Government had identified in the budget represents a reduction of 7.5% in the overall 2011 CE spending of €360 million.

The Government recognises the valuable contribution that CE can make. However, as with all such large national programmes, not every community employment scheme has the same positive outcomes for those who participate. There have been many commentaries and reports from both national and international research bodies on the effectiveness of the schemes. These were outlined in the debate last evening and the Government must consider them seriously. In this context, it is important that CE and other employment supports are fit for purpose and deliver value to the taxpayer. Among the issues identified were the lack of labour market progression and an increased risk — not a reduced risk — of long-term unemployment. The Government is committed to ensuring that CE and similar programmes enhance the employment prospects of those who participate on the schemes. The Government also recognises the intrinsic social value of some community employment schemes, which play such an important role in communities, in particular by providing services such as helping the disabled to live independently or delivering meals on wheels to older citizens. One cannot apply a purely economic analysis to CE schemes. The OECD similarly recognises there always will be a role for schemes that are primarily directed towards the provision of crucial social services, often for disadvantaged communities that need services such as child care, elderly care and drug

treatment programmes. Such schemes have a role where they deliver such services in a cost-effective manner. The Minister for Social Protection is determined to ensure that the contribution of such schemes is recognised in any future decisions on the future operation, funding and role of community employment.

The goal of the Department is to find a solution that ensures the objectives of getting people ready for real and long-term sustainable jobs, getting value for money for the taxpayer and supporting schemes that deliver much-needed social services. While there are changes to grants for CE schemes, it is important to be aware that the current and future participants on these schemes can avail of a wide range of education and training programmes at no cost to the individual scheme. The widespread availability of FETAC awards from publicly funded providers will facilitate the continued achievement of these awards by participants on CE. The Minister has asked for an initial review of the financial resources of all schemes, to be completed by the end of next March, as there is a considerable variation across CE schemes in respect of the amount of training provided, materials required and overhead costs and the potential for sponsoring organisations to meet certain costs. A flexible approach has been adopted and all options are being considered in respect of the sources and availability of funding, and all efforts are being made to minimise the impact of the reductions outlined. The internal guidance to officials is that up to €1,000 per participant may be available to a scheme in respect of the training and materials grant for this year, subject to a demonstration of need. I again assure the House that no CE scheme has closed as a result of the changes in the training and materials grant announced in the budget.

**Deputy Aengus Ó Snodaigh:** Yet.

**Deputy Ciarán Cannon:** I can assure the House that the contribution of community employment to the range of groups that participate in the programme, from lone parents to jobseekers and the support they offer to local communities, will be enhanced and more focused as a result of the changes being undertaken by the Department of Social Protection.

**Deputy Sandra McLellan:** What a load of rubbish.

**Deputy Pearse Doherty:** Nonsense.

**Deputy Dessie Ellis:** Tá an Private Members' business seo an-tábhachtach ar fad agus ba mhaith liom mo thacaíocht a thabhairt dó agus, tá súil orm, aon duine eile atá ag féachaint amach le haghaidh an ghnáth dhuine. Any Government worth its salt would ask its opponents and the people to judge it on its actions, on what it has provided and what it has not only sought to do but also has achieved. Were the present Administration to ask to be judged in this manner, it would be judged harshly. One is told regularly by Government Deputies to be more positive and more constructive but the Government does not seek constructive Opposition. The proof of this is in its complete rejection of the alternative budgetary measures offered by Sinn Féin last December and costed by the Department of Finance. One is told, without even the slightest hint of irony, to put on the green jersey by a Taoiseach who parades and embraces his masters in Europe. The Taoiseach has admitted the Government has never attempted even to negotiate our sovereign debt, even though our Greek colleagues are doing precisely this and are standing still on it.

Do Fine Gael or the Labour Party think it patriotic to cut from those who have the least to give, from those who struggle or for those for whom the Celtic tiger was something about which they only heard? Do they think that people who provide essential work in communities

[Deputy Dessie Ellis.]

are expendable? Do they think organisations such as local GAA clubs in my constituency like Setanta and Erin's Isle, Finglas Meals on Wheels, Citizen's Information, Glór na nGael child care and many others are the enemies of this country? Do they consider them to be leeches on the society they helped to hold together while others supped from the trough but never paid their share and, at their worst, plummeted this country into the desperate position in which it now finds itself?

In Dublin North-West, approximately 500 people work in community employment schemes. They provide hot meals for the elderly and infirm and help to organise community groups and sports clubs. These people are doing jobs for which the Government and this State fail to provide. They provide these services, which should be full-time posts, to support people and communities who need help, support and care. These are good, hard-working people who come from a wide range of backgrounds and who are trying to return to work. This is not what the Minister has previously characterised as being a "lifestyle choice": it is the reality for people who live in the real world. Those to whom I refer have done their best to overcome many varied obstacles and are now faced with an Ireland in which they cannot obtain employment as a result of the failings of others who go untouched and some of whom continue to be rewarded and will never set foot in a jail not to mention a police station.

One would struggle to find a person who does not know someone benefiting from a service provided with the help of CE workers. Like the carers who have been greatly mistreated, those on CE schemes are saving the State money through their dedication and hard work. The State is only willing to provide them with such work in the form of CE schemes. The State has given away billions of euros to unsecured bondholders and huge amounts in bonuses and pay upgrades for its cronies. In doing so, it has broken its promises in respect of pay but it refuses to support a massively cost-effective programme such as that relating to community employment. The CE schemes have done fantastic work and the State has paid so little for this, particularly in the context of the benefits that have been forthcoming.

If those on the Government benches were serious about the interests of the people they would support the motion and retain the services upon which communities depend and which are provided to the State — at such good value — by the good people to whom I refer. I issue a warning to the Deputies of Fine Gael and Labour. The people are watching and listening. Their words will mean nothing if they are not followed up by more than crocodile tears. The people will give their verdict. Those in Fine Gael and Labour under-estimate and disregard the people at their peril. Ba cheart dóibh an deis seo a ghlacadh agus tacaíocht a thabhairt don rún seo.

**Deputy Brian Stanley:** I welcome the opportunity to reply to the debate on this very important issue which goes to the heart of our communities. I welcome and extend a céad míle fáilte to the many CE participants, from various parts of Dublin and beyond, who are in the Visitors' Gallery and who have been present during various stages of the debate. Those to whom I refer attended the solidarity protest which took place outside the Dáil this evening and during which Government Deputies were urged to support the motion and oppose the proposed cuts.

I compliment the CE schemes on the excellent service they have provided in communities for many years. Many of them provide services which are vital and which neither the public service or the private sector could provide. I refer to services that range from meals on wheels, community-based drug rehabilitation, child care, and so on. We have all benefited at some

level from the provision of such services. In my constituency of Laois-Offaly, towns such as Birr, Tullamore, Edenderry, Portlaoise, Mountmellick, Durrow and Mountrath have vibrant CE schemes which provide vital services.

This afternoon I was delighted to attend a national meeting organised by SIPTU and IMPACT, which took place at the Heritage Hotel in Portlaoise. The hall was packed with almost 500 CE scheme supervisors. That is the largest crowd I have seen in the hotel since the late Mr. Joe Dolan performed there. Today's meeting provides an indication of the level of interest in this. The Government needs to take note of it. Without the energy and vision of the supervisors many of the schemes and those who participate on them would not have reached their full potential. In many instances, the supervisors are the engines who drive the schemes. I take this opportunity to commend them on their excellent work. Long may they continue to do it.

CE schemes are worth every cent they receive. As stated in its election manifesto, Sinn Féin believes there is a need to build on the success of the schemes and that is why this motion was tabled. However, the Government has other plans. Each day, those in government feed us a diet of lies and inform us that there is no money available and that we are living beyond our means. According to the Government's budget for 2012, the funding for community employment is to be cut by €41 million. Interestingly, however, the funding for the Tús community work placement scheme is being increased by €54 million. Tús is the yellow-pack version of community employment. Rather than invest in community employment, the Government has decided to invest in Tús. The latter is a work scheme which offers short-term job opportunities. It is a scheme about which we and many others have grave doubts. There is no education or training aspect to Tús: it is simply a headline-grabbing exercise designed to reduce the numbers of those on the dole.

The Government, particularly the Minister, Deputy Burton, must be reminded of why CE schemes were established in the first instance. Community employment programmes are designed to help the long-term unemployed and other disadvantaged people to return to work by offering them part-time jobs and temporary placement in their local communities. Participants are encouraged to seek permanent part-time and full-time employment elsewhere based on the experience and new skills they gain while on CE schemes. There are now more than 183,000 people who are considered long-term unemployed. At a time when the Government should invest in community employment and build on its success, it is instead — via some form of perverse logic — doing the very opposite.

The Government has spun what it is doing as being good and healthy medicine for CE participants. However, neither I nor the supervisors I met this afternoon believe that. When communities saw through the spin, rallied and then applied pressure on Labour and Fine Gael Deputies, the Government buckled and initiated the two reviews to which the amendment to the motion refers. The Minister claimed that no CE scheme would close, that she would head up a review and that all would be safe in the land of community employment. What will really happen is that schemes will be in competition with each other for scarce resources. Those who operate the schemes have received letters, e-mails and telephone calls from Deputies that promised that they have the ear of the Minister and that everything will be resolved. Having engaged with the CE scheme participants and supervisors, I am aware that they do not want reviews. What they seek is a complete reversal of Government policy. There must be no ifs, no buts and no reviews: the cuts must be reversed.

The motion states that Dáil Éireann “calls on the Government to immediately reverse the cut of 66% to the community employment (CE) schemes' training and materials budget”. In

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its amendment, the Government simply reinforces the position by stating “the baseline amount of the grant remains at €500 per participant announced in the budget” but that there “will be discretion to make up to €1,000 per participant available to schemes in respect of the training and materials grant this year, based on a clear demonstration of need by the CE schemes”. The will happen when the competition between schemes to which I refer commences. In the Government’s words, the cuts will remain the same.

**Deputy Caoimhghín Ó Caoláin:** On a point of order, this is an extremely important debate and I find it most disconcerting that the Minister and Minister of State are using it as an opportunity to converse among themselves. If they would pay attention to the speaker and what he has to say on the issue under discussion, that would suit the situation so much better.

**Deputy Joan Burton:** On a point of order, I have heard everything the Deputy has stated. I could repeat, word for word, what he just said.

**Deputy Brian Stanley:** That is good.

**Deputy Caoimhghín Ó Caoláin:** Perhaps the Minister and Minister of State could share their tittle-tattle with each other elsewhere.

**Deputy Joan Burton:** If Deputy Ó Caoláin wants me to repeat what Deputy Stanley just said, I can do so. I listened carefully and respectfully——

**Deputy Caoimhghín Ó Caoláin:** No, the Minister is not showing respect at all.

**Deputy Joan Burton:** If someone were to test mine and Deputy Ó Caoláin’s memories, I am sure I could predict who could quote verbatim what Deputy Stanley said. I cannot speak in the same way for the Deputy’s memory as I can for my own.

**Deputy Caoimhghín Ó Caoláin:** I will not answer back. We are watching the Minister.

**Acting Chairman (Deputy Robert Troy):** I ask Deputy Stanley to resume. He should be allowed to continue, without interruption.

**Deputy Joan Burton:** I also noted all of the misstatements Deputy Stanley has made.

**Deputy Caoimhghín Ó Caoláin:** I hope the Minister has learned a great deal from what the Deputy said.

**Deputy Brian Stanley:** Now that I have the ear of two Ministers and in view of the fact that another Labour Deputy has just entered the Chamber, I will make my concluding remarks.

One of the more vulnerable groups that has borne the brunt of the Minister’s cuts comprises those in receipt of lone parent’s allowance. They are obliged to struggle to keep their families together and during her short reign, the Minister, Deputy Burton, has managed to do more damage to them than Fianna Fáil did in the previous 11 years. Last year — on foot of the position which obtained under the Fianna Fáil Government — a lone parent with three children who was on a CE scheme was entitled to a payment of €504. Under this Government, the same person would only receive a payment of €297. There is something terrible about that.

**Deputy Joan Burton:** The Deputy’s figures are wrong.

**Deputy Aengus Ó Snodaigh:** They are not wrong.

**Deputy Brian Stanley:** A lone parent with three children was better off under the previous Fianna Fáil Government than under a Labour Party Minister. Lone parents were better off to the tune of €207 per week under Fianna Fáil and the Minister cannot spin or review her way out of that. Labour is making lone parents poorer. This is at a time when the Government has paid the former Anglo Irish Bank, a zombie financial institution, billions of euros of our money. It is taking money out of the pockets of working class people and using it to line those of faceless, unguaranteed bondholders. This is something which the Government is not legally bound to do.

However, it does so because it has its priorities wrong. The Government values Anglo Irish Bank bondholders more than lone parent community employment scheme participants and the communities in which we live. It took Fianna Fáil 13 years to be accused of being out of touch. It has taken the Government 11 months. For the sake of those in need in our society, I hope it does not take it as long as it took Fianna Fáil to go down the tubes.

Deputy Mulherin made a very valuable contribution. She has stated community employment schemes in her constituency are in turmoil, that funding should not be cut prior to a review and that the Minister was badly advised. I hope she will vote with this side of the House. I

*9 o'clock* urge all Government Deputies who have expressed concerns about the cuts made, in particular Deputy Mulherin and Labour Party Deputies who have not been present in the Chamber for much of the debate, to reflect on how they will vote.

Many of them were involved in managing and establishing community employment schemes. They now have a very important opportunity to defend them, as they know the services they provide. If they vote against the motion, they will not be able to face their constituents again. They will have lost credibility with the projects and people they once defended. Sinn Féin would welcome the support of Fine Gael and Labour Party Deputies for the motion because it is about defending services, not about parties. They should stand up for their communities and the ordinary people participating in schemes by supporting the motion to stop the cuts being made.

Amendment put:

The Dáil divided: Tá, 89; Níl, 47.

Tá

Bannon, James.  
Barry, Tom.  
Breen, Pat.  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Eric.  
Cannon, Ciarán.  
Coffey, Paudie.  
Collins, Áine.  
Conaghan, Michael.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.  
Coonan, Noel.  
Corcoran Kennedy, Marcella.  
Creed, Michael.  
Creighton, Lucinda.  
Daly, Jim.

Deasy, John.  
Deenihan, Jimmy.  
Deering, Pat.  
Doherty, Regina.  
Donohoe, Paschal.  
Dowds, Robert.  
Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Farrell, Alan.  
Feighan, Frank.  
Ferris, Anne.  
Fitzpatrick, Peter.  
Flanagan, Charles.  
Flanagan, Terence.  
Griffin, Brendan.  
Hannigan, Dominic.  
Harrington, Noel.  
Harris, Simon.

Tá—*continued*

Hayes, Brian.  
 Hayes, Tom.  
 Howlin, Brendan.  
 Humphreys, Heather.  
 Humphreys, Kevin.  
 Keating, Derek.  
 Keaveney, Colm.  
 Kehoe, Paul.  
 Kenny, Seán.  
 Kyne, Seán.  
 Lawlor, Anthony.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 Lyons, John.  
 McCarthy, Michael.  
 McFadden, Nicky.  
 McGinley, Dinny.  
 McHugh, Joe.  
 McLoughlin, Tony.  
 McNamara, Michael.  
 Maloney, Eamonn.  
 Mathews, Peter.  
 Mitchell O'Connor, Mary.  
 Mulherin, Michelle.  
 Murphy, Dara.  
 Nash, Gerald.

Neville, Dan.  
 Nolan, Derek.  
 Ó Ríordáin, Aodhán.  
 O'Donnell, Kieran.  
 O'Donovan, Patrick.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Reilly, Joe.  
 O'Sullivan, Jan.  
 Perry, John.  
 Phelan, Ann.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Brendan.  
 Shatter, Alan.  
 Sherlock, Sean.  
 Shortall, Róisín.  
 Spring, Arthur.  
 Stagg, Emmet.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Twomey, Liam.  
 Varadkar, Leo.  
 Walsh, Brian.  
 White, Alex.

Níl

Adams, Gerry.  
 Boyd Barrett, Richard.  
 Broughan, Thomas P.  
 Browne, John.  
 Calleary, Dara.  
 Collins, Niall.  
 Colreavy, Michael.  
 Crowe, Seán.  
 Daly, Clare.  
 Doherty, Pearse.  
 Dooley, Timmy.  
 Ellis, Dessie.  
 Ferris, Martin.  
 Flanagan, Luke 'Ming'.  
 Fleming, Sean.  
 Fleming, Tom.  
 Grealish, Noel.  
 Halligan, John.  
 Healy, Seamus.  
 Healy-Rae, Michael.  
 Kelleher, Billy.  
 Kirk, Seamus.  
 Lowry, Michael.  
 Mac Lochlainn, Pádraig.

McConalogue, Charlie.  
 McDonald, Mary Lou.  
 McGrath, Finian.  
 McGrath, Michael.  
 McGuinness, John.  
 McLellan, Sandra.  
 Martin, Micheál.  
 Moynihan, Michael.  
 Murphy, Catherine.  
 Nulty, Patrick.  
 Ó Caoláin, Caoimhghín.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 Ó Snodaigh, Aengus.  
 O'Brien, Jonathan.  
 O'Sullivan, Maureen.  
 Pringle, Thomas.  
 Ross, Shane.  
 Smith, Brendan.  
 Stanley, Brian.  
 Tóibín, Peadar.  
 Troy, Robert.  
 Wallace, Mick.

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

## The Dáil divided: Tá, 90; Níl, 47.

## Tá

Bannon, James.	Keaveney, Colm.
Barry, Tom.	Kehoe, Paul.
Breen, Pat.	Kenny, Seán.
Burton, Joan.	Kyne, Seán.
Butler, Ray.	Lawlor, Anthony.
Buttimer, Jerry.	Lynch, Ciarán.
Byrne, Eric.	Lynch, Kathleen.
Cannon, Ciarán.	Lyons, John.
Coffey, Paudie.	McCarthy, Michael.
Collins, Áine.	McFadden, Nicky.
Conaghan, Michael.	McGinley, Dinny.
Conlan, Seán.	McHugh, Joe.
Connaughton, Paul J.	McLoughlin, Tony.
Conway, Ciara.	McNamara, Michael.
Coonan, Noel.	Maloney, Eamonn.
Corcoran Kennedy, Marcella.	Mathews, Peter.
Coveney, Simon.	Mitchell O'Connor, Mary.
Creed, Michael.	Mulherin, Michelle.
Creighton, Lucinda.	Murphy, Dara.
Daly, Jim.	Nash, Gerald.
Deasy, John.	Neville, Dan.
Deenihan, Jimmy.	Nolan, Derek.
Deering, Pat.	Ó Ríordáin, Aodhán.
Doherty, Regina.	O'Donnell, Kieran.
Donohoe, Paschal.	O'Donovan, Patrick.
Dowds, Robert.	O'Dowd, Fergus.
Doyle, Andrew.	O'Mahony, John.
Durkan, Bernard J.	O'Reilly, Joe.
English, Damien.	O'Sullivan, Jan.
Farrell, Alan.	Perry, John.
Feighan, Frank.	Phelan, Ann.
Ferris, Anne.	Rabbitte, Pat.
Fitzpatrick, Peter.	Ring, Michael.
Flanagan, Charles.	Ryan, Brendan.
Flanagan, Terence.	Shatter, Alan.
Griffin, Brendan.	Sherlock, Sean.
Hannigan, Dominic.	Shortall, Róisín.
Harrington, Noel.	Spring, Arthur.
Harris, Simon.	Stagg, Emmet.
Hayes, Brian.	Timmins, Billy.
Hayes, Tom.	Tuffy, Joanna.
Howlin, Brendan.	Twomey, Liam.
Humphreys, Heather.	Varadkar, Leo.
Humphreys, Kevin.	Walsh, Brian.
Keating, Derek.	White, Alex.

## Níl

Adams, Gerry.	Fleming, Sean.
Boyd Barrett, Richard.	Fleming, Tom.
Broughan, Thomas P.	Grealish, Noel.
Browne, John.	Halligan, John.
Calleary, Dara.	Healy, Seamus.
Collins, Niall.	Healy-Rae, Michael.
Colreavy, Michael.	Kelleher, Billy.
Crowe, Seán.	Kirk, Seamus.
Daly, Clare.	Lowry, Michael.
Doherty, Pearse.	Mac Lochlainn, Pádraig.
Dooley, Timmy.	McConalogue, Charlie.
Ellis, Dessie.	McDonald, Mary Lou.
Ferris, Martin.	McGrath, Finian.
Flanagan, Luke 'Ming'.	McGrath, Michael.

*Níl—continued*

McGuinness, John.  
McLellan, Sandra.  
Martin, Micheál.  
Moynihan, Michael.  
Murphy, Catherine.  
Nulty, Patrick.  
Ó Caoláin, Caoimhghín.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
Ó Snodaigh, Aengus.

O'Brien, Jonathan.  
O'Sullivan, Maureen.  
Pringle, Thomas.  
Ross, Shane.  
Smith, Brendan.  
Stanley, Brian.  
Tóibín, Peadar.  
Troy, Robert.  
Wallace, Mick.

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

Question declared carried.

The Dáil adjourned at 9.20 pm until 10.30 a.m. on Thursday, 9 February 2012.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 20, inclusive, answered orally.*

### **Defence Forces Review**

21. **Deputy Mick Wallace** asked the Minister for Defence if the Chief of Staff of the Defence Forces and his Secretary General have submitted proposals to him in relation to the reorganisation of the Defence Forces; when he will publish details of this reorganisation; and if he will make a statement on the matter. [6941/12]

22. **Deputy Mick Wallace** asked the Minister for Defence if he has received a report on the reorganisation of the Defence Forces from the Chief of Staff and the Secretary General of his Department; if further barrack closures are inevitable in view of his plan to reduce the number of Army brigades from three to two; and if he will make a statement on the matter. [6942/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 21 and 22 together.

Arising from the Comprehensive Review of Expenditure, the Government decided to revise the strength ceiling of the Permanent Defence Force to 9,500 personnel. This represents a reduction of 500 in the authorised strength ceiling and will contribute to the delivery of sustainable savings over the coming years. In response to this reduced strength ceiling, I initiated a major reorganisation of the Defence Forces, including the Reserve Defence Force. This will encompass a reduction in the number of Army Brigades from the current three to two. A three-brigade organisational structure has been retained since the strength of the PDF was approximately 11,500 in the 1990s. A three-brigade structure is no longer viable due to the reduction in the PDF strength ceiling from 10,000 to 9,500. Accordingly, the reorganisation process is about ensuring organisational structures are fit for purpose. It will prioritise the operational effectiveness of the Permanent Defence Force. Recent barrack closures have further rationalised the barrack infrastructure. I want to confirm, once again, that no further barrack closures are envisaged as part of the reorganisation process. 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. This task is a significant undertaking. I understand that this work will take some months

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to complete. The Deputy will appreciate that in advance of my receipt and subsequent consideration of the proposals, I will not be commenting on potential future organisational matters.

### Naval Service Vessels

23. **Deputy Pearse Doherty** asked the Minister for Defence the cost of procuring new naval vessels; and if he will make a statement on the matter. [6835/12]

**Minister for Defence (Deputy Alan Shatter):** The contract price for the provision of two new offshore patrol vessels for the Naval Service is €99 million, exclusive of VAT and subject to contract terms and final agreed costs. The cost of providing a weapons system for the ships, similar to the systems on *LE Róisín* and *LE Niamh*, will be €7.8 million, exclusive of VAT. The contract for the two ships was placed with Babcock Marine in the UK in October 2010. Payments on the contract are scheduled over a period of eight years, between 2010 and 2017, and are being funded from within the annual Defence budget.

*Question No. 24 answered with Question No. 13.*

### Defence Forces Strength

25. **Deputy Peadar Tóibín** asked the Minister for Defence the number of vacancies within the Defence Forces; the dates on which these will be filled; and if he will make a statement on the matter. [6839/12]

**Minister for Defence (Deputy Alan Shatter):** The table which I propose to circulate with the official report outlines the number of vacancies in the Permanent Defence Force by rank. The number of vacancies, by rank, is based on the Employment Control Framework of 10,000 all ranks in the Permanent Defence Force versus the strength of 9,438 as at 31 December 2011, the latest date for which figures are available. As the Deputy will be aware a major re-organisation of the Defence Forces will be initiated resulting from the Government decision to maintain the strength of the Permanent Defence Force at 9,500. This re-organisation, which will prioritise “front line” service delivery, will have an impact on the number of vacancies in each rank. I have asked the Chief of Staff and Secretary General to bring forward detailed re-organisation proposals for my consideration. The effect of the changes cannot be determined until the proposals are considered and decisions made.

Arrangements are currently being made to hold Officer promotion competitions which have already been announced. Meanwhile promotion boards for Non-Commissioned Officer competitions are being put in place. Specific dates on which positions will be filled have yet to be determined.

Strength of the Permanent Defence Force, as at 31 December, 2011 as compared with ECF figures

	LT GEN	MAJ GEN	BRIG GEN	COL	LT COL	COMDT	CAPT/LT	SM/BQMS	CS/CQMS	SGTS/CPLS	PTES/CADETS	TOTAL
Strength at 31 December 2011	1	1	7	35	136	302	821	72	392	2,940	4,731	9,438
ECF	1	2	9	43	152	370	774	96	540	3,250	4,763	10,000
Vacancies by rank	-	-1	-2	-8	-16	-68	+47	-24	-148	-310	-32	-562

### Defence Forces Personnel

26. **Deputy Kevin Humphreys** asked the Minister for Defence if he will consider changing the regulations governing the Defence Forces to allow qualified other ranks or enlisted personnel, such as those with solicitor qualifications, to use these qualifications within the forces; and if he will make a statement on the matter. [6797/12]

**Minister for Defence (Deputy Alan Shatter):** I thank the Deputy for his suggestion. Obviously this is a complex issue in relation to qualifications, terms and conditions of employment and available appointments within the Defence Forces. However, I will have the matter examined and will revert to the Deputy in due course.

### Overseas Missions

27. **Deputy Bernard J. Durkan** asked the Minister for Defence the degree to which he has had discussions with his EU or UN colleagues in the context of peacekeeping or peace enforcement in respect of which the Defence Forces could be asked to participate; the most likely areas for such participation in the future; the likely strength of any such deployment; the extent of special training if any required in respect of such events; and if he will make a statement on the matter. [6940/12]

**Minister for Defence (Deputy Alan Shatter):** During each EU Presidency both formal and informal meetings of Defence Ministers are held. Last November I attended the formal Defence Ministers meeting under the auspices of the Foreign Affairs Council. The Operation Commanders from the current EU led missions were also in attendance. Discussions were focused on these current operations and future proposed developments. Also at the meeting, Ministers of Defence received an update on the ongoing work regarding the EU's relationship with other Organisations, which included the United Nations and NATO. Regarding the relationship with the UN, Ministers discussed how to enhance EU support to UN peacekeeping operations.

In this regard, Ireland produced a Food For Thought paper in 2010 on "*Enhancing EU/UN Co-operation in crisis management*" which was circulated to EU Member States and discussed in various fora. The paper highlights a number of options as to how the EU, as part of its ongoing Common Security and Defence Policy (CSDP) capability development process, might identify niche or modular capabilities developed for CSDP crisis management operations, which could be made available and fully integrated into UN-led "blue-hat" crisis management operations.

During 2011, the EU's Crisis Management and Planning Directorate (CMPD) have further elaborated on Ireland's initiative. Consultations have been ongoing between the EU and the UN regarding possibilities for enhancing EU CSDP support to UN peacekeeping. Following on from this consultation process, the EU has now set out in a paper a number of possible actions which could enhance EU-UN cooperation.

These include:

- The EU facilitating coordinated Member States contributions to the UN;
- The EU providing a component to a UN operation (civilian or military);
- An EU autonomous civilian deployment in support of UN operations;
- An EU autonomous military deployment in support of UN operations.

Further analysis of these concepts will be undertaken by the various Committees in the EU.

In relation to rapid response, the EU has the capability to deploy forces at high readiness, broadly based on the Battlegroups concept. The purpose of these Battlegroups is to provide a rapid level of response to developing international crises, allowing the EU to intervene during the critical early stages. To date, no particular location has been identified as suitable for the deployment of a Battlegroup.

Participation in Battlegroups is just one of a number of ways in which Ireland contributes to the EU's CSDP. Ireland has participated in the Nordic Battlegroup, which was on standby until 30 June 2011. In 2010 the Government approved Ireland's participation in the Austro-German Battlegroup, which will be on stand-by for the second six months of 2012. The other members of the Austro-German Battlegroup are Austria, Germany, Czech Republic, Croatia and the Former Yugoslav Republic of Macedonia (FYROM).

Within the EU itself, a number of committees, including the Political and Security Committee and the EU Military Committee, keep the issues of troop deployments, including rapid response, under constant review in consultation with all EU Member States.

### Departmental Expenditure

28. **Deputy Dessie Ellis** asked the Minister for Defence if he provides any funding to ONET for housing ex-members of the Defence Forces who have become homeless; and if he will provide details of same. [6831/12]

**Minister for Defence (Deputy Alan Shatter):** The Organisation of National Ex-Servicemen and Women (O.N.E.) is dedicated to looking after the welfare of ex-service personnel of the Irish Defence Forces by way of providing accommodation to homeless, elderly or disabled members in need of such domestic accommodation and shelter and other assistance that may be required. O.N.E. is a limited company with charitable status. O.N.E. has accommodation in Smithfield, Dublin (Brú Na bhFiann with 30 places), Athlone (6 places) and Letterkenny (6 places). Any retired soldier, male or female, may contact the Smithfield centre directly and O.N.E. will assist by directing the person to other facilities within the Health Services, or offer a room if vacant, in Dublin, Athlone or Letterkenny.

My Department provides an annual subvention of €40,000 to O.N.E. is annual subvention is paid in quarterly instalments, subject to the submission by O.N.E. of certified accounts. e funding is provided to support the general overheads of the organization and expressly not for the provision of services that are provided to citizens, including members of O.N.E., from other arms of the State. is covers housing, health, social assistance, etc. Dublin City Council continues to support on an ongoing basis the homeless initiative in Smithfield.

### Overseas Missions

29. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence if he plans to sign any agreement for Irish Defence Forces to participate in an EU battlegroup during 2013. [6832/12]

**Minister for Defence (Deputy Alan Shatter):** There are no plans to participate in or sign any agreement in relation to an EU Battlegroup in 2013. In relation to rapid response, the EU has the capability to deploy forces at high readiness, broadly based on the Battlegroups concept. The purpose of these Battlegroups is to provide a rapid level of response to developing international crises, allowing the EU to intervene during the critical early stages. To date, no particular location has been identified as suitable for the deployment of a Battlegroup.

[Deputy Alan Shatter.]

Participation in Battlegroups is just one of a number of ways in which Ireland contributes to the EU's CSDP. Ireland participated in the Nordic Battlegroup, which was on standby until 30 June 2011. In 2010 the then Government approved Ireland's participation in the Austro-German Battlegroup, which will be on stand-by for the second six months of 2012. The other members of the Austro-German Battlegroup are Austria, Germany, Czech Republic, Croatia and the Former Yugoslav Republic of Macedonia (FYROM).

Within the EU itself, a number of committees, including the Political and Security Committee and the EU Military Committee, keep the issues of troop deployments, including rapid response, under constant review in consultation with all EU Member States.

### Defence Forces Equipment

30. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide a breakdown of the way money was spent during each of the years 2009, 2010, and 2011 under the various subheads of the Defence Vote relating to defensive equipment, mechanical transport, aircraft, Naval Service ships and stores, communications and information technology equipment. [6833/12]

**Minister for Defence (Deputy Alan Shatter):** Investment in new equipment for the Defence Forces and the on-going support of that equipment, is provided for under various Subheads of the Defence Vote relating to defensive equipment, military transport, aircraft, ships and naval stores, communications and information technology equipment. Details of the expenditure under the various subheads are provided in the table:

Area	2009	2010	2011
	€000	€000	€000
Defensive Equipment	33,279	37,412	32,820
Military Transport	15,293	15,812	14,369
Aircraft	19,887	16,780	15,489
Naval/Service Ships and Stores	14,177	37,087	30,542
Communications and Information Technology Equipment	9,681	10,205	11,479
Total	92,317	117,296	104,699

### Defence Forces Personnel

31. **Deputy Derek Keating** asked the Minister for Defence the position regarding the personnel support services in the Defence Forces; the number of social workers employed; the outstanding posts that need to be filled; if his attention has been drawn to the fact that for more than 12 months the social work service is awaiting the appointment of a new head social worker; if he is satisfied that this post will be appointed this year; and if he will make a statement on the matter. [6798/12]

**Minister for Defence (Deputy Alan Shatter):** The Personnel Support Service (PSS) is a confidential information, education, support and referral service, designed to give Defence Forces personnel access to information and services both from within and outside of the military community. It is a key element of human resource management. There is a PSS office in every major installation in the Defence Forces. The current establishment for the Defence Forces Personnel Support Services is one head Social Worker and one social worker per

Brigade/Formation. In addition, each Brigade/Formation has a civilian Defence Forces Social Worker whose tasks are to provide assistance (preventative and curative) and support to service personnel and their families where required.

The military authorities have advised that the previous holder of the post of Head Social Worker retired voluntarily in August 2011 and that his replacement will commence work on 21 March 2012. Given that the PSS is a key element of Human Resource management, an interim arrangement, which involves the previous post holder covering the position on a part time contract basis has been put in place to cover the period until the new Head Social Worker take up their post in March.

With the exception of the Air Corps a social worker is in place in all Brigades/Formations. Cover for the Air Corps is currently being provided by the former Head Social Worker. I am advised that the PSS staff are professional and experienced in dealing with the many issues that arise.

32. **Deputy Denis Naughten** asked the Minister for Defence the number of staff within the engineering corps of the Permanent Defence Forces; and if he will make a statement on the matter. [6894/12]

**Minister for Defence (Deputy Alan Shatter):** I am advised by the Military Authorities that the strength of the Permanent Defence Force Corps of Engineers was 323 on 31 December 2011, the latest date for which figures are available. The distribution of these personnel is contained in the table:

	NO. OF PERS
1 FD ENG COY	77
1 LOGS SP BN	4
1 S BDE — HQ	1
1 S BDE RDF — HQ	1
104 INF BN UNIFIL (OFFICERS)	3
2 E BDE — HQ	1
2 FD ENG COY	66
2 LOGS SP BN	3
31 RES FD ENGR COY	3
4 FD ENGR COY	71
4 LOGS SP BN	2
4 W BDE — HQ	1
54 RES FD ENGR COY	3
62 RES FD ENGR COY	2
ARW	1
CSC	14
D COS (SP) — COE SEC	8
LBC	50
MIL COL	1
AIR CORPS	1
NAVAL SERVICE	1
SSU	1
GENERAL LIST COURSES	8
<b>TOTAL</b>	<b>323</b>

[Deputy Alan Shatter.]

The Corps of Engineers provides engineering and combat support to the Defence Forces in operations at home and abroad. The Corps also provides education and training for operations at home and abroad.

The roles of the Corps of Engineers may be summarised as follows:

- To provide Engineer support as part of the Infantry Brigade to defend against armed aggression.
- To provide Engineer support in Aid to the Civil Power with emphasis on specialist search.
- To provide Engineer support in Aid to the Civil Authorities on the occasion of natural or other disasters, and assistance in connection with the maintenance of essential services.
- To provide Engineer support in European Union and United Nations missions.
- To maintain and upgrade Army, Air Corps and Naval Service assets, such as buildings, services, lands, ranges.

### **Departmental Funding**

33. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support the funding request for the Justice for Forgotten Group office (details supplied). [7097/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Following on the recommendations contained in the report “*A Place and a Name*” of the late Tánaiste and Victims’ Commissioner, John Wilson, the Remembrance Commission was established in 2003 to help address the issue of funding and support for individuals who were affected by the Troubles in this jurisdiction. The Government approved a budget of up to €9 million for this Commission and although it was due to operate until 2006, the Government extended its remit and it formally came to an end on 31 October 2008.

During this period the Remembrance Commission, administered and funded by the Department of Justice and Equality, provided *Justice for the Forgotten* with in excess of €1.2 million of funding for their activities. In 2010 a funding award of €7,500 was made under the Reconciliation Fund operated by my Department to the Pat Finucane Centre in the context of their work with *Justice for the Forgotten*. In total, it is estimated that the group has received almost €2.3 million of State funding since 2000. While the amount allocated to the Reconciliation Fund of my Department has necessarily decreased this year in the context of budgetary restrictions, it remains open to *Justice for the Forgotten* to apply for assistance towards project work in accordance with the Fund’s stated guidelines. For your information, I have set out these guidelines.

The Department of Justice and Equality, through the Victims of Crime Office, continues to provide support to those victims who require ongoing medical treatment for injuries sustained in bombings and other incidents arising from the conflict in Northern Ireland.

#### Guidelines for the Reconciliation Fund

The Department of Foreign Affairs and Trade has at its disposal under Subhead F.1. of its budget, a Reconciliation Fund for North-South and Anglo-Irish Co-operation. Its pur-

pose is to assist organisations involved in reconciliation work and efforts to create better understanding between people on the island of Ireland and between Ireland and Britain.

## ELIGIBILITY CRITERIA

Applications for assistance are considered under the following criteria:

- Reconciliation through education; dialogue and culture;
- Development and maintenance of meaningful cross-border links;
- Promotion of improved Anglo-Irish relations;
- Promotion of cross-community and inter-denominational activities;
- Promotion of tolerance and acceptance of cultural diversity;
- Academic research aimed at promoting reconciliation;
- Contribution to political reconciliation.

## 2012 FUNDING

There will be two funding rounds for the Reconciliation Fund in 2012, with deadlines as follows:

Round 1: Complete applications must be received by close of business on Monday 30 April 2012. Round 2: Complete applications must be received by close of business on Friday 28 September 2012.

## HOW TO APPLY

Assistance is provided on a once-off basis, however, organisations may apply for and receive assistance each year. It may be used for a specific project or as a contribution towards general running costs. Funding is generally not available for capital costs, salaries, events/activities that have already taken place, or travel off the island.

The application form should be completed fully, and returned by email to *reconciliation@dfa.ie*. A signed hard copy of the application and relevant accompanying documents should also be sent to the following address:

Reconciliation/Anti-Sectarianism Fund Anglo-Irish Division Department of Foreign Affairs and Trade 80 St. Stephen's Green Dublin 2.

Please note that applications will only be accepted on the current application form which can be found on the DFAT website.

Applications must be accompanied by the following documentation:

A valid tax clearance certificate issued by the Irish Revenue Commissioners, if the amount requested is €10,000 or more — see below for details;

All outstanding reports and/or organisational accounts due for previous grants received — see below for details;

Letters of support from any partner organisations to the proposed project;

[Deputy Eamon Gilmore.]

A fully completed bank details form, which can be found on the Department's website.

*Applications will not be processed until a complete application form with all relevant attachments is received.*

## DECISIONS

Decisions are made by the Minister for Foreign Affairs and Trade on foot of recommendations made by an Interdepartmental Advisory Committee which is drawn from a number of Government Departments. Decisions are reached on the basis of the eligibility criteria outlined above. Other factors taken into account are the level of funding available each year and the number and quality of applications submitted. The Fund aims to ensure that the distribution of funds is as widespread and equitable as possible, based on the merit of individual proposals. The Minister's decision is final.

## REPORTING

An organisation which has received assistance from the Reconciliation Fund must send a report and Financial Statement describing how the money has been spent to the Department of Foreign Affairs and Trade not later than one year after the grant is awarded.

The standard reporting format must be used when submitting reports.

The organisation's annual accounts should be submitted with the report. Where the grant amount exceeded €12,500 these accounts should be externally audited.

The audited financial statements or accounts submitted by the organisation must show the grant as a separate entry, labelled as "Department of Foreign Affairs and Trade — Reconciliation Fund".

Please note that the standard reporting format must be used for all outstanding reports.

## TAX CLEARANCE

Applicants for assistance totalling €10,000 or more in a 12-month period must submit a valid Tax Clearance Certificate with their application. An original copy of the Tax Clearance Certificate, which must be issued by the Irish Revenue Commissioners, should be forwarded to the Department of Foreign Affairs and Trade upon application to the Fund.

Most groups resident in the State may apply online for a tax clearance certificate. Groups resident in Northern Ireland and in Great Britain should complete Form TC1 and send it to the Irish Revenue Commissioners at [nonrestaxclearance@revenue.ie](mailto:nonrestaxclearance@revenue.ie) or fax number: 00 353 61 401012. Detailed information is available online at [www.revenue.ie](http://www.revenue.ie).

*Please note that the TC1 form is an application form only which should be forwarded directly to the Irish Revenue Commissioners, and not to the Department of Foreign Affairs.*

## Land Annexation

34. **Deputy Seamus Kirk** asked the Tánaiste and Minister for Foreign Affairs and Trade if the O'Neill clan, Spanish branch, lodged a claim with the Irish and British Government in 1921

in regard to clan lands annexed in Ulster prior to the plantation in that area; and if he will make a statement on the matter. [7102/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** My Department has no information on this matter.

### Foreign Conflicts

35. **Deputy Thomas Pringle** asked the Tánaiste and Minister for Foreign Affairs and Trade the evidence on which the decision to impose sanctions on Iran was based; if he has sought any independent verification of the evidence presented to the EU to warrant the imposition of the sanctions; and if he will make a statement on the matter. [7119/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The EU, US and Canada have enacted further restrictive measures against Iran in the light of the International Atomic Energy Agency's report on 8 November 2011 on the Iran nuclear issue. In its report, the IAEA expressed serious concerns regarding possible military dimensions to Iran's nuclear programme and concluded that information available indicated that Iran had carried out activities relevant to the development of a nuclear explosive device. These represent findings of the utmost gravity.

The Government is satisfied, as are Ireland's EU partners, that the IAEA's report is credible and its conclusions must be taken very seriously. The report is based on information drawn from a wide variety of sources and deemed by the IAEA to be "consistent in terms of technical content, individuals and organizations involved, and time frames". The IAEA is, of course, the internationally recognised watchdog on this issue, with unrivalled technical expertise and a record of absolute impartiality and independence.

Following the publication of the report, the IAEA's Board of Governors adopted by an impressive margin on 18 November a resolution endorsing the report's findings. This resolution, which was also cosponsored by all the EU member states on the Board, was a further vote of confidence in the content of the report.

It is crucially important that Iran return to the negotiating table to resolve these concerns and to comply with its international obligations. However, regrettably, Iran has made no move to date to do so. Therefore, on 1 December, the EU Foreign Affairs Council agreed the extension of restrictive measures to a further 180 entities and individuals, including those directly involved in Iran's nuclear activities in violation of UN Security Council resolutions; those owning, controlling or acting on behalf of the Islamic Republic of Iran Shipping Line (IRISL); and members of, as well as entities controlled by, the Islamic Revolutionary Guards Corps (IRGC).

On 23 January, with still no response by Iran to calls for the resumption of dialogue, the Foreign Affairs Council agreed additional sanctions against Iran, in accordance with the Council conclusions of 1 December. These include measures in the energy sector, including a phased embargo of Iranian crude oil imports to the EU; in the financial sector, including against the Central Bank of Iran; and in the transport sector. Further export restrictions, notably on gold and on sensitive dual-use goods and technology, as well as additional designations of persons and entities, including several controlled by the Islamic Revolutionary Guards Corps (IRGC), were also agreed.

I remind the Iranian authorities that these sanctions can be swiftly reversed if Iran takes concrete steps to address the very serious concerns of the international community and provide assurances as to the peaceful intentions of its nuclear programme. It is my earnest hope that

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these additional measures will bring Iran back to the negotiating table soon to address comprehensively the military dimension of its nuclear programme.

36. **Deputy Thomas Pringle** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will raise with the Chinese Government the killing of Tibetans by the Chinese authorities during 23 and 24 January while China was celebrating its new year; and if he will make a statement on the matter. [7120/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government has closely followed the reported violent events in January in areas of Tibetan population in Chinese provinces neighbouring Tibet and is concerned about the situation. The recent protests and self-immolations — and the subsequent loss of life — are deeply regrettable. Ireland together with our EU partners believes that constructive dialogue between the Chinese Government and the representatives of the Dalai Lama is the best way to address differences and tensions in Tibet and to reach a solution that respects Tibetan culture, language, religion and identity. It is important for the long-term peace and stability of the region that the two sides come to an agreement on the future of Tibet. To this end, we continue to encourage an early resumption of dialogue by the parties.

The promotion of human rights is an important dimension of European foreign policy, as enshrined in the Treaty of the European Union. Constructive dialogue remains the EU's preferred channel for working to improve the human rights situation in China. Human rights are discussed as part of regular political dialogue as well as during specific Human Rights dialogues with China which have taken place since 1995.

The Irish Government continues to convey its concerns about the situation in Tibet directly to the Chinese authorities through regular contacts in both Dublin and Beijing. The issue of Tibet is also raised by the European Union in its dialogue with China. President Van Rompuy and President Barroso will travel in February to China for the 14th EU China Summit which will provide an important forum in which to raise our concerns on Tibet.

### Visa Applications

37. **Deputy Seán Ó Fearghail** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has had any engagement with the Department of Justice and Equality on the matter of student entry visas; if he appreciates the volume of students that could be attracted to undertake higher level programmes here if the visa system was less impenetrable; and if he will make a statement on the matter. [7155/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy will be aware, immigration policy is primarily a matter for the Minister for Justice and Equality. However I, and my Department, work closely with the Department of Justice, on an ongoing basis, on student visas and other issues. Officials from my Department attend meetings of the interdepartmental consultative group, established by the Department of Justice and Equality, to ensure as far as possible, that the visa regime supports the priorities set out in *Trading and Investing in a Smart Economy*, the Government's Trade Strategy to 2015. The Department of Justice and Equality will shortly be updating the Export Trade Council, which I chair, on relevant developments in this area.

Officials from my Department were represented on both the group which developed the international education strategy 2010-2015 and on the committee which developed the revised student immigration regime, which is supportive of high-quality providers in the educational

field. My Department is in regular contact with the Department of Education and Skills and continues to support implementation of the international education strategy through representation on the high level group which is chaired by the Department of Education and Skills.

### **Overseas Development Aid**

38. **Deputy Seán Ó Fearghail** asked the Tánaiste and Minister for Foreign Affairs and Trade the impact of budgetary reductions on Ireland's aid programme in Uganda; and if he will make a statement on the matter. [7158/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** For 2012, the Government will provide a total of €639 million for ODA, which, on current projections, will represent over 0.5% of GNP. Given our current economic circumstances this allocation represents a real commitment by the Government and people of Ireland to the world's poorest people.

The allocation represents a total reduction of €20 million on the projected outturn for 2011 — a reduction of €10 million in funding for Vote 27 (International Cooperation) of the Department of Foreign Affairs and Trade and an estimated fall of €10 million in ODA provided from other sources, notably as a result of an expected lower allocation of Ireland's share of the EU Development Cooperation Budget.

Through the overseas aid programme the Government provides assistance to over ninety countries worldwide. Nine have been designated as Programme Countries for Irish Aid, where we have a commitment to long term strategic assistance. These are Ethiopia, Lesotho, Malawi, Mozambique, Tanzania, Timor Leste, Uganda, Vietnam and Zambia.

We are now in the process of allocating the overall budget for 2012, and therefore no individual country budgets have yet been agreed. As has been the case in recent years however, the allocations to Ireland's Programme Countries will be prioritised to the extent possible.

In 2011 the budget for Ireland's bilateral aid programme in Uganda stood at approximately €33 million and I expect the allocation to reduce slightly in 2012. Ireland's aid programme will therefore be able to maintain its commitment to the most vulnerable in Ugandan society and continue to deliver results.

This year we will continue to target priority areas such as the provision of health services for those infected with HIV and AIDS, measures to improve access to education, and a programme that is helping to strengthen Governance and Justice Systems for the citizens of Uganda. A mid-term evaluation of the current five year Programme in Uganda will be conducted later this year to ensure that the funding we provide continues to make a real difference on the ground to the most vulnerable people in Uganda.

### **Banking Sector Regulation**

39. **Deputy John Paul Phelan** asked the Minister for Finance the precise mechanism by which banks extend loans and facilities to clients; the process by which banks raise the moneys they loan out; the source of that money; if a bank has typically to first secure the written contract with a would be borrower and then use that promissory note to raise the necessary loans from other institutions or individuals; if it is standard or common practice for banks to sell on the agreements they have put in place with their borrowers in order to raise a line of credit that will in part benefit the borrower. [6982/12]

43. **Deputy John Paul Phelan** asked the Minister for Finance the legal requirements governing financial institutions selling on loans that they have advanced to borrowers; the statues

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governing the selling of loans and debt here; if a debt is sold on is it accurate to say that the original debt has been repaid to the original lender, whereas no direct contact exists between the borrower and the new purchasing owner; is it lawful for a financial institution to sell on a debt without full prior disclosure to the borrower and potentially changing the conditions of the loan; and are there any conditions governing the selling-on of loans by foreign financial institutions operating here. [6989/12]

44. **Deputy John Paul Phelan** asked the Minister for Finance when a mortgage is securitised and sold to the market, is it sold as a security; if so, does it remain a mortgage following the sale; if it is no longer a mortgage, can it ever become a mortgage again; and if it is true that the Irish banks prepare and submit promissory notes of the Central Bank of Ireland as mortgage-backed debt instruments, on what are they based. [6990/12]

45. **Deputy John Paul Phelan** asked the Minister for Finance when a mortgage is logged as an asset, does the bank also open a liability account for it; the implications of that provision; the purpose of opening the asset book and the liability book for the same transaction; is a bank statement to a borrower a full and true account of the bank's affairs with that borrower; if a bank is asked to verify a claim of injury by presenting their accounts when a person does not repay a loan, do those accounts show a loss for the bank in regard to that person; does the bank lodge all account information into one broad client account or does it keep individual account in relation to each client; when a mortgage is taken out by a lender it is logged into the bank's asset book; what is the specific asset that the bank is logging as theirs; what is the name given to the document that is created to record the sale of a bank asset; and who prepares the documents and what information does it contain. [6991/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 39 and 43 to 45, inclusive, together.

If a bank makes a mortgage, the bank may, if the mortgage contract allows, use that legal mortgage as security for funding their balance sheet. It does not alter the nature of the relationship between the bank and its customer. There are two possible routes. If the mortgage is securitised in a Residential Mortgage Backed Security (RMBS), the first (legal) charge to the bank from the customer is pledged to the security pool by virtue of an equitable right. The quality of the performance of the mortgage pool is borne by the purchaser of the securitised bond but the primary bank/customer relationship remains intact, subject to the terms of the securitisation itself. The bank remains, unless it is replaced by the terms of the securitisation, the servicing entity facing the customer and, indeed, the customer will not be aware that their mortgage has been funded in this way. RMBS are, generally, eligible collateral under ECB terms. In the situation where the RMBS is sold to the capital markets, the transaction may be 'off-balance sheet', however, if the bank retains sufficient levels of investment in the RMBS, it will remain an 'on-balance sheet' transaction and be recorded in the balance sheet. In the case of an RMBS transaction being completed, there is extensive accounting and legal advice provided to ensure compliance with all relevant rules. Mortgages may also be used for funding via the Central Bank of Ireland using Mortgage Backed Promissory Notes. These Notes are short term funding products that are not full securitisations, but once again, the mortgage charge is pledged to the Central Bank for security purposes. At present, these can be funded using Exceptional Liquidity Assistance (ELA) rather than through eurosystem borrowing via the ECB. However, in both cases, the bank/customer relationship remains paramount and intact.

### EU-IMF Programme

40. **Deputy John Paul Phelan** asked the Minister for Finance who or which organisation gave the European bailout money to Ireland; if these entities privately owned, publicly owned, or State-owned; the person who sits on the boards and are shareholders of the organisation in question; and to whom are these organisations answerable. [6983/12]

**Minister for Finance (Deputy Michael Noonan):** The drawdowns Ireland received to date from European sources under the EU-IMF Programme for Support, have come from the European Financial Stability Mechanism (EFSM), the European Financial Stability Facility (EFSF) and the bilateral loan agreement with the UK.

The European Financial Stability Facility is a company which was established in 2010 by the countries that share the euro and was incorporated in Luxembourg under Luxembourgish law on June 7 2010. The shareholders are the euro area Member States. The EFSF's objective is to preserve the financial stability of Europe's monetary union by providing temporary financial assistance to Euro Area Member States if needed.

The board of Directors of the EFSF comprises high level representatives from each of the 17 Euro Area Member States. The EFSF framework document as revised provides that a Member's representative to the Eurogroup Working Group (EWG) (or the alternate) shall be nominated to be the representative on the EFSF board. Accordingly, Ireland's representative on the EWG, who is a Second Secretary General in the Department of Finance, is Ireland's EFSF director. EFSF directors do not receive remuneration for this role. The European Commission and the European Central Bank each have observers on the EFSF board.

The European Financial Stability Mechanism was established under Council Regulation (EU) No 407/2010 dated 11 May 2010. The European Commission is empowered to contract borrowings on behalf of the European Union for the purpose of funding loans made under the EFSM (Article 2 of Council Regulation 407/2010). The borrower is the European Union. The Commission is the institution that manages the borrowing on behalf of the EU. The Commission's role in this respect is comparable to a government debt management agency (e.g. NTMA) contracting borrowing on behalf of the country.

In the case of the UK loans, these are provided and managed through the UK Treasury, a department of Government similar to our own Department of Finance.

### Financial Measures Programme

41. **Deputy John Paul Phelan** asked the Minister for Finance the specific assessment of how well each of the banks operating in Ireland is complying with solvency and liquidity requirements; and what were the specific criteria assessed in relation to the Irish banks. [6984/12]

**Minister for Finance (Deputy Michael Noonan):** The solvency stress test applied by the Central Bank of Ireland (CBI) in 2011 was used to recapitalise the Irish guaranteed institutions. The stress test scenarios were designed to represent extreme but plausible events, but they were not forecasts. The macroeconomic environment deteriorated in 2011 and as a result, arrears levels and loan loss provisioning has increased. As the realised scenario in 2011 was within the bounds considered for the purposes of recapitalising the banks in 2011, the Central Bank is currently of the view that the banks are adequately capitalised. The CBI is preparing for the 2012 Financial Measures Programme, including the development of an updated solvency stress test. As regards liquidity, the CBI's current liquidity requirements are contained in the published document 'Requirements for the Management of Liquidity Risk June 2009'. These requirements consist of both qualitative and quantitative requirements for all regulated Credit

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Institutions. As the Irish banks themselves are regulated entities, they are similar to any other regulated credit institution and are bound by the above referenced document. In addition to these requirements, those Irish banks covered by the Financial Measures Programme have additional liquidity requirements in terms of reporting and metrics including the requirement to achieve a loan to deposit ratio of 122.5% by end 2013.

### Consumer Protection

42. **Deputy John Paul Phelan** asked the Minister for Finance if it is reasonable that a borrower should be entitled to see the original contract that exists between the financial institution and themselves; if there is a law or regulation that requires the original documentation to be retained by lenders or is it more typical that the bank saves only the electronic files; and in the event that the original documentation is not available to the borrower, is that borrower entitled to an invoice detailing the precise services rendered. [6986/12]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank have advised me that Chapter 11 of their Consumer Protection Code details the records that are to be held by each lender in respect of people classified as ‘consumers’ under the Code. The Central Bank would consider it reasonable for a consumer to see these records if the originals cannot be located by the person.

A copy of the Code is available on the Central Bank’s website: [www.centralbank.ie](http://www.centralbank.ie)

*Questions Nos. 43 to 45, inclusive, answered with Question No. 39.*

### Tax Collection

46. **Deputy Tom Hayes** asked the Minister for Finance the position regarding the renegotiation case of a legacy debt issue (details supplied) between the Revenue Commissioners and a Tipperary SME; and if he will make a statement on the matter. [7040/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by Revenue that the business concerned has a very significant tax debt. Revenue worked with the business during 2011 to alleviate the impact of cash flow pressures. The company failed persistently to meet the terms of the arrangements entered into with Revenue and in more recent times despite warnings about the consequences of continued non-compliance failed to engage in a meaningful way in resolving the issues. Revenue is not assured as to the basic financial viability of the business concerned and in that context, having particular regard to the level of debt owed, Revenue has taken enforcement action in this particular case. In the circumstances I am advised by Revenue that it is not in a position to enter any further arrangement with the company.

### Banking Sector Regulation

47. **Deputy Clare Daly** asked the Minister for Finance if he will, holding ownership of AIB for the Irish people and holding a major shareholding in Bank of Ireland, inform Dáil Éireann of the amount of Government bonds swapped by each institution on 25 January 2012. [7136/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, notwithstanding the fact that the State is a significant shareholder in the institutions in question, the banks are run on a commercial basis and the Government does not interfere in the day-to-day commercial decisions taken by the board and management of the banks. The matter referred to in

the Deputy's question is an operational matter for the banks in which I, as Minister, have no role. The information is considered commercially sensitive is not publicly disclosed.

### Consultancy Contracts

48. **Deputy Billy Kelleher** asked the Minister for Finance the amount of fees paid by a covered institution to a particular professional firm (details supplied) in each of the years 2010 and 2011; the nature of the arrangement in place between the two organisations at present; the length of time it is envisaged to remain in place; and the number of employees of the professional firm currently allocated to the covered institution. [7224/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, notwithstanding the fact that the State is a significant shareholder in the institute in question, the bank is run on a commercial basis and I do not have a role in the day to day commercial decisions taken by the board and management of the bank, including in respect of the employment of external consultants and advisors. The management and board of the bank detailed in the question are aware of their duties to their shareholders to ensure that all costs incurred by the bank are necessary and reflect the needs to the business. Separately, I am informed by the bank that in line with its normal practice, the bank have not disclosed the fees paid as they deem it to be commercially sensitive to do so in respect of arrangements entered into with individual firms. The firm continues to provide the bank in question with consultancy services and the bank remains committed to managing the cost of, and maximising the value from, this arrangement.

### Special Educational Needs

49. **Deputy Finian McGrath** asked the Minister for Education and Skills the support available to a person (details supplied). [7115/12]

72. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will review a matter in respect of a person (details supplied). [7114/12]

73. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills the steps being taken to meet the urgent welfare and educational needs of a person (details supplied) in Dublin 5. [7133/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 49, 72 and 73 together.

Details of the person to whom the Deputy refers have been brought to the attention of officials in my Department who are liaising with the appropriate state agencies in this regard. The Deputy will be aware that the National Council for Special Education (NCSE) through its network of local Special Educational Needs Organisers (SENOS) is responsible for processing applications from primary and post primary schools for special educational needs supports. Another specific function of the SENO is to identify appropriate educational placements for children with special educational needs. SENOs are a valuable source of support to parents who are actively sourcing a placement for their children.

It is open to parents to contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). The Deputy will also be aware that the National Educational Welfare Board (NEWB), established under the Education (Welfare) Act 2000, is charged with ensuring that each child attends a recognised school or otherwise receives a certain minimum education. The Act provides a comprehensive framework

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promoting regular school attendance and tackling the problems of absenteeism and early school leaving.

While responsibility for the National Educational Welfare Board (NEWB) has transferred to my colleague, the Minister for Children and Youth Affairs, the two Departments are working together to ensure that the services in the NEWB, including the School Completion Programme, Home School Community Liaison and the Education Welfare Service have a renewed focus to more effectively target and support all children at risk.

### School Curriculum

50. **Deputy Tom Fleming** asked the Minister for Education and Skills as a result of successive bank bailouts, with the average amount of money now owed by every man, woman and child in this country exceeding €30,000, the reason that our schools do not teach our youth about money management; his plans to introduce compulsory financial education, money management education and personal budgeting in our schools; his views on the development and introduction of mandatory financial education for our youth; his plans to progress same; and if he will make a statement on the matter. [6950/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Department of Education and Skills participated in the work of the National Steering Group on Financial Education established by the Financial Regulator. The Report of the Group, *Improving Financial Capability — a Multi-stakeholder Approach*, was published in July 2009. The Group also developed a Financial Competency Framework which sets out a comprehensive set of learning outcomes detailing the knowledge skills and competences a financially competent person should have at different stages of their lives. This can be used as an important resource for those developing educational materials for young people and adults in the field of financial literacy. The learning outcomes cover Levels 1 to 4 of the National Framework of Qualifications. Aspects of financial literacy are included in the curriculum at present in such areas as Mathematics, Home Economics, Economics, Business and Accounting, Enterprise Education and the Mathematical Applications within the Leaving Certificate Applied Programme. The programmes cover computational skills, using appropriate tools to estimate and measure, to compare value for money, to calculate prices, compound interest, profit and loss, discount, VAT, PRSI, income tax, domestic bills and charges, recording and interpreting financial data, converting into other currencies and solving problems. Consumer studies, money and banking, housing finance, credit and insurance are also covered. These areas will be further strengthened to the extent possible in line with ongoing curriculum reform. In addition, Ireland has participated in the EU Dolceta programme designed to provide on-line education resources for financial literacy and consumer education.

Get Smart with Your Money has been developed by the Financial Regulator as a specific resource for use within Transition Year. In addition, the National Adult Literacy Agency working in collaboration with the Educational Building Society, has developed a website [www.makingcents.ie](http://www.makingcents.ie) to help adults learn more about money and financial matters.

### Capitation Grants

51. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if a school (details supplied) in Dublin 8 can be considered a special case in terms of the treatment of small schools in view of the particular purpose for which the school was set up, its historic association with the cathedral and the fact that it is a minority faith school; and if he will make a statement on the matter. [6953/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I would like to assure the Deputy that the Government is fully conscious that maintaining a network of schools is important if students from minority denominations are to be enabled attend a school that reflects their denominational ethos, while at the same time ensuring that funding arrangements for those schools are in accordance with the Constitution. In order to inform future policy on the potential extent and nature of Exchequer investment, including funding for teacher posts, in the fee-charging sector in future years I have asked my officials to conduct a specific analysis on tuition fee income available to schools in the sector and its utilisation.

The specific analysis to be conducted by my Department will involve looking at the level of the tuition fee income based on fee rates and pupil numbers. It will take account of Exchequer investment foregone (in teacher allocations and recurrent grants) because the school is charging fees. In this way the additional or discretionary income available to fee charging schools relative to other schools can be assessed. It will then involve some dialogue with schools to confirm the information and each fee charging school will have the opportunity to identify if there are certain individual factors which may limit their freedom to use this discretionary income — e.g., mortgages entered into for capital developments or other verifiable liabilities. This process will apply to all fee charging schools.

### Schools Building Projects

52. **Deputy Robert Troy** asked the Minister for Education and Skills the position regarding a school (details supplied); when funding will be made available to progress its construction; and if he will make a statement on the matter. [6964/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers applied to my Department for large scale capital funding for a school building project. Information in respect of the current school building programme along with all assessed applications for major capital works, including this project, is available on the Department's website at [www.education.ie](http://www.education.ie). The progression of all large scale building projects, including this project, will be considered having regard to available capital funding and the need to prioritise such funding towards major projects required to meet demographic demand. In that regard, it is not possible to give an indicative timeframe for the progression of the project, referred to by the Deputy, at this time.

### University Staff

53. **Deputy Michael McNamara** asked the Minister for Education and Skills if it is the policy of the University of Limerick to require security officers who reach the age of 65 to retire; if so, are they being replaced by retired gardaí or prison officers who are already receiving a State pension; and if he will make a statement on the matter. [6965/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under the Universities Act 1997 universities are autonomous statutory bodies. As provided for in the Act the recruitment and appointment of staff is the responsibility of the university's management authorities.

### Schools Building Projects

54. **Deputy Robert Troy** asked the Minister for Education and Skills if he will expedite an RTA application in respect of a school (details supplied) in County Westmeath for permanent additional accommodation to facilitate the rising number of pupils and to provide a more suitable learning environment for the pupils who attend the school. [6968/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school to which the Deputy refers has recently submitted an application for capital funding to my Department. The application is being considered and a decision will be conveyed to the school authority as soon as this process has been completed.

### **Pupil-Teacher Ratio**

55. **Deputy Niall Collins** asked the Minister for Education and Skills if he will provide this Deputy with a schedule (details supplied). [6974/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Statistics Section of my Department's website contains extensive data at individual school level in county order. The most recent information available relates to the 2010-11 school year. 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 criteria used for the allocation of teachers to schools are published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedules for the current school year and for the coming school year were published on my Department's website in March and December 2011 respectively. My Department's focus is on implementing the staffing arrangements for the coming school year and I do not propose to divert scarce staffing resources to deal with the individual type queries from the Deputy. My Department will be notifying schools in the coming weeks of the new staffing arrangements for 2012-13 school year.

56. **Deputy Dessie Ellis** asked the Minister for Education and Skills the action he is taking to support schools which have transition year programmes to facilitate as many students as possible, in particular a school (details supplied) which is a large school but can only accommodate 48 students in transitional year because of cuts to guidance counsellor services and teacher numbers. [6975/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I fully acknowledge that the reduction in resources to second level schools will be challenging for schools. However, the change 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 net impact on overall teacher numbers in our schools has been minimised to the greatest extent possible. In the budget announcement for education I made clear that the net impact of the measures relating to second level schools for the school year commencing next September would, after taking account of demographics amount to about 450 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.

Similarly, in respect of Transition Year the management authority of each school carries responsibility for making decisions regarding the Transition Year Programme in that school. Guidelines have been issued by my Department to support schools in this process. In some schools, the programme is compulsory for all students. In those that offer it as an option, circumstances may arise where it is necessary to limit the number of students who can avail of it. It is the board of management of each individual school that decides the number of places

available to students on programmes such as Transition Year. In cases where restrictions apply, schools should have clear procedures regarding how places are allocated to students.

### Schools Building Projects

57. **Deputy Seamus Kirk** asked the Minister for Education and Skills the schools that are being considered for the 2012-13 school buildings programme in County Louth; and if he will make a statement on the matter. [6996/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** On the 19th December 2011, I announced details of 56 major school building projects to commence construction in 2012 as part of the €430 million education infrastructure plan for 2012 representing the first phase of a €2 billion five-year plan for major school building projects. Information in respect of the plan for 2012 along with all assessed applications for major capital works is available on the Department's website at *www.education.ie*. Following on from this, I will shortly publish a five year plan outlining the school building projects to be constructed in that time. All school building projects, including school projects in County Louth, in the Department's school building programme are being considered in the context of the plan. In view of the need to ensure that every child has access to a school place, the delivery of major school projects required to meet demographic demands will be the main focus for capital investment in the coming years.

58. **Deputy Seamus Kirk** asked the Minister for Education and Skills the position regarding the new green field site next to Calvary graveyard in Drogheda, County Louth; the target completion date for the school; and if he will make a statement on the matter. [6998/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The project, to which the Deputy refers, commenced construction in December 2010 and is expected to be completed by April 2012.

### European Globalisation Fund

59. **Deputy Pearse Doherty** asked the Minister for Education and Skills further to Parliamentary Questions Nos. 234 and 175 of 11 January 2012, if the European Commission has formally responded to him following the submission of the final report on the Dell EGF programme; if so, the contents of their response; the final agreed contribution from the EGF to the Dell programme; the moneys that will be returned to the European Commission unspent from this programme; if he will provide Dáil Éireann with a copy of his final report; and if he will make a statement on the matter. [7041/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** A letter of initial response was received by the Department on 3 February 2012 from the European Commission in relation to the submitted Final Report on the Dell EGF Programme.

The European Commission's letter contains a number of questions on the Final Report for the Irish authorities and initial calculations on the financial contribution to the programme. The substance of these matters is being further discussed between the Department and the Commission and upon completion of these discussions, a final calculation of the financial contribution will be agreed in due course. The European Commission will subsequently issue a debit note detailing the reimbursement figure and relevant details.

The Department is currently considering the issues involved in the European Commission's letter. Given that discussions between the Commission and the Department are ongoing in

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these matters as part of the decision-making process on both sides, it is not considered appropriate to release either this correspondence or the Final Report at this time.

60. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will provide a full list of the employers of the 9,089 construction workers in whose name a European Globalisation Fund application was made; and if he will make a statement on the matter. [7042/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The listings of the employers of those redundant workers in sub-sectors NACE 41, 43 and 71 of the construction industry in support of whom three EGF applications for co-financing under the European Globalisation Adjustment Fund (EGF) were made by the Department and subsequently approved by the EU budgetary authorities, and which listings were required to be supplied by the Irish authorities as part of the EGF applications process, are publicly available on the EGF area of the European Commission's website <http://ec.europa.eu>. For ease of reference the specific employer listings weblinks are respectively as follows: NACE 41 <http://ec.europa.eu/social/main.jsp?catld=582&langld=en&egfAppslid=69&furtherEgfApps=yes> NACE 43 <http://ec.europa.eu/social/main.jsp?catld=582&langld=en&egfAppslid=70&furtherEgfApps=yes> NACE 71 <http://ec.europa.eu/social/main.jsp?catld=582&langld=en&egfAppslid=71&furtherEgfApps=yes>

61. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will provide a copy of the January monthly report prepared by a company (details supplied) on the uptake of personalised services and other relevant statistical information regarding the European Globalisation Fund programme for redundant construction workers; and if he will make a statement on the matter. [7043/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** WRC Social and Economic Consultants Ltd. are contracted by the Department to provide certain administrative and technical support services to programmes funded by the European Globalisation Adjustment Fund (EGF) in Ireland. The consultants have prepared a report for the Department which provides certain management information on the implementation of the three ongoing EGF co-financed programmes in support of a specific cohort of almost 9,000 redundant construction workers. The report will be publicly available in the next few days on the Department's dedicated EGF website [www.egf.ie](http://www.egf.ie). A copy of the report will be issued to the Deputy for his information by the Department.

The WRC report specifically covers the period from the issue of the notification letters outlining additional EGF services on 19 December 2011 and the 27th January 2012. The letters were issued to 8,779 redundant workers who are deemed to be eligible under the relevant EGF programmes and who have a home address in this jurisdiction. Based on data supplied to date by relevant service providers, the Department estimates that at least 4,500 EGF related interventions had been commenced in the areas of guidance, training and third level education for this particular cohort of redundant construction workers prior to the period covered by the WRC report.

Relevant management information on the delivery and uptake of EGF services and interventions will continue to be collated on behalf of the Department over the remaining period of the three EGF construction programmes to 9 June 2012.

### Third Level Courses

62. **Deputy Marcella Corcoran Kennedy** asked the Minister for Education and Skills the

drop-out rate in first year from all courses in all third level colleges and universities here; and if he will make a statement on the matter. [7048/12]

**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 that follows from the report 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).

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

### Special Educational Needs

63. **Deputy Seán Ó Fearghail** asked the Minister for Education and Skills the number of resource hours that have been made available to a school (details supplied) in County Kildare; if he has received a request from the school for additional learning support hours; if he will detail the nature of any such request; if he will respond to the school; and if he will make a statement on the matter. [7057/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers to schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support.

All schools have now received their resource teaching allocations for the current school year, based on the number of valid applications for resource teaching support received by the NCSE to 25 November, 2011, and taking into account my Departments Employment Control Frame-

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work obligations which limits the number of overall resource teaching posts which may be allocated to schools. The NCSE recently published statistical information on SNA allocations on a county by county and school by school basis, including in relation to the school referred to by the Deputy, on its website *www.ncse.ie*.

Where a pupil meets the criteria for Resource Teaching support, following diagnosis or enrolment to a school which does not have any existing allocation of resource teaching support, the NCSE may make an allocation for such pupils from the small pool of remaining posts which have been reserved for such emergencies or eventualities. Schools fulfilling such criteria may make an application to the NCSE for additional resource teaching hours.

### Site Acquisitions

64. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills the progress that has been achieved towards the acquisition of a site for a new school or education campus at a location (details supplied); and if he will make a statement on the matter. [7058/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has sought the assistance of, and is working closely with, the relevant Local Authority in relation to identifying and acquiring a suitable site for the provision of permanent accommodation for the school referred to by the Deputy. Once a suitable site has been identified and acquired, the proposed building project will be considered in the context of the capital budget available to my Department for school buildings generally.

### Schools Building Projects

65. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he will, as a matter of urgency, progress through the planning process an application for a new school at a location (details supplied) in County Kildare where new modern accommodation is urgently required; and if he will make a statement on the matter. [7059/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project for the school referred to by the Deputy is currently at an advanced stage of architectural planning. The Design Team are currently working on Stage 2(b) of Architectural Planning which includes Planning Permission, Fire Certificate and Disability Access Certificate (DAC) and the preparation of tender documents which will then be submitted to my Department for review.

The Department will shortly publish an outline five year programme on the projects to be constructed in that time. The school building projects currently in architectural planning, including the project for the school referred to by the Deputy, will be considered in the context of that programme, taking into account the funding available, the building costs involved and the progression of other major projects required to meet demographic needs.

66. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if his attention has been drawn to the progress made in recent years towards streamlining and modernising primary school provision at a location (detail supplied) in County Kildare; if he acknowledges the value to students and teachers arising from the construction of a comprehensive new education campus; if he will now commit to completing the task by ensuring that the remaining school in the area is extended, upgraded and modernised to meet acceptable, present day standards; and if he will make a statement on the matter. [7060/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to inform the Deputy that the process of tendering for appointment of a design team on the school building project

to which he refers has recently commenced. The project will entail the extension and refurbishment of the existing school. An advertisement seeking suitably qualified consultants has been published on the Government's public procurement portal ([www.etenders.gov.ie](http://www.etenders.gov.ie)) and the school has been informed. Once appointed, the design team will commence architectural planning of the building project.

### Departmental Properties

67. **Deputy Marcella Corcoran Kennedy** asked the Minister for Education and Skills his plans for the future of the Offaly Vocational Education Committee building in Tullamore. [7086/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In relation to the specific merger of Co. Laois VEC and Co. Offaly VEC, I have decided that the headquarters of the Education and Training Board will be in Portlaoise. In arriving at this decision, I considered a range of factors including the need to ensure that the location of a VEC headquarters will, to the greatest extent possible, facilitate staff redeployment under a redeployment scheme within the context of the Croke Park Agreement and the need to operate at lowest cost having regard to the accommodation available in existing locations.

Redeployment of staff from Tullamore to Portlaoise is possible under the Croke Park agreement and I expect that headquarters staff of Co. Offaly VEC will move to the designated headquarters location in Portlaoise as soon as feasible. However I expect that the office in Tullamore 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. The detail in relation to the use or disposal of existing property interests in Tullamore, following the move of staff to the newly designated headquarters in Portlaoise, will be worked through by my Department in conjunction with the VECs involved and the new merged body when established.

I am anxious to ensure that swift progress continues to be made in the work of bringing about a reduction in the number of VECs. In this regard, while my decision in relation to the locations of head offices and sub-offices is final, 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. It 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.

### Overseas Students

68. **Deputy Ciarán Lynch** asked the Minister for Education and Skills the number of students who come to Ireland each year to study English; the number who came from China, Taiwan, Singapore, South Korea and Japan in 2011; the visa requirements such as educational qualifications; the maximum and minimum period of stay permitted; and if he will make a statement on the matter. [7090/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** According to the annual survey of approved language schools carried out by Fáilte Ireland, an estimated 96,250 overseas English language students studied in Ireland in 2010. Figures are not yet available for 2011. The following number of English language students studied in Ireland in 2010 (or 2009, where current figures are not available): Japan: 2,000; South Korea: 3,100; China: 2,098 (2009 figures); Taiwan: 89 (2009 figures).

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English is one of the official languages of Singapore, and is the primary language of instruction in the education system, so there is no major market for English language instruction there. Visa regulations are a matter for the Minister for Justice and Equality. Student visa requirements for English language students are, however, set out on the website of the Irish Naturalisation and Immigration Service *www.inis.gov.ie*.

### Teachers' Remuneration

69. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will reinstate teachers' allowances. [7095/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Circular 3/2012, issued on 31 January 2012, does not change the rates of allowances currently being paid to serving teachers and non-teaching staff in schools. However, pending the outcome of a public service-wide review by the Department of Public Enterprise and Reform, allowances are not payable to new beneficiaries; i.e. those who become eligible for receipt of the allowance in question on or after 1 February 2012. No additions to the common basic pay scale may be paid to new beneficiaries. Examples of such additions include any form of qualification allowance or the supervision and substitution payment paid to teachers, and the secretary to board of management allowance paid to school principals.

### Educational Disadvantage

70. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he will clarify the position with regard to DEIS status for a school (details supplied); if he will ensure that the school, a new school representing the amalgamation of three schools, two of which had DEIS status, is given full DEIS status; and if he will make a statement on the matter. [7099/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and an integrated School Support Programme (SSP). Prior to the amalgamation of the schools, in the town in question, in September 2011, and as a result of the identification and review processes carried out in 2005/06, 2 of the 3 schools were selected to participate in the School Support Programme (SSP).

The policy of my Department is to continue to provide supports to the newly amalgamated school in respect of the number of eligible pupils from the former DEIS schools. While a key priority for me is to continue to prioritise and target resources at schools with the most concentrated levels of educational disadvantage, the current economic climate and the challenge to meet significant targets on reducing public expenditure and operating within a ceiling on overall teacher numbers, limits opportunities and means that there is no capacity to provide for an extension of full DEIS status to newly amalgamated post-primary schools.

71. **Deputy Thomas Pringle** asked the Minister for Education and Skills if all DEIS schools in the country are being included in the review initiated by him in response to the budget cuts to them including band 1 and 2 schools; and if he will make a statement on the matter. [7108/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is currently finalising the report on the impact of the withdrawal of posts under older schemes on DEIS Band 1 and Band 2 primary schools only for submission to me this week. On receipt of this report, I will then make a decision on the final outcome for the individual schools involved and the staffing schedules for 2012/2013 will then be finalised and published in the coming weeks.

Questions Nos. 72 and 73 answered with Question No. 49.

### Higher Education Grants

74. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills when the 2012 applications will be made available for the postgraduate grant; the criteria to qualify for the postgraduate grant; if there are any proposed changes being made to the criteria or grant; and if he will make a statement on the matter. [7135/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As a matter of routine, my Department reviews the student grant scheme each year to prepare policy proposals and to include changes announced under the relevant Budget. A decision on the reckonable income limits under the Student Grant Scheme for 2012/13 academic year will be taken in the context of this review and the Scheme will be published in due course.

Nevertheless, in the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses from the 2012/13 academic year onwards will not be entitled to any maintenance payment under the Student Grant Scheme. Existing postgraduate students will not be affected.

My priority as Minister for Education and Skills is to preserve access to undergraduate higher education courses despite the difficult circumstances in our public finances. As a result, no changes were made to the eligibility criteria for undergraduate students in the recent Budget. It is also worth emphasising that 41% of all undergraduate students currently receive a grant and pay no student contributions.

However, those students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme.

In access terms, the requirement to pay a fee is considered to be a greater obstacle to entry than lack of maintenance support at postgraduate level. This is why I opted to maintain the fee-payment ahead of maintenance payments for postgraduate students.

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. My Department estimates this will help an additional 4,000 postgraduate students. However, there will be a new income threshold for this payment which will be lower than the standard grant threshold. In addition to the student grant scheme, support will continue to be available under the Student Assistance Fund through the access offices of third-level institutions to assist students in exceptional financial need. Students may also be eligible for tax relief for their tuition fees. Details in relation to this are available on [www.revenue.ie](http://www.revenue.ie).

While it is regrettable that any changes need to be made to student support, I believe this approach will continue to provide resources for a relatively wide number of post-graduate students and allow us to maintain the high level of supports provided to undergraduate students.

### Schools Building Projects

75. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the position regarding funding for major capital works in respect of a school (details supplied) in County Donegal; and if he will make a statement on the matter. [7137/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers applied to my Department for large scale capital funding for a school

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building project. In accordance with the published criteria for large scale building projects, the project for this school has been assigned a Band 2 rating.

Information in respect of the current school building programme along with all assessed applications for major capital works, including this project, is available on the Department's website at [www.education.ie](http://www.education.ie).

The progression of all large scale building projects, including this project, will be considered having regard to available capital funding and the need to prioritise such funding towards major projects required to meet demographic demand. In that regard, it is not possible to give an indicative timeframe for the progression of the project, referred to by the Deputy, at this time.

### Special Educational Needs

76. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills the position in relation to the provision of a primary level school place for a student (details supplied) in County Kildare who has attended a preschool ASD unit attached to their local primary school; if a suitable place will be provided for this student within the local area; and if he will make a statement on the matter. [7153/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to clarify for the Deputy that the policy of my Department is to secure the maximum possible level of inclusion of students with special educational needs in mainstream primary and post-primary schools, in order to ensure that as many children as possible can be educated with their peers within their own community. My Department therefore provides for a range of placement options and supports for schools which have enrolled pupils with special educational needs in order to ensure that, wherever a child is enrolled, s/he will have access to an appropriate education.

Children with special educational needs may be enrolled in a mainstream school and attend all mainstream classes and receive additional teaching support through the learning support and/or resource teacher. Or they may enrol in a mainstream school and attend a special class, or they may enrol in a special school.

The enrolment of a child in a school is a matter in the first instance for the parents of the child and the Board of Management of a school.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB will try to help parents to find a school placement if their child has been unable to secure a school placement to date. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

In addition, the National Council for Special Education (NCSE) Special Education Needs Organisers (SENOs) can assist parents to identify appropriate educational placements for children with special educational needs.

Parents may contact their local SENO directly to discuss their child's special educational needs and to seek assistance in identifying placement options, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### Third Level Courses

77. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he has had any contact with the Iranian Government's education department, or if his attention has been drawn to any contact between third level institutions here and universities in Iran in respect of

the possibility of developing third level courses to meet the growing demand of Iranian students to study in Europe; and if he will make a statement on the matter. [7154/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I have had contacts with Ministerial and official-level delegations from a range of countries which send students to Ireland, including Iran, which Enterprise Ireland records as sending around 80 students to Ireland each year.

I am also aware that there are ongoing contacts between a number of Irish higher education institutions and their counterparts in Iran.

78. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he has had any engagement with the Departments of Foreign Affairs and Trade and Justice and Equality on the matter of student entry visas; if he appreciates the volume of students that could be attracted to undertake higher level programmes here if the visa system was less impenetrable; and if he will make a statement on the matter. [7157/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** While student immigration is primarily a matter for the Minister for Justice and Equality, the Government has a co-ordinated policy and approach to improving Ireland's competitiveness as a centre for international education, through implementation of the international education strategy 2010-2015 and the new student immigration regime.

My Department is in constant contact with both the Department of Foreign Affairs and Trade and the Department of Justice and Equality in this regard. Officials from both Departments were represented on the group which developed the international education strategy 2010-2015. My Department was represented on the committee which developed the revised student immigration regime, which is supportive of high-quality operators.

Both Departments are also represented on the high level group on international education, which is chaired by my Department and which brings together representatives from the relevant Government Departments, State agencies and the education sector in order to implement co-ordinated national approaches to internationalisation.

### School Staffing

79. **Deputy Michael Moynihan** asked the Minister for Education and Skills the position regarding the possible loss of a teacher in a school (details supplied) in County Cork for the year 2012-13; and if he will make a statement on the matter. [7180/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools are published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedules for the current school year and for the coming school year were published on my Department's website in March and December 2011 respectively. My Department's focus is on implementing the staffing arrangements for the coming school year and I do not propose to divert scarce staffing resources to deal with the individual type queries from the Deputy. My Department will be notifying schools in the coming weeks of the new staffing arrangements for 2012/13 school year.

### Pension Provisions

80. **Deputy Pat Deering** asked the Minister for Public Expenditure and Reform the formula

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used in determining politicians pensions; and when and by whom this formula was drawn up. [7150/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The superannuation benefits of Members of the Houses of the Oireachtas are provided under 2 separate pension schemes — one provides benefits in respect of membership of the Oireachtas only (i.e. in respect of service as a TD and/or Senator); the other provides benefits in respect of service as an Officeholder (e.g. Minister, Minister of State, etc.). The basic terms of the schemes are as follows.

*Oireachtas scheme*

The original pension benefits in respect of membership of the Oireachtas are derived from the Oireachtas (Allowances to Members) Act 1938. The terms have been amended over the years, most notably in 1992 which led to the current pension provisions for Members, known as the New Scheme. The vast majority of the current members of the Oireachtas are members of this scheme. The scheme provides for termination and pension payments subject to certain conditions.

A former Member who has served for a continuous period of at least 6 months up to the time s/he leaves the Oireachtas is entitled to termination payments, details of which are available from the ‘One-Stop-Shop’ in Leinster House.

A former Member who has at least 2 years’ reckonable service will be entitled to a pension and lump sum from age 50 at the earliest, although the option exists to take a reduced pension from an earlier age. Under the scheme, maximum superannuation benefits are accrued after 7,300 days (20 years) service. The pension is effectively calculated on the basis of 1/40th of salary per year of service (max. pension = half annual salary). The lump sum payable is 3 times the annual pension (max. lump sum = 1.5 times annual salary). The pension and lump sum are payable at age 50 or at a later age should the Member continue his/her membership of the Oireachtas beyond that age. However, pension and lump sum are not payable to ‘new entrant’ members of the Oireachtas as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004 until age 65 (i.e. for those who are newly elected since 1 April 2004).

*Officeholders’ Scheme*

The original superannuation benefits of Ministers, Ministers of State and other Officeholders derive from the Ministerial and Parliamentary Offices Act 1938. The provisions of the Act were expanded and modified over many years by a number of amending Acts, most notably the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992, the provisions of which came into force on 12 January 1993.

The offices which qualify for pension benefits fall into 2 categories, *viz.*,

(a) the offices of Taoiseach, Tánaiste, Minister, Attorney General and Ceann Comhairle (these are designated as “Ministerial offices” for pension purposes);

(b) the offices of Minister of State, Leas Cheann Comhairle, Cathaoirleach, Leas-Chathaoirleach and Leader of Seanad Éireann (these are designated as “Secretarial offices” for pension purposes).

Among the qualifying terms of the Officeholders’ Scheme is a minimum of 2 years’ service in a qualifying office. Also, pensions are payable from age 50. However, pensions for ‘new entrant’ Members of the Oireachtas as defined in the Public Service Superannuation (Miscellaneous

Provisions) Act 2004 are not payable until age 65. Pensions are not payable to former Officeholders while still a member of the Oireachtas. There is no lump sum under the scheme.

The 1992 Act also introduced a new scheme of severance allowances for persons ceasing to hold Office on or after 12 January 1993. Entitlement to a severance allowance commences on the day after the individual ceases to hold Office, and the allowance is payable for a period equal to the period during which the person has been continuously in Office (i.e. without any break in service) prior to such cesser, subject to a limit of 2 years. A severance allowance and an Officeholder's pension may not be paid simultaneously.

It should be noted in relation to both the Oireachtas Members' and Officeholder's schemes that the Public Service Pensions (Single Scheme) Bill, which is before the Dáil at present, will introduce a new Single Public Service Pension Scheme with a minimum pension age of 66, rising in due course to 67 and 68. This will apply to all new Members of the Oireachtas, including Ministers, as defined in the Bill.

81. **Deputy Pat Deering** asked the Minister for Public Expenditure and Reform the way senior civil servants gratuity is determined; and if they pay AVCs. [7151/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The superannuation benefits of civil servants are paid in accordance with the relevant superannuation legislation and circulars. Included in these benefits is the provision of a lump sum on retirement. Retirement lump sum is calculated on the basis of 3/80ths of final pay for each year of service, subject to a maximum of 1 ½ times pay. As the Deputy will be aware, in furtherance of the long-term affordability of public service pensions, the Government, by way of the *Public Service Pensions (Single Scheme) and Remuneration Bill 2011* (which is currently before the Dáil), is proposing to introduce a new "Single Public Service Pension Scheme" for future new recruits to the public service. The new scheme will have a "career-average" design, pension increases will be linked to CPI and a higher pension age will apply (linked, in future, to the State pension age). The lump sum payment will be accrued at a rate of 3.75% of the scheme member's pay over the course of a career, subject to a maximum of one and one-half times pay. The new arrangement is expected to yield considerable long-term savings to the Exchequer in terms of the cost of public service pensions.

As regards Additional Voluntary Contributions (AVCs), they are private arrangements between an employee and a private insurance company. They are available to civil or public servants. The Deputy might note that there are also Public Service schemes to allow public servants to purchase notional added years to increase their pension benefits on retirement.

### **Garda Stations**

82. **Deputy Marcella Corcoran Kennedy** asked the Minister for Public Expenditure and Reform his plans for the disused Garda station in Geashill, County Offaly. [7159/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** A formal decision to close Geashill Garda Station was recently announced by the Minister for Justice. The Office of Public Works will now examine other potential State uses for the property. If no such use is identified arrangements will probably be made to dispose of the property on the open market. If any viable local proposals concerning the station are made from the community or from the local authority, I will consider this.

### **Departmental Expenditure**

83. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform if he will

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provide a list of the Ministers that have certified expenditure under the Secret Service vote; and the amount incurred by each Minister's Department for the years 2010 and 2011. [7109/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Given the nature of expenditure under this Vote, it is not the practice to provide detailed information as to how the annual allocation has been, or will be, spent.

The Appropriation Account of the Vote for the Secret Service is audited by the Comptroller and Auditor General in accordance with Section 3 of the Comptroller and Auditor General (Amendment) Act, 1993. The C&AG is furnished with certificates from the responsible Ministers which support the expenditure shown in the Account. On the basis of these certificates, the C&AG expresses an opinion in the annual published Appropriation Accounts that the Account properly presents the expenditure of the Secret Service Vote for the particular year concerned. This arrangement has been accepted by the Committee of Public Accounts of the Dáil.

As indicated in the Appropriation Accounts for 2010, expenditure under the Secret Service Vote in 2010 was €580,000. The corresponding figure for 2011 was €568,000.

### Departmental Agencies

84. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform the State and semi-State agencies and commercial companies including those in the communications sector that allow employees to be employed as contractors; his views that the use of the contractor status may facilitate tax evasion; his plans to reform this arrangement in public agencies and companies; and if he will make a statement on the matter. [7162/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In regard to awarding contracts for public works, supplies or services, State bodies are required to ensure that winning tenderers can provide a certificate of tax clearance issued by the Revenue Commissioners before a contract is awarded.

The issue of whether an employee or contractor is hired is a matter for the particular agency or commercial company.

### Work Permits

85. **Deputy Catherine Byrne** asked the Minister for Jobs, Enterprise and Innovation if he will outline the requirements for Romanian nationals to obtain a work permit here; if there are any exemptions; if there are plans to remove this requirement; and if he will make a statement on the matter. [6980/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Romanian Nationals are eligible to apply for all Employment Permits based on the eligibility criteria effective on 1 January 2007. Applications are considered under the Employment Permits Act 2006. Full details on the employment permit requirements for Romanian nationals, including exemptions, can be found on my Department's website at <http://www.djei.ie/labour/workpermits/bulgariaromania.htm>. The Treaties that govern Romanian accession to the EU provide for a 7-year transition period before their nationals have full access to the labour markets of Member States. This transition period ends on 1 January 2014. The Treaties also require that from 1 January 2012, Member States grant full access to their labour markets unless they are confronted with a serious disturbance in their labour market or the threat thereof. A comprehensive analysis of the labour market situation concluded that the Irish

labour market was experiencing a serious labour market disturbance such that it could be exacerbated by an immediate opening of the market to full access. Accordingly, the Government announced on 16 December 2011 that the current restrictions on access to the Irish labour market by Romanian nationals are to continue in place until the end of 2013.

### Proposed Legislation

86. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the provisions that will be in the companies Bill to reduce the administrative burden and audit rules on community and voluntary groups; and if he will make a statement on the matter. [7139/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Community or voluntary groups may be incorporated as companies, but this may not always be the case, as some may choose to avail of other legal forms. Such groups which have charitable status are governed by the Charities Act 2009, under the aegis of the Minister for Justice and Equality and are answerable to their stakeholders, shareholders and funders.

Community or voluntary organisations which incorporate as companies might conceivably choose different company types. For those that have chosen to be private companies limited by shares, the Companies Bill will introduce a number of tangible benefits which will operate to reduce the administrative burden.

The new default company type under the Bill, the private company limited by shares, or “cls” for short, will offer a number of attractive practical benefits which will make it easier to start, to use, and to run such a company. For example, such a company will only be required to have a minimum of one director, as opposed to two under the current law. The complex legal doctrine of *ultra vires*, which has applied to all companies up to now, will not apply to the new cls. Neither will a cls be required to draft a long document containing its Articles of Association which conventionally govern the internal operation of companies — these will now be included in the Bill as applicable “default” provisions (although a company may vary any of the vast majority of these default provisions if it has circumstances which make it appropriate to do so), and consequently the current requirement for lengthy, complex documents at the time of incorporation of a new company can be replaced by a single-document, and possibly single-page, Constitution under the proposed new law.

The cls will also be permitted to hold its AGM by written procedure, rather than being compelled to gather all of the members in the same room at the same time once a year.

The Bill also introduces the new concept of the Summary Approval Procedure, which will allow companies to undertake certain transactions which previously were either prohibited or required Court approval, by the new method of a special resolution combined with an appropriate declaration by the directors, subject to safeguards to prevent improper use.

However, I understand that many community or voluntary groups which have formed themselves as companies have done so as companies limited by guarantee (CLG). Due to their public membership structure they cannot avail of an audit exemption under the current law.

The Company Law Review Group (CLRG) 2009 Report examined the issue of extending audit exemption to companies limited by guarantee. It made the following recommendations:

“(i) Subject in each case to consultation with the Minister for Community, Rural and Gaeltacht Affairs and the charities regulator, the audit exemption regime contained in Part III of the 1999 (No. 2) Act be extended to such class or classes of CLG which are charitable organisations (within the meaning of the Charities Act 2009) so as to bring them into alignment with

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charitable organisations that are not companies, provided that 10% of the members with voting rights should be able to require an audit.

(ii) The audit exemption regime contained in Part III of the 1999 (No. 2) Act be extended to all CLGs which are not charitable organisations, subject to a veto right, by any one member of the company, and further subject to the requirement that audit exemption in respect of the following year, shall be an item on the agenda of the annual general meeting.”

It is my intention that provisions giving effect to the recommendations of the CLRG in this matter will be included in the Companies Bill, which I aim to publish in the second half of this year. The CLRG recommendations contemplate that any proposals in this context will be subject to consultation with the Department of Justice and Equality, which now has responsibility for charities regulation.

### Social Welfare Appeals

87. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for invalidity pension in respect of a person (details supplied) in County Longford; if they will be issued with a medical card in the interim on health and hardship grounds; and if she will make a statement on the matter. [7175/12]

**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 10 March 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 23 November 2011 and the appeal was assigned to an Appeals Officer on 12 January 2012 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

Decisions on eligibility for Medical Cards are a matter for the Health Service Executive and any application in that regard should be made to that body.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Code

88. **Deputy Seamus Kirk** asked the Minister for Social Protection if she would consider modifying regulations, to allow for greater consultation with potential employers under the Tús programme; and if she will make a statement on the matter. [7004/12]

**Minister for Social Protection (Deputy Joan Burton):** Tús is a community work placement initiative aimed at providing up to 5,000 short-term, quality work opportunities for those who are unemployed for more than a year. The initiative is being delivered through the network of local development companies and Údarás na Gaeltachta in Gaeltacht areas — referred to as Implementing Bodies (IBs). Work placements are being identified in the not-for-profit, community and voluntary sectors across the country through local advertisement and direct contact with eligible organisations by local development companies. Practically all types of work delivered by the C&V sector can be undertaken by Tús participants, once it does not displace existing employment or other public or private sector employment.

Organisations wishing to offer work placements or wish certain works to be undertaken can contact the local development company in the county in which they are situated setting out the

work to be undertaken, the skills required and the length of time it is anticipated to execute the works. Each local development company can provide an easy to navigate applications process. Additionally, the local development company will wish to meet representatives of the applicant organisation and organise an inspection of the works to be undertaken.

### Social Welfare Appeals

89. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding a social welfare appeal in respect of a person (details supplied) in County Mayo. [7038/12]

**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 13 January 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

90. **Deputy Pádraig Mac Lochlainn** asked the Minister for Social Protection her views on the reason a person (details supplied) who has previously been habitually resident here up until the age of 28 years and who moved to live and work in another country for nine years, resumed their permanent residence here, has now been refused social welfare due to the habitual residence condition. [7045/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for Jobseeker's allowance on 4 October 2011. Based on the information supplied by the applicant it was decided that she did not satisfy the Habitual Residence Condition. The deciding officer in this case has decided that the person's centre of interest is not in the State.

If the person is not satisfied with the decision of the deciding officer, more documentary evidence or information that would be relevant to the case can be sent to the Department and the initial decision will be reviewed by a deciding officer.

The decision can also be appealed to the Social Welfare Appeals Office.

91. **Deputy Simon Harris** asked the Minister for Social Protection the reason rent allowance payments to a person (details supplied) in County Wicklow were stopped without warning; if she will provide a detailed account of the reason this happened; the person who in her Department authorised the payments to cease; if she will direct the relevant officials in her Department to apologise to the person concerned for the needless anxiety this episode caused should she discover that officials in her Department made a mistake; and if she will make a statement on the matter. [7051/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned had her rent supplement payment temporarily suspended due to the transfer of her primary social welfare payments. When the transfer was completed her claim to rent supplement was immediately reassessed. The person concerned was then issued with an exceptional needs payment on 1 February for rent arrears that were owed. The person concerned is in receipt of her full entitlement to rent supplement based on her household circumstances.

92. **Deputy Gerald Nash** asked the Minister for Social Protection the number of home helps who received supplementary welfare allowance payments in 2011; and if she will make a statement on the matter. [7055/12]

**Minister for Social Protection (Deputy Joan Burton):** The Supplementary Welfare Allowance (SWA) scheme is considered the “*safety net*” within the overall social welfare system in that it provides assistance to eligible people in the State whose means are insufficient to meet their needs and those of their dependants. The main purpose of the scheme is to provide immediate and flexible assistance for those in need who do not qualify for payment under other State schemes.

There are no statistics available within the Department on the number of home helps who received SWA payments.

### Social Welfare Code

93. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if she will review a matter (details supplied) regarding employers; and if she will make a statement on the matter. [7088/12]

**Minister for Social Protection (Deputy Joan Burton):** Individuals who were previously employers, are generally regarded as self-employed for the purposes of PRSI. Self-employed persons are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow’s, widower’s or surviving civil partner’s pension (contributory). Ordinary employees who have access to the full range of social insurance benefits pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A. (For employees earning less than €356 per week, the rate of employer’s PRSI is 4.25%).

Any changes to the PRSI system to extend the full range of social insurance benefits to self-employed persons would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable. I established the Advisory Group on Tax and Social Welfare last year to meet the commitment made in the Programme for Government. The Advisory Group will, inter alia, examine and report on issues involved in providing social insurance cover for self-employed persons in order to establish whether or not such cover is technically feasible and financially sustainable. In addition, the Actuarial Review of the Social Insurance Fund, which is due to be completed in mid-2012, will examine this matter.

Self-employed workers may establish eligibility to assistance-based payments such as jobseeker’s allowance. They can apply for the means-tested jobseeker’s allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. In general, their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year and, in the current climate, account is taken of the downward trend in the economy. As in the case of a non-self-employed unemployed claimant of jobseeker’s allowance, the means of husband/wife, civil partner or co-habitant will be taken into account in deciding on entitlement to a payment.

94. **Deputy Pearse Doherty** asked the Minister for Social Protection whether a person in receipt of a one-parent family payment who decides to apply for a community employment scheme and is willing to give up the one-parent family payment for the duration of that scheme would retain eligibility for one-parent family payment when the CE scheme finished if all other

factors remained unchanged; and whether the person would need to open a fresh one-parent family payment payments rather than reactivate the previous payment. [7091/12]

**Minister for Social Protection (Deputy Joan Burton):** The CE scheme enables lone parents to return to the workforce by offering them part-time and temporary placements in work positions based within local communities. Prior to Budget 2012, lone parents who entered CE were entitled to retain their one-parent family payment (OFP). From 16 January, 2012, new participants on CE will not be able to claim a social welfare payment at the same time. As such, from that date onwards, when a lone parent enters CE, their OFP claim will be closed. This will not affect those who are currently in receipt of the OFP and on CE. Upon completion of a CE scheme, lone parents are encouraged to seek permanent part-time and full-time work elsewhere based on the experience and new skills that they have gained from CE. However, if their circumstances remain unchanged and work is unavailable, they can apply for the OFP and, if so, their claim will be treated as a new one.

### Social Welfare Appeals

95. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal against the decision to refuse an application for illness benefit in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7103/12]

**Minister for Social Protection (Deputy Joan Burton):** Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was opened and in the context of that appeal her case was reviewed by a second Medical Assessor who also expressed the opinion that she was capable of work.

I am advised by the Social Welfare Appeals Office that, following receipt of the grounds of appeal from the person concerned, the relevant Departmental papers and comments of the Department have been sought. On receipt of its response the case will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

96. **Deputy Ciarán Lynch** asked the Minister for Social Protection when a decision will issue on an appeal for invalidity pension in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [7104/12]

**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 30 September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

97. **Deputy Ciarán Lynch** asked the Minister for Social Protection when a decision will be made on an appeal regarding domiciliary care allowance application in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [7121/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

98. **Deputy Tom Fleming** asked the Minister for Social Protection if she will address the delays in the processing of appeals, by appointing additional staff to the appeals office, thus ensuring that all applications can be processed within a reasonable time frame; and if she will make a statement on the matter. [7125/12]

100. **Deputy Tom Fleming** asked the Minister for Social Protection the average waiting time for the processing of appeals relating to carer’s allowance, disability allowance, illness benefit, invalidity pension, State pension, job seekers allowance and job seeker’s benefit; the steps she is taking to improve the timeframe involved; and if she will make a statement on the matter. [7131/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 98 and 100 together.

A table showing the average processing times in 2011 of appeals for carer’s allowance, disability allowance, illness benefit, invalidity pension, state pension, job seekers allowance, and job seekers benefit are given in the attached table.

These processing times are calculated from the registration date of the appeal to the date of its finalisation and include all activities during this period including time spent in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant and any further investigation, examination or assessment by the Department’s Inspectors and Medical Assessors that is deemed necessary. A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process.

In an effort to reduce the processing times, the Department appointed 9 additional Appeals Officers during 2011 who augmented the 3 appointments made to the Office in 2010. In addition, a further 10 Appeals Officers, formerly employed by the Community Welfare Services (CWS) of the Health Services Executive joined the Office as part of the integration of the CWS appeals services into the Social Welfare Appeals Office. This brings the total number of Appeals Officers to 39.

I am assured by the Chief Appeals Officer that she is keeping the methods of operation by which the Social Welfare Appeals Office conducts its business under constant review, and that the processes are continuously being enhanced to reduce the backlogs in the Office and, overall, to reduce the processing times for dealing with appeals.

	2011 average processing times (weeks) Summary Decisions	2011 average processing times (weeks) Oral Hearings
Carers Allowance	31.3	57.9
Disability Allowance	27.4	55.6

	2011 average processing times (weeks) Summary Decisions	2011 average processing times (weeks) Oral Hearings
Illness Benefit	38.2	59.8
Invalidity Pension	36.4	58.9
State Pension (Contributory)	24.9	55.3
State Pension (Non-Cont)	20.6	54.6
Jobseeker's Allow (Means)	18.0	54.8
Jobseeker's Allowance	23.8	47.9
Jobseeker's Benefit	15.1	34.0

### Social Welfare Benefits

99. **Deputy Patrick Nulty** asked the Minister for Social Protection the way a person in receipt of jobseeker's payment can transfer their payment to the UK; how long they can receive their payment when a resident in the UK; and if she will make a statement on the matter. [7130/12]

**Minister for Social Protection (Deputy Joan Burton):** A person who is fully unemployed and has been in receipt of jobseeker's benefit in this country for at least 4 weeks, may have their benefit paid to them while residing in the United Kingdom for up to 13 weeks, provided they are seeking employment in that country. Payment is dependent on the customer continuing to satisfy the conditions of the jobseeker's scheme.

*Question No. 100 answered with Question No. 98.*

### Social Welfare Code

101. **Deputy Noel Greally** asked the Minister for Social Protection if the new rent supplement rates are in accordance with the Residential Tenancies Act 2004 which clearly defines the term market rent; if the new rates are a form of rent control; if she will explain the rationale in using too large a geographical area which may distort the market; if she is satisfied that the new rates are not anti-competition, as defined by the Competition Authority; if she has had any contact with the Competition Authority on the new rates; and if she will make a statement on the matter. [7142/12]

**Minister for Social Protection (Deputy Joan Burton):** Rent supplement provides short-term income support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Since 2005, rent supplement expenditure has increased from €369 million to a provisional outturn of €503 million in 2011. The number of persons claiming the allowance increased from almost 60,200 persons in 2005 to over 96,800 as at end 2011, a 61% increase.

As the Department currently funds approximately 40% of the private rented sector it is essential that State support for rents are kept under review, reflect current market conditions and do not distort the market in any way. The new maximum rent limits which came into force on 1 January 2012 are in line with the most up to date market data available. The emphasis of the rent limit review was to ensure that value for money is achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation.

Staff administering rent supplement have the authority to set levels lower than those provided for in the regulations, in respect of sub-divisions of their functional areas, where this is

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appropriate. This allows for lower rent levels to apply in certain locations within counties reflecting local market conditions.

The Residential Tenancies Act 2004 defines the term market rent in section 24 (1) as the rent which a willing tenant not already in occupation would give and a willing landlord would take for the dwelling, in each case on the basis of vacant possession being given, and having regard to the other terms of the tenancy, and the letting values of dwellings of a similar size, type and character to the dwelling and situated in a comparable area to that in which it is situated. Under the legislative provisions governing rent supplement, the Department's relationship is with the tenant; the tenant makes the application for rent supplement and payment is made to the tenant. Rent supplement is specifically for the benefit of tenants to assist them with their accommodation needs. There is no direct relationship between the landlord and the Department in the administration of the scheme. The Department does not become involved in the choice of accommodation by the tenant and as such the issue of competition does not arise.

102. **Deputy Robert Dowds** asked the Minister for Social Protection if she will consider changes to the system of signing on for social welfare payments to avoid customers having to queue up outside social welfare offices, in order to preserve the dignity of those signing on. [7148/12]

**Minister for Social Protection (Deputy Joan Burton):** The live register has risen to unprecedented levels due to the economic downturn and this has resulted in a major increase in the number of people attending the Department's local offices. In many instances people begin queuing outside offices before they open in the mornings. These queues include people making a claim for the first time and people signing the live register to show that they continue to be unemployed.

In many offices, an appointment system for taking claims is in place and when a person first attends at a local office to claim, they are given details of the supporting documents required together with an appointment to attend to have the claim taken. This system has been particularly effective in reducing queuing in local offices and it has also helped improve processing times where the customer provides supporting documentation at point of claim.

The signing arrangements for people who are already on the live register have been reviewed at a number of offices and additional signing days have been introduced, where necessary. In addition, at some offices, specific signing times have been allocated to claimants to reduce queuing times.

An on-going programme of process improvement initiatives is underway in the Department's local and branch offices. As part of this improvement package, the Department has developed the functionality to capture a client's signature on an electronic signature pad as part of the certification process for fully unemployed clients. This introduces greater flexibility to the process as it means that clients will be able to sign at any counter in the office in future. Offices will be able to respond immediately to queues by opening and closing counters, as required, to deal with the volumes on hand at any particular time rather than being limited to having a set number of counter points open. This will enable offices to reduce queuing times and provide a higher quality of customer service. This process has been trialled in one local office and the functionality will be rolled out, on a phased basis, to other offices during this year.

### **Employment Support Services**

103. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection the position regarding

the local employment service network throughout the country; if she has provided funding for 2012 for the continuation of this initiative; and if she will make a statement on the matter. [7152/12]

**Minister for Social Protection (Deputy Joan Burton):** Responsibility for the Local Employment Services (LES) transferred from the Department of Education and Skills to the Department of Social Protection with effect from 1 January 2012. My Department recognises the valuable role the Local Employment Services play in the activation of unemployed people, particularly those most disadvantaged and distant from the labour market.

My officials have met recently with representatives of the Irish Local Development Network (which includes the Local Employment Services) and have assured them of continued funding for 2012. An interim contract and budget for January-March 2012 has been put in place while overall budgets are being finalised. It is hoped to advise the Local Employment Services shortly of their final 2012 budget allocation.

### Social Welfare Code

104. **Deputy Robert Dowds** asked the Minister for Social Protection the entitlement of unemployed, formerly self-employed persons to sign on the live register for credits if they have been paying PRSI at the S rate. [7170/12]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed persons are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow's, widower's or surviving civil partner's pension (contributory). A total of 14.75% PRSI is payable in respect of ordinary employees under PRSI Class A and provides access to the full range of social insurance benefits. (4% is paid by employees and 10.75% by their employers where weekly earnings are €356 or more. For employees earning less than €356 per week, the rate of employer's PRSI is 4.25%).

PRSI credited contributions are an integral part of the social insurance system. For the most part they are linked to employees having an underlying entitlement to a social welfare payment while temporarily detached from the labour force or having entitlement to statutory leave. The primary purpose of PRSI credits is to secure social insurance welfare benefits of employees by covering gaps in insurance where they are not in a position to pay PRSI such as during periods of unemployment, illness, etc. The class at which a contributor paid his or her last PRSI contribution determines entitlement to credited contributions.

PRSI credits are awarded in respect of employees provided they have an underlying entitlement to a social welfare payment while temporarily detached from the labour force. Credits are not awarded in respect of formerly self-employed persons who had been paying PRSI at the Class S rate. Self-employed individuals who wish to preserve the continuity of their social insurance record for pension purposes, do have the opportunity to do so by becoming a voluntary contributor.

### Social Welfare Appeals

105. **Deputy James Bannon** asked the Minister for Social Protection the reason an appeal for carer's allowance has been refused in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [7177/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance in respect of a second care recipient on the grounds that the Department's Medical Assessor expressed the opinion that the care recipient mentioned above is not so

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disabled as to require full-time care and attention as prescribed in regulations. She was notified of this decision, the reason for it and of her right of review or appeal.

Additional medical evidence was received, and forwarded to the Department's Medical Assessor for consideration. However, this information did not alter the opinion of the Medical Assessor and the decision remained unchanged. On the 21 January 2012, she was notified accordingly and of her right of appeal within 21 days. There is no record of an appeal having been received to date.

### **Social Welfare Benefits**

106. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for an invalidity pension in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [7179/12]

**Minister for Social Protection (Deputy Joan Burton):** Invalidity pension is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the contribution conditions. This department received a claim for invalidity pension for the person concerned. The medical evidence provided by the claimant in support of her claim was examined by a medical assessor who was of the opinion that the person concerned is not eligible for invalidity pension as she does not satisfy the medical criteria. The application for invalidity pension was, accordingly, disallowed by a deciding officer. She was notified of this decision and the reason for it. The person concerned subsequently submitted further medical evidence in support of her claim. This evidence has been forwarded to a different medical assessor for evaluation and a decision will issue to the person concerned once the review is completed.

### **Energy Conservation**

107. **Deputy Tom Hayes** asked the Minister for Communications, Energy and Natural Resources when he expects funding to be allocated to the Sustainable Energy Authority of Ireland warmer homes scheme for the coming year; and if he will make a statement on the matter. [7022/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Better Energy: Warmer Homes delivers a range of energy efficiency measures to households that are vulnerable to energy poverty with a total of 20,388 being addressed in 2011. The scheme is managed on behalf of my Department by the Sustainable Energy Authority of Ireland (SEAI) and delivered through a range of Community Based Organisations (CBOs), augmented by a panel of private contractors in order to ensure national coverage. Funding of €17.146 million has been allocated to the SEAI to administer the delivery of Better Energy: Warmer Homes in 2012.

The SEAI is currently in the process of contract renewal with the network of CBOs. Contracts with 20 CBOs were issued last week, and the SEAI is working towards finalising contract arrangements with the final eight. Contracts will run from the 1 February 2012 to 1 December 2012.

In addition, an Invitation to Tender will shortly be published by the SEAI to establish a new panel of private contractors to augment this network. The public procurement process through the Official Journal of the European Union will take a number of weeks to conclude and a panel should be in place by early in Quarter Two.

### Telecommunications Services

108. **Deputy Andrew Doyle** asked the Minister for Communications, Energy and Natural Resources when the report of the work of the task force on the upgrade of broadband services will be available; if the report is not yet available, if he will indicate the progress of the task force to date; and if he will make a statement on the matter. [7050/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Next Generation Broadband Taskforce, which I convened last summer, is finalising its deliberations. The initiative has proven to be a very useful forum for detailed discussions with certain industry stakeholders on their views regarding the optimal policy required to facilitate investment in next generation broadband infrastructure.

The Taskforce will conclude its deliberations shortly. I intend to consider the findings and recommendations of the report of the Taskforce as quickly as possible and to make a submission to Government in this regard. It is my objective to move quickly thereafter to put in place the optimal policy environment for the delivery of high speed broadband.

### Inland Fisheries

109. **Deputy Thomas Pringle** asked the Minister for Communications, Energy and Natural Resources the extent of the Gweebarra river system in County Donegal under the direct control of Inland Fisheries Ireland; and the agreements it has in place with landowners to lease fishing rights on the river. [7106/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** I can advise the Deputy that the Gweebarra Rod Fishery is mainly state owned with a small portion in private ownership. Prior to 2007 access to both public and private parts of the Fishery was unregulated. Neither the state agencies concerned nor the private riparian owners took steps to limit access to their portion of the Fishery nor required a permit fee to be discharged by visitors. A person angling for salmon on the Gweebarra required only the statutory licence required to fish for salmon on any of the waters.

As part of its general statutory functions to protect, improve and promote fisheries within its region the then Northern Regional Fisheries Board (NRFB) decided to consult with the stakeholders on the Gweebarra to see whether agreement could be reached in relation to the preservation and development of the Fishery. The NRFB, in March 2007, reached agreement with the local Gweebarra Fishing Club which agreement runs in perpetuity. There are some 30 reputed riparian owners and agreement was reached with most of these in the same timeframe. This agreement runs for a period of 10 years.

Thus Inland Fisheries Ireland (IFI) have direct management responsibility for the vast majority of the river, only a small number of short stretches of the river located above Doochary village are not directly under IFI management. The main elements of the Agreement with the local Fishing Club were—

- That the fishery was to be protected, improved, developed and managed in accordance with the principles of “catchment management”.
- That fishing was to be conducted in a sustainable manner under an agreed rod management plan as detailed in the Agreement.
- That full membership of the Club was to be granted to all Applicants of good character residing within the catchment, all existing members of the Club at the date of the Agreement and riparian landowners who had entered into Agreements with IFI.

[Deputy Fergus O'Dowd.]

- That the Club was entitled to admit others as associate members (for the same fee and with the same access rights as full members, the only difference being that they could not vote on decisions affecting the fishery).
- That there would be an annual permit fee payable to IFI for each member of the Club.
- That visitors would be accommodated on payment of a daily fee.
- That the fishery would be divided up into beats or sections and the Rod Management Plan involved a limited number of anglers to be accommodated on each beat at any one time.

These new arrangements commenced in 2007 and essentially the previously unregulated position pertaining on the Gweebarra came to an end at that point. The Board commenced management of the Fishery and expended a sum of approximately €160,000 on improvement works on the Fishery.

110. **Deputy Thomas Pringle** asked the Minister for Communications, Energy and Natural Resources the cost to date to prosecute three local anglers (details supplied) on the Gweebarra river; and if he will make a statement on the matter. [7107/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** Prosecutions taken by Inland Fisheries Ireland (IFI) against the three named Anglers for allegedly fishing on the Gweebarra River system are currently adjourned before the District Court. The costs of these prosecutions are unlikely to be significant or out of the norm for routine Fishery prosecutions in the District Court.

In my reply to Parliamentary Question No. 109 of today's date, I have set out the background to the agreement by IFI and its predecessor body, the Northern Regional Fisheries Board, with the local fishing club and riparian owners to protect, improve and promote the fishery on the Gweebarra river which has resulted in an investment of €160,000 on improvement works on the fishery. Following the adjourned District Court Cases, High Court Civil Proceedings were instituted by the former Northern Regional Fisheries Board (now Inland Fisheries Ireland) against three named Anglers. This arises from the need to protect a State asset and the responsibility of IFI to preserve and protect this and other Fisheries in which similar agreements may be reached. While there were efforts to mediate a resolution, these were not successful.

IFI have informed me that clarity in relation to the High Court costs cannot be stated with confidence until hearing dates are set and indeed will depend on the progression of the case. However, it is clear that notwithstanding efforts to mediate a resolution, costs will already have been incurred given there was the initial interlocutory hearing and extensive discovery being sought by the Defendants.

### **Telecommunications Services**

111. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the position regarding the rural broadband scheme; when applicants will be contacted by his Department or a service provider; the estimated timeframe for the provision of broadband; and if he will make a statement on the matter. [7146/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Application Phase of the Rural Broadband Scheme (RBS) closed on 29 July 2011. The Department received 5,000 applications and of these, approximately 3,700 qualified under the terms of the scheme. The Verification Phase of the Scheme has now commenced. In this phase of the Scheme, the details of applicants have been passed to Internet service providers to assess whether a service can be offered to them without intervention from the State. A total of 32 companies are participating in this part of the Scheme.

My Department will be writing to all applicants by the end of this month to let them know the position in relation to their application and asking applicants to give their written permission to enable the companies to contact them directly with a written offer. It is expected that the companies involved will then write with offers to those applicants who give their consent. I expect that a significant number of applicants may be served by commercial operators as part of this phase of the scheme. If any applicants remain unserved after this phase a service will have to be procured by my Department which will be rolled out later this year.

### **Job Creation**

112. **Deputy Seamus Kirk** asked the Minister for the Environment, Community and Local Government the estimated number of jobs created both on a full-time and casual basis under the Leader rural development initiative; and if he will make a statement on the matter. [7003/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP), for which my Department has responsibility, continues to facilitate access to significant financial resources for rural communities. The main objectives of the RDP are to improve the quality of life in rural areas and facilitate the diversification of the rural economy. The RDP is designed to address directly many of the challenges facing rural communities including the need to increase economic activity and stimulate job creation; improve access to basic services for rural dwellers and encourage rural tourism based on sustainable development of natural resources. The programme is inclusive in its approach to arriving at solutions to such challenges using a “bottom up method” where local communities provide local solutions.

Interventions funded under this part of the RDP provide support for the development of rural areas in the broadest possible sense. RDP funding helps to develop vibrant rural communities as well as broaden and increase economic activity to support job creation. In this context many projects can take time to develop and any outputs and impacts of the support take time to emerge. However, Axes 3 and 4 of the RDP have supported the creation of 1,246 jobs to end December 2011. The programme monitoring system collects the data in the form of full time equivalents (FTE) and does not routinely collect casual employment numbers separately. The programme has, to date, assisted 3,329 enterprises in rural areas and supported 847 tourism actions. Many of these interventions have job creation potential and I am confident that, given the time required, they will directly support further job creation in their own local areas.

### **Departmental Funding**

113. **Deputy Michael Moynihan** asked the Minister for the Environment, Community and Local Government when a resolution will be found with regard to the food projects issue under the Leader Programme; and the progress he has made on the matter. [7207/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 340 of 17 January 2012 which sets out the position in this matter. Any decision regarding the funding of the types of project referred to will have to be made in the context of the overall budgetary situation.

### **Appointments to State Boards**

114. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the reason he recently decided not to renew the terms of the members of An Bord Pleanála who have served two previous terms; and if he will make a statement on the matter. [6951/12]

115. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the reason he recently decided to renew the terms of the members of An Bord Pleanála who have served one term by a period of two years only; and if he will make a statement on the matter. [6952/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 114 and 115 together.

Under section 106 of the Planning and Development Act, 2000-2010, it is my prerogative, as Minister for the Environment, Community and Local Government to appoint members to the board of An Bord Pleanála. On the expiration of the terms of a number of Board members recently I decided not to reappoint members who had already served multiple terms and to appoint for a further term those members who had served only one previous term. In so doing I believe that I am providing for an appropriate balance between change and continuity at Board level at a time when significant new functions are being taken on.

When appointing new Board members I will be taking account of the balance of skill sets and expertise required for the effective discharge of An Bord Pleanála's complex and wide ranging functions.

### **Local Authority Services**

116. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government the responsibilities of local authorities in terms of the management, regulation and control of burial grounds; the powers of each local authority in this regard; and the legislation in which these responsibilities and powers are prescribed. [7025/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The main legislative provisions dealing with the provision, management, regulation and control of burial grounds by Local Authorities are contained, in the first instance, in Part III of the Public Health (Ireland) Act, 1878 as amended in Part VI of the Local Government (Sanitary Services) Act, 1948 and more recently, the Local Government Act, 1994, and also in the Rules & Regulations for the Regulation of Burial Grounds 1888 and amendments thereto.

The following are the main provisions involved:

Section 160 of the Public Health (Ireland) Act, 1878 deems each sanitary authority (Local Authority) to be the burial board for its administrative area.

Sections 172-174 of the Act empower burial boards to provide new burial grounds and extensions to existing ones.

Under Section 175 of the Act, a burial board may acquire land for cemeteries or an existing cemetery by agreement or may contract with a cemetery company for burials.

Section 177 places responsibility on the burial board for the care and maintenance of burial grounds provided by them.

Sections 179 and 180 enable burial boards to make arrangements for facilitating the conveyance of bodies to burial grounds and for the provision of places for the reception of bodies until interment.

Section 185 confers on the burial board the power to serve notice requiring a burial ground to be put in good order within a specified time limit of not less than 6 months. If the notice is not complied with, the burial board can carry out the necessary works. Section 185 of 1878 Act does not apply to burial grounds attached to a church which is still in use or in a private demesne.

Section 186 allows the burial board to fence burial grounds and put them in good order where the owner cannot be ascertained or a notice under Section 185 cannot be served.

Under Section 187 a burial board may undertake management of a burial ground at the owner's request and is thereupon deemed to be the owner until the owner repays the expenses incurred.

Under Section 188 fees and payments in respect of interments in any burial ground provided by the burial board may be set, revised or altered by the burial board as they see fit.

Section 191 requires a Register of Burials to be kept by the burial board for each burial ground.

Section 196 requires burial boards to maintain any churchyard or burial ground which is not vested in any other person or persons and in which discontinuance of burials has been required by order.

Section 44 of the Local Government (Sanitary Services) Act, 1948 as amended by the Local Government Act, 1994 defines a burial ground.

Section 46 of that same Act, as amended by the 1994 Act, enables the burial board to grant exhumation licences.

117. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government if the Derelict Sites Act empowers local authorities to compulsorily acquire derelict sites, carry out the necessary work themselves and then charge the owners for the cost; and if he will make a statement on the matter. [7033/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** Section 11 (5) of the Derelict Sites Act 1990 authorises a local authority that has served a notice on an owner or occupier of a site, and the terms of the notice have not been complied with, to enter the site and carry out such steps as they consider reasonable and necessary to give effect to the terms of the notice and to recover the expense incurred from the person on whom the notice was served. The expenses may be recovered in any court of competent jurisdiction. Section 14 of the act authorises a local authority to acquire either by agreement or compulsorily a derelict site in their functional area.

### **Environmental Policy**

118. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the steps he is taking to ensure that Wicklow County Council complies with the order made by his predecessor on 21 April 2008 directing the county council to make a special amenity area order for the Great Sugar Loaf and the Little Sugar Loaf; and if he will make a statement on the matter. [7049/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Wicklow County Council has raised certain issues with my Department in regard to the scope of the order, including in regard to the inclusion of private dwellings, working farms and a golf course. These matters are now the subject of consultation with the Council.

### **Water and Sewerage Schemes**

119. **Deputy Willie Penrose** asked the Minister for the Environment, Community and Local Government if there are grant schemes available for the installation of group sewerage schemes, in rural areas; if he will set out the details thereof; and if he will make a statement on the matter. [7100/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No 185 of 19 January 2012 which sets out the position.

### **Water Quality**

120. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government when he expects to publish the standards of compliance for septic tanks that will be required to comply with the Water Services Bill 2011. [7110/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Water Services (Amendment) Act 2012 sets out the duties for owners of domestic wastewater treatment systems including septic tanks. The Act requires an owner of such a system to ensure that it does not constitute, or is not likely to constitute, a risk to human health or the environment and, in particular, that it does not create a risk to water, air or soil, or to plants and animals, create a nuisance through noise or odours, or adversely affect the countryside or places of special interest.

I intend to carry out a public consultation on draft performance standards for domestic wastewater treatment systems which are being finalised by my Department in consultation with the EPA. These standards will also include the minimum requirements for the maintenance and de-sludging of treatment systems. Full details of the draft standards and the consultation process will be publicised in the coming weeks.

### **Local Authority Charges**

121. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government if a person (details supplied) is exempt from paying the household charge in view of the fact that the property is uninhabitable. [7117/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge.

The Act places the household charge under the care and management of the local authorities, and application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts. The definition of “residential property” in section 2(1) is relevant when considering whether a residential property that is not used or lived in is liable to the household charge.

There are a number of indicators as to what makes a house suitable for occupation for the purposes of determining liability to the household charge. The indicators include the structure

of the house, whether or not it has a roof, whether or not it is so affected by dampness as to render it unsuitable for habitation, and whether or not it has sanitary facilities, including a water closet and water supply. A property that is not suitable for occupation should not be regarded as a residential property within the meaning of the Act.

The Act places the onus on an owner of a residential property to assess his or her liability to the household charge on the liability date (1 January 2012) and, if liable, to declare that liability and to pay the charge in respect of that property by the due date.

### Water Services

122. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government noting that the recommended design figure for water usage is 180 litres per head per day, EPA 1999, that the allocation per house allowed when a commercial user shares a meter with a domestic user is 225 cubic metres annually, DOELG Circular WSP5/06, equivalent to 154 litres per head per day for a four person household and that the current average water use in the State is approximately 150 litres per head per day, Commercial Survey Ideal Standard March 2010, if he will confirm that his proposed prior to charging daily allowance will be at least equivalent to the domestic house allowance provided for in DOELG Circular WSP5/06. [7123/12]

**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 Memorandum of Understanding with the EU, the IMF and the ECB also contains commitments for the reform of water services delivery and operation and the introduction of domestic water charges. To meet these commitments, the Government intends initiating a universal water metering programme in advance of the introduction of water charges. This will facilitate moving to a charging system for domestic water users that is based on use above a free allowance as provided for in the *Programme for Government*. No decision has been taken on the level of free allowance to be provided to households or the method for its calculation. The reforms also propose that economic regulation of the water sector will be assigned to the Commission for Energy Regulation. My Department will be consulting with the Regulator on the approach to the free allowance in advance of the introduction of water charges.

On 16 January 2012, I commenced a public consultation on the Government's proposals for reform of water services delivery in Ireland, including metering and water charges, seeking views from the public on the establishment of a public water utility and the introduction of water charges. The details of the consultation process can be found on my Department's website and submissions can be made to my Department until 24 February 2012.

### Water Services

123. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government his plans for the new water monitoring board; the date on which it will be established; the way it will be structured; if it will be independent of him and independent when setting price; the persons who will make up the membership of the board; and if there will be any recruitment or will the embargo cover this board. [7145/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The *Programme for Government* provides for the establishment of a new State-owned national water authority, Irish Water, to take over responsibility for managing and supervising investment in water services infrastructure and to manage the domestic water metering programme.

[Deputy Phil Hogan.]

The Memorandum of Understanding between Ireland and the EU/IMF commits Ireland to undertaking an independent assessment of the establishment of such an authority.

The first phase of work on the independent assessment has been completed, and a position paper setting out proposed reforms in the water sector has been published as part of a public consultation which will conclude on 24 February 2012. The proposed reforms comprehend:

- the establishment of a new public utility, *Irish Water* to take over the responsibility for the delivery of water services from local authorities;
- the introduction of water charges based on metered usage, with the procurement for the metering programme to commence later in 2012; and
- the introduction of independent economic regulation of the water sector under the Commission for Energy Regulation.

The main role of the Regulator will be to protect the interests of customers. The regulator will be responsible for determining the cost of water services, ensuring that efficiencies are delivered so that the cost of providing the service to the consumer is kept to a minimum. The Regulator will ensure there is a framework where water charges are fair and clear in their implementation and that policies are in place to address affordability issues. The legislation to establish the regulator will determine the powers to be assigned to the regulator and the approach to be taken to regulation.

The phase 1 report was also published as part of the public consultation. This report set out an outline transition plan for the establishment of Irish Water which would involve the appointment of an interim board and Project Management Office in 2012. Irish Water would be established under its own statute by mid 2013 at which point ownership of assets would transfer from local authorities to Irish Water. Local authorities would be agents of Irish Water for a period with Irish Water taking over their operations on a phased basis from January 2015. The full transfer of operations would be completed by end 2017.

Phase two of the independent assessment will set out a more detailed implementation plan and it is expected that this plan will be completed in April 2012 following on from the consultation process. Necessary legislation for all the components of the water reform plan, including the establishment of Irish Water, will be brought forward after this date, taking account of the finalised transition plan.

### **Co-operative Sector**

124. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government in view of the fact that the UN is leading an initiative for the International Year of Co-Operatives in 2012, if he is planning any measures to encourage the development of the cooperative sector here; and if he will make a statement on the matter. [7161/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department’s involvement with the co-operative sector relates to the provision of funding under the Capital Assistance Scheme to certain Approved Housing Bodies, registered as co-operatives, for the provision of housing for low income families and persons with specific categories of housing need.

My Department also contributes towards the administrative costs of the National Association of Building Co-operatives (NABCo), the national umbrella organisation for housing co-operatives, which provides training, research and advice in the area of co-operative housing.

### Household Charge

125. **Deputy Michael McGrath** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 149 of 26 January 2012, if he will clarify a matter (details supplied). [7216/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** As part of the process of preparing the National Housing Development Survey 2011, launched by my Department in October 2011, local authorities provided details of all unfinished housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- Category two, where a receiver has been appointed;
- Category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- Category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorisation process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting facilities, piped water and sewerage facilities and open spaces or similar amenities within the development;
- the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned and
- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

In some cases a local authority may have found that conditions in respect of a certain phase of a development were relatively good and that, for example, no serious public safety issues could be identified. This phase of the development may have been categorised under category 1 or 2. Conversely, safety issues may have been identified in another phase of the same overall development, or development in that second phase may have been abandoned altogether, implying a category 3 or 4 identification for that phase.

This categorisation formed the basis for the list of those unfinished developments eligible for a waiver on the annual household charge.

Only households in developments in categories three and four are eligible for the waiver from payment of the household charge. This list of developments in which households are eligible for the waiver in 2012 is set out under the Local Government (Household Charge)

[Deputy Phil Hogan.]

Regulations 2012 and forms the complete and final list of such developments for this year. The Local Government (Household Charge) Act 2011 does not provide for an appeals facility in this regard. A revised list of estates will be prescribed for 2013 after which time the waiver for unfinished housing developments will end. Throughout this period it is anticipated that the numbers of categories 3 and 4 developments will decrease as my Department continues to work with local authorities and other stakeholders to resolve outstanding issues, including through the Public Safety Initiative.

### Local Government Audit Service

126. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government the number of value for money and or special reports carried out by the local government audit division in each of the past five years; the plans if any, for such reports and subject matter to be carried out in 2012; and if he will make a statement on the matter. [7225/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Financial Provisions) Act 1997 established, on a statutory basis, a Value for Money (VFM) Unit in Local Government Audit Service. The Unit carries out VFM studies on local authority operations, with a view to identifying best practice and recommending ways of improving existing procedures, practices and systems and, thereby, promoting efficiency and cost effectiveness. VFM audits are being carried out by local government auditors in addition to their normal regulatory audits of local authorities.

The table below details the number of value for money and/or special reports carried out by the Value for Money Unit in the Local Government Audit Service in each of the past five years.

Year	No.
2011	4
2010	3
2009	1
2008	0
2007	1

The VFM Unit plans for the following reports to be carried out in 2012:

1. *VFM National Report -Absenteeism in local authorities.*
2. *VFM Progress Reports.*

Follow-up reports on the progress, by local authorities, on implementation of the recommendations contained in three VFM National Reports are currently being carried out by the VFM Unit. The reports in question concern social and affordable housing, development contributions, and management and maintenance of vacant dwellings in local authorities.

### 3. *Spot-Checks of Capital Projects*

Spot-checks of capital projects, funded by my Department and undertaken by local authorities which were either in progress or completed during 2010 and/or 2011 are being carried out by the Unit at present. The spot-check of capital projects is to ensure compliance with guidelines issued by the Department of Finance for the appraisal and management of capital expenditure proposals in the public sector.

The work of the VFM unit is subject to oversight by a Committee comprising senior officials of my Department and local authorities and chaired by the independent Director of the Local Government Audit Service.

### Defence Forces Staff

127. **Deputy Sean Fleming** asked the Minister for Justice and Equality if he will provide a breakdown of numbers and grades of members of the Gardaí who have applied to the public service early retirement scheme; and if he will supply a breakdown of the stations to which these retirees are currently attached. [7035/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Public servants, including Gardaí, who retire on or before 29th February 2012 will receive pension benefits based on their salary scales applicable on 31st December 2009 and they, like others presently in receipt of public service pensions, will pay a Public Service Pension Reduction (P.S.P.R.) on their pensions thereafter. This reduction is a scaled percentage of their actual pension. Public servants, including Gardaí, who retire after 29th February will receive pension benefits based on their then current salary scales (as already affected by the Financial Emergency Measures in the Public Interest Act 2009) but they will not pay the Public Service Pension Reduction on their pensions. Members of An Garda Síochána who are over 50 years of age and do not have 30 years service may also avail of a cost neutral early retirement (C.N.E.R.) scheme. Their pension and lumps sums are actuarially reduced depending on their length of service and age at the time of retirement. I have been informed by the Commissioner that since 1 January 2010, 3 members have availed of this scheme, details of which are in the table below. Almost all Gardaí take voluntary retirement i.e. they leave before the compulsory retirement age of 60 years of age — in 2010 there were 353 voluntary retirements, 9 compulsory retirements and 1 CNER, and in 2011 there 428 voluntary retirements, 8 compulsory retirements and 2 CNER's.

Cost Neutral Early Retirements — 01.01.10-29.02.12 (as at 06.02.12)

Rank	Station	Year of Retirement
1 Garda	Charlestown	2011
1 Sergeant	Clara	2011
1 Sergeant	Garda HQ	2010

### Visa Applications

128. **Deputy James Bannon** asked the Minister for Justice and Equality when an application for a visa will be approved in respect of a person (details supplied); and if he will make a statement on the matter. [7178/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The visa application referred to by the Deputy was received in the Visa Office, Dublin on the 20 September 2011. Whilst a preliminary assessment of the application has been completed, the application referred to is awaiting a comprehensive examination.

It is the case that applicants are advised to make their application at least eight weeks in advance of the proposed date of travel. It should however be borne in mind that the time-frame of eight weeks acts as a guideline only. The actual time-frame for decision is ultimately dependent on a number of factors, including the individual circumstances of the case, the number of applications on hand and the resources available to process them. I can advise that

[Deputy Alan Shatter.]

each visa application is considered on its individual merits, the onus as always resting with the applicant to establish to the satisfaction of the Visa Officer as to why the visa sought should be granted. The applicant will be notified of the decision as soon as one is made.

Queries in relation to general immigration matters 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.

### **Defence Forces Strength**

129. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will provide an assurance that a number of senior promotion ranks in An Garda Síochána that have been approved but not filled will be filled as a matter of urgency; and if he will make a statement on the matter. [6956/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy may be aware, yesterday I secured Cabinet approval for the appointment of 2 Assistant Garda Commissioners, 8 Chief Superintendents and 23 Superintendents, a total of 33 appointments to senior Garda ranks. All of the consequential vacancies at Sergeant and Inspector ranks will also be filled. I was very glad to secure the agreement of my colleague, the Minister for Public Expenditure and Reform, and the Cabinet as a whole for such a significant number of appointments. In seeking these promotions, I was conscious of the need to enable the Garda Commissioner to fill key positions in the senior ranks, and to maintain both the investigative and also the management and supervisory capacity of the Force. With clarity now emerging on the final number of retirements expected by the end of this month, I will be discussing with the Minister for Public Expenditure and Reform the case for filling outstanding vacancies in the senior ranks.

### **Asylum Applications**

130. **Deputy Robert Dowds** asked the Minister for Justice and Equality the position regarding the immigration status in respect of a person (details supplied) in Dublin 22; and when a decision will issue. [7034/12]

**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 4 December 2009, that the 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 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.

### State Cars

131. **Deputy Pat Deering** asked the Minister for Justice and Equality when the redundant State cars will be sold; the way the sale will be handled; and where they will be advertised. [7036/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that very active steps are being taken for the disposal of Office Holder cars which are surplus to requirements through a public auction. A tender competition to retain the services of a vehicle auctioneer is expected to be finalised in the near future and when the auctioneer has been selected the necessary arrangements for the auction will be made.

### Garda Transport

132. **Deputy Pat Deering** asked the Minister for Justice and Equality the plans he has to replace Garda cars as they are taken out of service due to high milage and or poor condition, on a local and national basis (details supplied). [7037/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and allocation of Garda resources, including transport, is a matter for the Garda Commissioner.

I am advised by the Garda authorities that provision has been made in the Garda Vote for 2012 to acquire new Garda vehicles which will be deployed in accordance with An Garda Síochána's identified policing requirements across Garda Divisions and the availability of financial resources.

I have also been informed by the Garda authorities that a full and comprehensive policing service is being delivered to the area referred to by the Deputy. They have also confirmed that the relevant policing arrangements will be kept under on-going review to ensure that optimum use is made of Garda resources.

### Garda Investigations

133. **Deputy Finian McGrath** asked the Minister for Justice and Equality with regard to the Garda investigation into fraud at the National Education Welfare Board and a file sent to the Director of Public Prosecutions in 2011, if he will confirm that this file relates to the same Garda investigation that commenced in 2006; his views on the length of time that has passed since the Garda was advised of the fraud in 2006; the reason the Garda waited until 2010 to seek a statement from the then Finance Manager of the NEWB who resigned in 2005 and in 2011 to interview other staff of the board; and if he will make a statement on the matter. [7053/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again in this regard.

134. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will confirm that the Garda received a complaint regarding possible internet browsing of child pornography at the National Educational Welfare Board by the NEWB and a company (details supplied) in 2005; and if he will make a statement on the matter. [7054/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again in this regard.

### **Citizenship Applications**

135. **Deputy Willie Penrose** asked the Minister for Justice and Equality when an application for naturalisation will be finalised in respect of a person (details supplied); and if he will make a statement on the matter. [7089/12]

**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 January, 2012.

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.

### **Registration of Title**

136. **Deputy Arthur Spring** asked the Minister for Justice and Equality the reason the application for registration and transfer of legal ownership of commonage (details supplied) to all persons listed on the trust deed document associated with the land was not processed by the Property Registration Authority, in view of the long-term possession of the land by all of the applicants who are listed on the trust document and considering that ownership of commonages have been transferred to shareholders of commonages held by trust documents in other situations. [7093/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions. The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications, such as the subject of this question, which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamen-

tary Questions. It is operated by the PRA and is available all year round. I can further inform the Deputy that his query has been forwarded to the PRA for attention and direct reply via the above mentioned service.

### **Citizenship Applications**

137. **Deputy Pat Deering** asked the Minister for Justice and Equality when a person (details supplied) in County Carlow will receive a decision on their application for naturalisation.

[7149/12]

**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 February, 2010. The application is at an advanced stage of processing. The person concerned will be informed of my decision on his application in due course.

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.

### **Visa Applications**

138. **Deputy Seán Ó Feargháil** asked the Minister for Justice and Equality if he has had any engagement with the Department of Foreign Affairs and Trade on the matter of student entry visas; if he appreciates the volume of students that could be attracted to undertake higher level programmes here if the visa system was less impenetrable; and if he will make a statement on the matter. [7156/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy may be interested to learn that 5,412 applications were processed for Irish student visas in 2011. 4,741 of these applications were granted which represents an approval rate of 87.6%. Furthermore the statistics for the total number of non-EEA nationals resident in Ireland on 31 December 2011 on a student permission stood at almost 31,400. In light of these very positive statistics is difficult to understand how the visa and student migration systems could be described as impenetrable. Indeed, dealing specifically with visas for Irish accredited degree programmes, these are already fast-tracked, reflecting the governments international education strategy.

As regards engagement by my Department and the Department of Foreign Affairs and Trade on the matter of student visas, there is regular engagement between all State agencies and education providers on the internationalisation of the Irish Education Services. Indeed this engagement has been in progress for some time. The *New Immigration Regime for Full Time Non-EEA student* was published by the Irish Naturalisation and Immigration Service (INIS) in September 2010 and came into operation in January 2011. The New Regime implemented the recommendations of the Interdepartmental Committee on non-EEA Student Migration which was comprised of representatives of INIS and, as they were in 2010, the Department of Education and Skills, The Department of Foreign Affairs, the Department of Enterprise, Trade and Innovation, the Department of Tourism, Culture and Sport, the Department of Social

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Protection, the Department of Finance the Office of the Revenue Commissioners and the Department of the Taoiseach.

The new student arrangements were developed in tandem with the internationalisation of education strategy which aims to increase the number of foreign national students engaged in Irish higher education by 50% and in English Language training by 25% by the year 2015. Both initiatives are complementary to each other. As part of the development process of this new strategy the High Level Group was established in late 2009 and comprises representatives of the relevant Government Departments (including Justice and Foreign Affairs) and State Agencies as well as the university, institute of technology and English language sectors.

### **Residential Institutions**

139. **Deputy Robert Dowds** asked the Minister for Justice and Equality the consideration being given to issues relating to the former Bethany Home and the appropriateness and practicality of such issues being addressed in a satisfactory manner; and if he will make a statement on the matter. [7171/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Government has charged an inter-departmental committee with clarifying any State interaction with the Magdalen institutions and producing a narrative detailing such interaction. There are presently no plans to expand its brief beyond those institutions. While I cannot be any more specific at this time, I can assure him however that consideration continues to be given to issues related to the former Bethany Home and the appropriateness and practicality of such issues being addressed in a satisfactory manner.

### **Defence Forces Personnel**

140. **Deputy Robert Troy** asked the Minister for Defence if the State will provide the Reserve Defence Forces personnel in Mullingar, County Westmeath, with a training location or if he intends to dispense with their services going forward. [6966/12]

**Minister for Defence (Deputy Alan Shatter):** My Department is in the process of securing alternative accommodation for the Reserve Unit based in Mullingar. To this end, an advertisement is being placed in local newspapers inviting tenders for the provision of such accommodation on a rental basis.

### **Army Barracks**

141. **Deputy Robert Troy** asked the Minister for Defence the progress that has been made in finding an alternative use for Columb Barracks, Mullingar, County Westmeath; if he has had consultations with any interested groups; and if he will make a statement on the matter. [6967/12]

**Minister for Defence (Deputy Alan Shatter):** When the Government took the decision to close a number of Military Barracks, I asked my Department to enter into discussions with other Government Departments, Local Authorities, State Agencies and community groups regarding the possible purchase of the properties to benefit the local community as a whole but with particular emphasis on job creation measures. In this regard officials from my Department have met with officials from Westmeath County Council regarding Columb Barracks, Mullingar. My Department has also been in contact with a third level institution from abroad who has expressed a potential interest in establishing a college in Ireland. I can assure the

Deputy that every effort will be made to dispose of the barracks so as to maximise the benefits to the local community.

*Question No. 142 withdrawn.*

### Naval Service Operations

143. **Deputy Thomas Pringle** asked the Minister for Defence the number of boardings and inspections of Dutch factory fishing vessels that have been carried out by the Naval Service during the mackerel fishing season off the south and west coast in each of the past five years; and if he will make a statement on the matter. [7112/12]

**Minister for Defence (Deputy Alan Shatter):** Details of boardings and inspections of Dutch factory fishing vessels that have been carried out by the Naval Service during the mackerel fishing season off the south and west coast in each of the past five years are set out in the following table:

Year	Boardings/Inspections
2011	28
2010	9
2009	8
2008	12
2007	1

### Defence Forces Training

144. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which military training for the Army, Navy and Air Corps is kept up to date and in accordance with modern practice and international standards for such armies; and if he will make a statement on the matter. [7187/12]

**Minister for Defence (Deputy Alan Shatter):** Training and Education are vital activities in all Military organisations. Training enables Defence Forces personnel to achieve their required standard of operational effectiveness. Over the past decade the Defence Forces have undertaken more challenging roles, in particular on overseas service and have also introduced new highly technical equipment. External Education both at Universities and Institutes at home and abroad, fulfils Defence Forces requirements by providing education and expertise, which cannot be delivered within the organisation and which ensures that Defence Forces personnel attain the required level of academic and professional qualifications. The Defence Forces conducts training and education under three broad categories namely skills training, career training and education and collective training. Skills training is the medium through which the Defence Forces ensures that its personnel have the requisite individual, specialist, and crew skills to permit the development of organisational capabilities. Career training provides the organisation with the necessary pool of leaders and commanders at all levels from Section Commander to Brigade Commander. Collective Training operationalises individual, crew, specialist and career training by moulding Sub-Units, Units and Formations into integrated and coherent combat forces thereby providing the Defence Forces with the capabilities required to fulfil its roles and missions both at home and overseas.

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Training is at the core of all things military. I am satisfied with the ongoing actions to keep military training techniques up to date in all respects and Defence Forces training plans structured to provide the capabilities needed to execute the roles assigned by Government.

Training and Education is under constant review within the Defence Forces. This is to ensure that the Defence Forces provide an effective highly trained force capable of fulfilling all roles assigned by Government, while also utilising the most efficient and economic use of resources.

### **Defence Forces Equipment**

145. **Deputy Bernard J. Durkan** asked the Minister for Defence the degree to which the sea-going vessel of the Naval Service continue to be upgraded, replaced and or modernised on an ongoing basis with a view to matching the highest possible international standard; and if he will make a statement on the matter. [7188/12]

148. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which investment in modern technology and equipment including IT continues in the Naval Service; the extent to which such requirements are likely to be met in the future; and if he will make a statement on the matter. [7191/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 145 and 148 together.

A strategy for the replacement of Naval Service Offshore Patrol Vessels is currently in train. A contract was signed in October, 2010 with Babcock Marine in the United Kingdom for the provision of two new offshore Patrol Vessels (OPV's). The contract price for the two ships is €99 million exclusive of VAT and subject to contract terms and final agreed costs. In addition, the cost of providing a weapons system for the ships, similar to the systems on LE Roisin and LE Niamh, will be €7.8 million, exclusive of VAT. Payments on the contract are scheduled over a period of eight years, 2010 to 2017 and are being funded from within the annual Defence budget. The first ship will be delivered in 2014 and the second a year later.

The acquisition of these modern new vessels, combined with a continuous process of refurbishment and repair on the other vessels in the fleet, will ensure that the operational capability of the Naval Service is maintained at a satisfactory level and that the most up to date equipment, including modern technology and IT equipment, is available to Naval Service personnel.

146. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which Air Corps aircraft and equipment continues to be modernised in line with best international practice with a view to ensuring maximum efficiency and liability; and if he will make a statement on the matter. [7189/12]

147. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which investment in modern technology and equipment including IT continues in the Air Corps; the extent to which such requirements are likely to be met in the future; and if he will make a statement on the matter. [7190/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 146 and 147 together.

I am satisfied that the equipment, aircraft and technology available to the Air Corps are of a high standard. Air Corps aircraft are subject to a strict maintenance regime in accordance with best aviation practice.

There are no plans for the acquisition of new aircraft for the Air Corps at the present time but this has to be taken in the context of the significant expenditure on the Air Corps fleet in recent years. The provision for the Air Corps in 2012 mainly relates to the maintenance and Power by the Hour contracts set up to keep the Air Corps fleet fully operational.

*Question No. 148 answered with Question No. 145.*

### **Defence Forces Equipment**

149. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he expects to be in a position to ensure adequate investment in emergency services provided by the Defence Forces in the future, notwithstanding the ongoing economic situation; and if he will make a statement on the matter. [7192/12]

**Minister for Defence (Deputy Alan Shatter):** I am satisfied that the Defence Forces will continue to have the necessary resources to fulfil all the roles assigned to them by Government including the provision of assistance to the Civil Authorities in any emergency situations that might arise. Whilst the Defence Forces are not a Principal Response Agency, as defined in the Framework for Major Emergency Management, they will continue to provide the fullest possible assistance to the appropriate Lead Department in the event of a severe weather emergency in an Aid to the Civil Authority (ATCA) role under the multi-agency Framework.

Requests for Aid to the Civil Authorities are met within the normal Defence Forces means and capabilities, and the Department of Defence does not purchase specialised equipment for the Defence Forces with the sole purpose of rendering Aid to the Civil Authorities. However, certain vehicles and equipment held by the Defence Forces to meet their current operational requirements can also be used to provide assistance to the Civil Authorities, as was done, for instance, during the severe weather situations in recent years.

The acquisition of new equipment for the Defence Forces, including equipment that can also be used for rendering aid to the Civil Authorities, is a matter that is kept under continuous review. The budgetary situation will dictate the level of funding available for new equipment and upgrades in that period and decisions will be made accordingly. The priority this year and in the coming years is on maintaining the capabilities for the Defence Forces to deliver effective services across all of the roles assigned by Government including the continuance of the practice of rendering aid to the Civil Authorities, as and when required.

### **Defence Forces Strength**

150. **Deputy Bernard J. Durkan** asked the Minister for Defence the number of positions, at all ranks, currently vacant or waiting to be filled in the Army, Navy and Air Corps; and if he will make a statement on the matter. [7193/12]

**Minister for Defence (Deputy Alan Shatter):** The table that follows outlines the number of vacancies in the Army, Air Corps and Naval Service. The number of vacancies, by rank, is based on the Employment Control Framework of 10,000 all ranks in the Permanent Defence Force versus the strength of 9,438 as at 31 December 2011, the latest date for which figures are available. As the Deputy will be aware a major re-organisation of the Defence Forces will be initiated resulting from the Government decision to maintain the strength of the Permanent Defence Force at 9,500. This re-organisation, which will prioritise “front line” service delivery, will have an impact on the number of vacancies in each rank. I have asked the Chief of Staff and Secretary General to bring forward detailed re-organisation proposals for my consider-

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ation. The effect of the changes cannot be determined until the proposals are considered and decisions made.

Arrangements are currently being made to hold Officer promotion competitions which have already been announced. Meanwhile promotion boards for Non-Commissioned Officer competitions are being put in place.

	LT GEN	MAJ GEN	BRIG GEN	COL	LT COL	COMDT	CAPT	LT	SM	BQMS	CS	CQMS	SGTS	CPLS	PTES CADETS	TOTAL
ARMY	0	2	2	8	16	44	13	+88	5	11	34	62	179	72	10	370
AIR CORPS	0	+1	0	0	0	11	3	13	2	1	21	5	10	9	21	95
NAVAL SERVICE	0	0	0	0	0	13	18	+6	2	3	22	4	40	0	1	97
TOTAL		1	2	8	16	68	34	+81	9	15	77	71	229	81	32	562

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151. **Deputy Bernard J. Durkan** asked the Minister for Defence the current strength of the Defence Forces, Army, Navy and Air Corps; the strength of the Reserve; the degree to which the numbers have fluctuated in each of the past five years to date in 2012; and if he will make a statement on the matter. [7194/12]

**Minister for Defence (Deputy Alan Shatter):** I am advised by the Military Authorities that the strength of the Defence Forces, Army, Navy and Air Corps was 7650, 997 and 791 respectively, giving a total of 9438 on 31 December 2011, the latest date for which figures are available. The strength of the Army and Naval Service Reserves on the same date was 4995 and 225 respectively, giving a total of 5220. The strength of the Defence Forces, Army, Navy and Air Corps and the strength of the Reserve at 31 December in each of the years 2007-2011 is contained in the following tables:

Defence Forces, Army, Navy and Air Corps

Year	Army Strength	Naval Service Strength	Air Corps Strength	Total Strength
2007	8,512	1,077	845	10,434
2008	8,507	1,070	832	10,409
2009	8,070	1,031	805	9,906
2010	7,752	1,032	766	9,550
2011	7,650	997	791	9,438

Reserve

Year	Strength
2007	8,408
2008	7,671
2009	6,644
2010	6,083
2011	5,220

It is the Government's intention that the Defence Forces retain the capacity to operate effectively across all of the assigned roles to them. It was against this backdrop, and having regard to restricted financial allocations, that the Government decided to maintain the strength of the Permanent Defence Force at 9,500 personnel. This recognises the significant modernisation that has been achieved to date.

In response to this revised strength ceiling of 9,500, there will be a major re-organisation of the Defence Forces encompassing a reduction in the number of Army Brigades from three to two. I have asked the Chief of Staff and the Secretary General of the Department of Defence to bring forward detailed proposals for my consideration.

Although Defence resourcing has further reduced for 2012, the allocation for paid training for the Reserve Defence Force in 2012 will be maintained at 2011 and 2010 levels. In addition to training for existing members of the Reserve, this will provide for training of approximately 400 new recruits to the Reserve Defence Force during 2012.

152. **Deputy Bernard J. Durkan** asked the Minister for Defence the current strength of the FCA; the extent to which ongoing training and equipment remains available to the force; and if he will make a statement on the matter. [7195/12]

**Minister for Defence (Deputy Alan Shatter):** As of 31 December 2011, the strength of the Army Reserve was 4,995 and the strength of the Naval Service Reserve was 225, a combined total of 5,220. The Reserve Defence Force Implementation Plan has provided the framework for the development of the Army Reserve and Naval Service Reserve since its launch in 2004. Under the plan Reserve equipment was improved and new training syllabi were developed. A Value for Money Review of the Reserve is ongoing and recommendations regarding the future development of the Reserve will be brought forward in due course.

The reduced resource envelope available to Defence has necessarily impacted the Reserve. The level of paid training has reduced accordingly. However, a provision of 30,000 paid training days is allocated for 2012. This is the same as in 2010 and 2011. This, in tandem with unpaid training undertaken by members of the Reserve, is sufficient to ensure ongoing training for active members of the Reserve.

### Defence Forces Personnel

153. **Deputy Bernard J. Durkan** asked the Minister for Defence the total number of women at all ranks in the Defence Forces including the Reserve and FCA; and if he will make a statement on the matter. [7196/12]

**Minister for Defence (Deputy Alan Shatter):** The number of female personnel serving in the Permanent Defence Force (PDF) on 31 December 2011, the latest date for which figures are available, was 565, of which 467 were serving in the Army, 30 in the Air Corps and 68 in the Naval Service. In terms of ranks, the breakdown of female personnel serving in the PDF on 31 December 2011 was 145 Officers, 186 Non Commissioned Officers, 229 Privates and 5 Cadets. The percentage of female personnel serving in the PDF on 31 December 2011 was 5.99% of the overall strength of the Force on that date. With regard to the Reserve Defence Force (RDF), the number of female personnel serving on 31 December 2011, the latest date for which figures are available, was 1,120, of which 1,059 were serving in the Army Reserve and 61 in the Naval Reserve. In terms of ranks, the breakdown of female personnel serving in the RDF on 31 December 2011 was 51 Officers, 252 Non Commissioned Officers and 817 Privates. The percentage of female personnel serving in the RDF on 31 December 2011 was 21.46% of the overall strength of the Force on that date.

The Government is committed to a policy of equal opportunity for men and women throughout the Defence Forces and to the full participation by women in all aspects of Defence Forces activities. Unlike many other national armed forces, the Defence Forces have no restrictions as regards the assignment of men or women to the full range of operational and administrative duties. All promotions and career courses in the Defence Forces are open to both genders on merit.

### Departmental Bodies

154. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine if he has received a revised proposal from Bord na gCon in regard to assisting in the management of greyhound racing in China; if he will confirm that animal welfare will be prioritised in any submission received from Bord na gCon in regard to assisting in the management of greyhound racing in China; and if he will make a statement on the matter. [7215/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department does not currently have a proposal from Bord na gCon (BNG) seeking consent to expand into greyhound racing in China. A revised proposal received from BNG gave rise to a number of queries by my Department and was not progressed.

### Food Imports

155. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the value and volume of potato chips and other potato-related imports in each of the past three years; and if he will make a statement on the matter. [6999/12]

156. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine if there is any import substitution initiative for potato chips products being considered by him; and if he will make a statement on the matter. [7000/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 155 and 156 together.

Imports of potatoes and potato products into Ireland for the years 2008-2010 are presented in the table below. In relation to fresh potatoes, the major imports are in respect of new season and baby potatoes and in the last few years a number of Irish growers have started to produce baby potatoes.

My Department recognises the major challenge in tackling these levels of imports. We have been engaged in discussions with various parties including other State Agencies, growers and manufacturers to make progress in reducing these levels. I am satisfied that the major focus of our efforts should be on fresh potatoes and chips, where the major volumes of imports occur.

I am currently examining the report of the group established to oversee the implementation of the horticultural recommendations in the Harvest 2020 Report. My colleague the Minister of State with responsibility for horticulture, Mr. Shane Mc Entee is ensuring the maximum contribution of horticulture to the Irish economy.

Descriptions	Imports					
	Jan-Dec 2008		Jan-Dec 2009		Jan-Dec 2010	
	€000	Tonnes	€000	Tonnes	€000	Tonnes
Potatoes, fresh or chilled (not including sweet potatoes)	25,848	52,212	22,840	58,021	27,433	66,326
Flour and meal of potatoes	2,033	1,330	1,610	1,485	4,143	6,537
Flakes, granules and pellets of potatoes	354	401	305	338	1,765	801
Potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen	41,682	52,949	41,576	49,717	39,255	54,961
Potatoes prepared or preserved otherwise than by vinegar or acetic acid, not frozen	46,192	15,399	46,069	15,272	44,705	12,326
<b>Grand Total</b>	<b>116,109</b>	<b>122,291</b>	<b>112,400</b>	<b>124,833</b>	<b>117,301</b>	<b>140,951</b>

157. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the value of fresh fruit and vegetables imports in each of the past three years; and if he will make a statement on the matter. [7001/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Imports of fresh fruit and vegetables into Ireland for the years 2008-2010 are presented in the table below.

My Department continues to encourage the production of fruit and vegetables in Ireland and in the Budget I announced the provision of €3.25 million of grant aid for the commercial horticultural sector for 2012. In addition, my Department administers the EU Producer Organisation Scheme.

I am currently examining the report of the group established to oversee the implementation of the horticultural recommendations in the Harvest 2020 Report. My colleague the Minister of State with responsibility for horticulture, Mr. Shane Mc Entee is ensuring the maximum contribution of horticulture to the Irish economy.

Imports of fruit and vegetables into Ireland 2008-2010

Product <sup>1</sup>	2008		2009		2010	
	Value €m	Tonnage 000s	Value €m	Tonnage 000s	Value €m	Tonnage 000s
Apples	54,547	65,413	48,914	58,871	47,934	53,271
Strawberries	22,074	5,725	20,833	5,836	18,421	4,138
Total other Fruit	439,256	375,031	364,110	345,563	389,782	354,890
Potatoes	116,109	122,291	112,400	124,833	117,087	140,549
Carrots	13,082	19,072	16,849	25,283	14,451	23,474
Cabbage	18,935	19,629	20,736	20,932	22,356	21,952
Tomatoes	56,419	55,094	53,037	51,627	54,179	48,571
Onions	29,328	57,523	20,489	41,286	26,157	44,738
Total other Vegetables	164,328	132,215	193,091	150,402	219,677	162,909
Total Fruit and Vegetable Imports	914,078	851,993	850,459	824,633	910,044	854,492

<sup>1</sup>includes fresh/dried

### Horticulture Sector

158. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine the number of persons employed on a full-time basis and part-time basis in the mushroom industry in 2011; and if he will make a statement on the matter. [7002/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Department's and Bord Bia's best estimate of those employed in the Irish mushroom industry including growing, marketing and mushroom compost manufacture is the equivalent of over 2,500 full time jobs. Almost 90% of those employed are involved in production of the crop. As the mushroom industry has become more concentrated, and with fewer growers involved in production, the numbers of part-time workers has declined over the years.

The output from the mushroom industry showed a marginal increase in 2011. Irish mushroom exports increased by 2% in 2011 arising from better consumer demand in the UK. This was

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partly due to the EU/Industry co-funded 3-year mushroom promotion campaign on the UK market, which started in 2011. The medium term prospect for the industry continues to be positive but is still very much influenced by the Sterling-Euro exchange rate.

### **Aquaculture Development**

159. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding licensed fish farms; and if he will make a statement on the matter. [7024/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are 39 aquaculture marine based finfish licences in Ireland.

All stocks of salmon and trout on every farm are inspected by the Marine Institute on 14 occasions throughout the year when stock are present. Sea lice inspections take place monthly, with two inspections taking place each month during March, April and May. One inspection is carried out for the December-January period. Notices to carry out sea lice treatment are issued when observed levels of infestation reach a specified treatment trigger level. These levels are set at a low level by international standards.

During the Dec 2011-Jan 2012 period elevated sea lice levels were recorded at 4 sites.

In these cases notices to carry out lice treatments have been issued to the operators and the sites in question are subject to follow up inspections by the Marine Institute to assess the efficacy of the treatments applied.

The lice monitoring and control programme in place in Ireland is comprehensive and transparent with all farms inspected 14 times per annum by independent inspectors from the Marine Institute, acting on behalf of my Department. The results are circulated to all interested parties monthly and published annually. The Irish monitoring and control programme is unique in that it is completely independent of industry and the full results are published. It is comprehensive in that all farms and all sites are inspected. The monitoring and control programme in Ireland is more advanced than that in any other jurisdiction and has been acknowledged by the Environment Directorate (DG Environment) of the EU Commission as representing international best practice.

### **Grant Payments**

160. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Galway did not receive their full single farm payment and considering they were not given the opportunity of an appeal which seems to be very unfair, if he will further examine this matter; and if he will make a statement on the matter. [7028/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 16th May 2011. This application was selected for a ground eligibility/cross compliance inspection. During the course of this inspection discrepancies were found that resulted in a claimed area of 27.37ha being reduced to 25.37ha. If the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number entitlements held by the person named is 34.22. As the difference between the area declared and the area found is more than 3%, under EU Regulations, the difference between the area found and the area claimed is doubled and

deducted from the area found. As a result the area put forward for payment under the Single Payment Scheme was 21.37ha.

The person named was informed of this decision by formal notice on 13 January 2012 and of his right to seek a review. He was also informed of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. To date there is no record of such a request being made but this question will be taken as such a request and the review will be considered. The person named will be informed of the outcome as soon as it is available.

Payment under the Single Payment Scheme was made on 19 January 2012 with payment under the Disadvantaged Area Scheme made on 14 January 2012, in respect of the reduced area.

### **Departmental Schemes**

161. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the number of farmers that will face a reduction in their payments under the disadvantaged area scheme as a result of the changes announced in budget 2012; and if he will make a statement on the matter. [7111/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is widely recognised that the Disadvantaged Areas Scheme is a very important one for this country, as the total area designated as disadvantaged is almost 75% of Ireland's total land area. From an economic perspective, the Scheme is particularly significant, contributing to the support of in excess of 100,000 Irish farm families, whose ability to farm is restricted by the physical environment and, in particular, the impact of the prevailing wet cold climatic conditions. The Scheme, which is co-funded by the EU, is an integral part of Ireland's Rural Development Plan, 2007/2013, and as such, any proposed change to Scheme criteria requires the agreement of the EU Commission. In this regard, therefore, the changes announced in the context of the recent Budget have been submitted to Brussels; the Commission's response is expected shortly.

The budgeted expenditure under the 2012 Scheme will be reduced from €220 million to €190 million and, in order to achieve the €30 million saving in expenditure, it is proposed to introduce specified changes to the Scheme eligibility criteria for 2012. This will be achieved by making technical adjustments to the Scheme criteria to ensure that the aid payment is focused on farmers, whose farming enterprises are situated exclusively in Less Favoured Areas and who are making a significant contribution to achieving the objectives of the Scheme.

The savings will be achieved without the need to reduce the existing rates of aid and, in addition, there will also be no reduction in the maximum area payable — 34 hectares. The proposed changes are designed to ensure that the payments under the Scheme are focused on those farmers who (i) are farming exclusively in Disadvantaged Areas, (ii) make a significant contribution to the maintenance of a viable rural community and (iii) contribute to the enhancement of the environment.

In view of the above, it will be appreciated that, given the range of variables, it is not possible to be definitive as to the effect the changes will have on farmers in any given county. You should, of course, also be mindful of the need to obtain the agreement of the EU Commission to the implementation of the proposals.

### **Food Safety**

162. **Deputy Noel Grealish** asked the Minister for Agriculture, Food and the Marine the obligation he has, with reference to the farm-to-fork traceability requirements, regarding the movement of animals within the State without passports; the consequence of such movement

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of animals without proper documentation; and if he will make a statement on the matter. [7113/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Regulation (EC) No. 178 of 2002, which sets out the general principles and requirements of EU food law, stipulates among other things, that food business operators at all stages of production, processing and distribution within the businesses under their control must ensure that foods satisfy the requirements of food law and that these requirements are met. On traceability, the regulations require that the operator must have systems in place to be able to identify any person from whom they have been supplied with a food. They must also have a system in place to identify the other businesses to which their product has been supplied.

There are a number of Statutory Instruments (S.I.s) covering the identification and traceability requirements of animals in this State.

S.I. 77 of 2009 (European Communities (Identification of Bovines) Regulations 2009), sets out the legal obligation to tag a bovine animal. The Animal Identification and Movement (AIM) Database that records the registration and movement of all bovine animals is programmed in such a manner that any bovine without a passport that is presented for sale or slaughter will not be accepted. S.I. 357 of 2011 (European Communities (Equine) Regulations 2011) requires that a person shall not have in his or her possession an equine animal unless it is identified before 31st December in the year of birth or within six months following the date of its birth, whichever date occurs later.

Additional information on the requirements and practices for identification of individual species is set out below:

- Checks on sheep identity at meat plants are mostly visual, although some use is made of scanners. (S.I. 309 of 2011 European Communities (Sheep Identification) Regulations 2011 and S.I. 281 of 2011 Diseases of Animals Act 1966 (National Sheep Identification System) Order 2001).
- The National Pig Identification and Tracing System (NPITS) records all movements of pigs to factories. Identity checks on pigs at meat plants are usually done by visual examination of the slap mark on the skin of the animals, and identification is by herd basis rather than by individual pig. (S.I. 341 of 2002 Diseases of Animals Act 1966 (National Pig Identification and Tracing System) Order 2002).
- In the case of poultry, it is not a requirement to individually identify every bird, or to health mark the carcass. However, there remains a general requirement for the FBO and Department staff to be satisfied as to the origin of the flock before allowing slaughter of birds for human consumption. (S.I. 432 of 2009 European Communities (Food and Feed Hygiene) Regulations 2009).

The penalties imposed for not adhering to these obligations are stipulated in the S.I.s listed.

### **Grant Payments**

163. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Longford has not been paid under the suckler welfare scheme in respect of nine animals which were, in keeping with their normal practice, introduced to a creep feeder as early as August, to which they had access until troughs were introduced; and if he will make a statement on the matter. [7176/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered twenty beef breed animals under the 2009 Suckler Cow Welfare Scheme. Following the completion of the validation process ten of the animals were deemed eligible and payment was issued to the applicant. The applicant was informed by my Department that the other ten animals were rejected for payment as meal was not provided to nine of them for the required four weeks before weaning and seven were not disbudded within the three week period, as specified in the Terms and Conditions of Suckler Welfare Scheme. A request for a review of this decision was received from the person named on 25 January 2012. Following the initial examination of the application, it was necessary to seek further information from the applicant. My Department will consider the application further on receipt of the requested information.

### **Animal Diseases**

164. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the reason he has not considered depopulation in view of the health circumstances of a herd (details supplied); and if he will make a statement on the matter. [7182/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There have been a number of TB breakdowns in the herd in question since December 2010, the most recent in January 2012 when 3 reactors were disclosed. With regard to depopulation, the policy of my Department in relation to TB is to depopulate herds only as a last resort. Experience has shown that depopulation, which is extremely costly, is rarely necessary and that, in most cases, the herd can be cleared of the disease through a combination of tuberculin testing and blood testing (Gamma Interferon). I accept that it is obviously worrying and frustrating for the herdowner in question to have his herd restricted. However, since more than 10% of his herd has been removed in the most recent breakdown, he is in principle eligible for payments under the Income Supplement scheme which is designed to alleviate income difficulties due to restrictions placed on herds arising from an outbreak of TB. The situation is being monitored and full depopulation will be reviewed following receipt of the Gamma Interferon Blood test result and the report on the forthcoming tuberculin reactor retest.

### **Grant Payments**

165. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the number of installation aid and early retirement scheme applications that were received in his Department after 14 October 2008; if he will provide a breakdown of the locations from which these applications were received; the number of these applications that subsequently required additional information and documentation; the number of these applications that were approved for payment; and if he will make a statement on the matter. [7183/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A total of 139 applications were received under the Young Farmers' Installation Scheme following the suspension of the Scheme for new applications on 14 October 2008. It is not possible at this stage to determine the locations where these applications were received. Two cases were subsequently processed following successful appeals to the Agriculture Appeals Office. This has resulted in one payment under the Scheme, whilst the second application is still under consideration.

With regard to the Early Retirement Scheme, it is not possible to provide this information in the required time. I will forward it to the Deputy as soon as it is available.

### **Forestry Sector**

166. **Deputy Michael McNamara** asked the Minister for Agriculture, Food and the Marine

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the measures he will put in place to ensure funding for the establishment of agroforestry systems, which have the potential to boost the economy and create hundreds of jobs and training opportunities as well as being good for the environment; and if he will make a statement on the matter. [7184/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Agroforestry affords farmers considerable scope to integrate the growing of trees, for commercial, amenity and/or environmental reasons, with crop or livestock production on the same unit of land.

The Rural Development Programme 2007-2013 identified agroforestry as providing *considerable potential on many Irish farms to plant trees in ways which contribute actively to a better environment, and which complement existing farming practice* .

However, agroforestry is not widely practised in Ireland and there has been little demand for the introduction of an “agroforestry scheme”. This may be due, at least in part, to the fact that agroforestry projects are not eligible to forest premiums under the current Rural Development Regulation (Council Regulation 1698/2005).

While there appears to be an increasing interest in agroforestry among some farmers, there are no immediate plans to introduce a specific agroforestry scheme at this time. However, agroforestry is one of a number of forestry measures that my Department is currently examining in the context of the recent draft EU proposal for a Regulation to support rural development under the European Agricultural Fund for Rural Development (EAFRD) 2014 to 2020. Discussions on the draft Regulation are continuing at EU level.

### Direct Payment Schemes

167. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when is he going to introduce an agri-environment options 3 scheme. [7203/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Despite the financial pressures facing my Department I have made provision in 2012 for €243 million under agri-environment schemes. I am also considering the possibility of re-opening AEOS on an amended basis or limited scale in 2012. This decision will be taken in the context of my Department’s expenditure ceiling for 2013 as agreed by the Government, and in particular, on how a new scheme might be funded within the reduced funding and resulting pressures on the Vote. I will make an announcement on this matter in due course.

168. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the progress he has made in the implementation of the €150 per hectare Natura payment which was promised to farmers in agri-environment options scheme 1 and AEOS 2. [7204/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** When AEOS was launched, the intention had been to increase the rate for designated land from the €75 per hectare which was originally announced, to €150 per hectare and my Department had been in discussion with the Commission with a view to obtaining approval for this proposal. However, given the current financial constraints and the overall funding limits which have been introduced in the National Recovery Plan and in order to ensure that as many applicants as possible could be accepted into AEOS II, I decided that the rate for designated land would remain at €75 per hectare.

169. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine since the TAMS was reopened at the end of 2011, the number of farmers that have applied under each scheme so far. [7205/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The numbers of applications received by my Department under the TAMS since their reopening in December 2011 are as follows:

Scheme	Number
Dairy Equipment	975
Rainwater Harvesting	11
Sheep Fencing/Handling	70
Sow Welfare	5
Total	1,061

In the case of the Bioenergy Scheme 2012 which was launched on 8 December 2011, the closing date for receipt of applications was 27 January 2012 and 61 applications had been received by that date.

170. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the allocations under each tranche for the targeted agricultural modernisation scheme and for all schemes between now and the end of 2013. [7206/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Subject to the availability of funding, the proposed tranches for the Targeted Agricultural Modernisation Schemes (TAMS) up to the end of 2013 are as follows:

Dairy Equipment Scheme

Tranche No.	Date	Amount (€m)
1	31 January 2012	4.425
2	30 April 2012	4.425
3	31 July 2012	4.425
4	31 October 2012	4.425
5	31 January 2013	4.425
6	31 May 2013	4.425
7	31 August 2013	4.425
8	31 December 2013	4.425
	Total	35.400

Rainwater Harvesting Scheme

Tranche No.	Date	Amount (€m)
1	31 March 2012	0.996
2	30 June 2012	0.996
3	30 September 2012	0.996
4	31 December 2012	0.996
5	31 March 2013	0.996

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Tranche No.	Date	Amount (€m)
6	30 June 2013	0.996
7	30 September 2013	0.996
8	31 December 2013	1.000
	Total	7.972

## Sheep Fencing/Handling Scheme

Tranche No.	Date	Amount (€m)
1	29 February 2012	0.721
2	31 May 2012	0.721
3	31 August 2012	0.721
4	30 November 2012	0.721
5	31 March 2013	0.721
6	30 June 2013	0.721
7	30 September 2013	0.721
8	31 December 2013	0.721
	Total	5.768

## Sow Welfare Scheme

Tranche No.	Date	Amount (€m)
1	31 March 2012	5.380
2	30 June 2012	5.380
	Total	10.760

*Bioenergy Scheme*

The Bioenergy Scheme 2012 was launched on 8 December 2011 with an allocation of €1.6 million. The allocation of funds for the Bioenergy Scheme in 2013 will be a matter for consideration in the context of the 2013 Estimates process.

**Disadvantaged Areas Scheme**

171. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the changes that he has made to the disadvantaged areas scheme for 2012; and if he will make a statement on the matter. [7208/12]

172. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of farmers that will be affected by the changes in the criteria for the disadvantaged areas in 2012. [7209/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 171 and 172 together.

It is widely recognised that the Disadvantaged Areas Scheme is a very important one for this country, as the total area designated as disadvantaged is almost 75% of Ireland's total land area. From an economic perspective, the Scheme is particularly significant, contributing to the

support of in excess of 100,000 Irish farm families, whose ability to farm is restricted by the physical environment and, in particular, the impact of the prevailing wet cold climatic conditions. The Scheme, which is co-funded by the EU, is an integral part of Ireland's Rural Development Plan, 2007/2013, and as such, any proposed change to Scheme criteria requires the agreement of the EU Commission. In this regard, therefore, the changes announced in the context of the recent Budget have been submitted to Brussels; the Commission's response is expected shortly.

The budgeted expenditure under the 2012 Scheme will be reduced from €220 million to €190 million and, in order to achieve the €30 million saving in expenditure, it is proposed to introduce specified changes to the Scheme eligibility criteria for 2012. This will be achieved by making technical adjustments to the Scheme criteria to ensure that the aid payment is focused on farmers, whose farming enterprises are situated exclusively in Less Favoured Areas and who are making a significant contribution to achieving the objectives of the Scheme.

The savings will be achieved without the need to reduce the existing rates of aid and, in addition, there will also be no reduction in the maximum area payable — 34 hectares. The proposed changes are designed to ensure that the payments under the Scheme are focused on those farmers who (i) are farming exclusively in Disadvantaged Areas, (ii) make a significant contribution to the maintenance of a viable rural community and (iii) contribute to the enhancement of the environment.

In view of the above, it will be appreciated that, given the range of variables, it is not possible to be definitive as to the effect the changes will have on farmers in any given county. You should, of course, also be mindful of the need to obtain the agreement of the EU Commission to the implementation of the proposals.

### **Rural Environment Protection Scheme**

173. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine his proposals to reduce the compliance costs under the REPS 4 scheme as a result of the decision to reduce payments by 10% in 2012. [7210/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I remain committed to supporting farmers who choose to farm to environmentally friendly practices and to ensuring that these farmers are rewarded for their efforts. However, given the state of the public finances I had no option but to announce a 10% cut in the rate of payment to existing REPS applicants. This cut, which will apply to 2012 payments onwards is subject to the approval of the Commission. It is not proposed to alter the scheme conditions as a consequence of this proposed cut and compliance with the existing conditions of the scheme will remain in place for participating farmers.

### **Grant Payments**

174. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of farmers who were inspected under the single farm payment in 2011; and of that number, the number of them that are still awaiting their single farm payment. [7211/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In the context of delivering the Single Payment Scheme, my Department is required to carry out inspections on a number of farms covering land eligibility and cross-compliance.

A minimum of 5% of Single Payment Scheme applicants are required to be inspected under the eligibility rule. These checks are carried out to verify that the actual area claimed in the

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Single Payment Scheme application form corresponds to the area held by the farmer and to ensure there are no overlapping or duplicate claims. Up to two-thirds of these inspections are carried out without a farm visit and using the technique of “remote sensing”.

The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements and Good Agricultural and Environmental Condition (GAEC) apply. Under the relevant regulations 3% of producers must be inspected under the Bovine Animal Identification and Registration requirements together with 3% of sheep/goat producers covering 5% of the National flock.

It is a regulatory requirement that eligibility inspections must be finalised before any payments can issue in a given year. On the other hand, Cross Compliance inspections take place throughout the calendar year and can be carried out after the payment has been made. Insofar as possible the Department tries to integrate some of the eligibility and cross-compliance inspections. Some 11,900 farmers were inspected under the 2011 Single Payment Scheme. While all eligibility inspections were carried out before payments commenced a total of 75 farmers who were subject to inspection are still awaiting payment.

The main reason for the delay in payment is the need to have digitising amendments made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. Over 90% of cases that were subject to land eligibility inspections in 2011 had to have their maps re-digitised.

All outstanding cases are being processed and it is anticipated the payment will issue in these cases shortly.

### Departmental Schemes

175. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine as part of a stimulus for the agricultural sector, his plans for the reintroduction of the young farmers’ installation aid. [7212/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Young Farmers’ Installation Scheme was closed to new applicants on 14 October 2008 and I have no plans to reopen the Scheme at this time. An allocation of €150,000 has been provided in this year’s Estimates to meet the remaining commitments under both the Young Farmers’ Installation Scheme and the preceding equivalent schemes.

### Grant Payments

176. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of farmers that have been paid agri environmental options scheme 1 and AEOS 2 on a county basis. [7213/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The table that follows details the number of applicants who have received a payment under the Agri Environment Options Scheme 1 for (i) 2010 Scheme year and (ii) the 2011 Scheme year on a county by county basis. A further 529 applicants have either withdrawn or been rejected from the scheme following initial approval into the scheme (not available on a county by county basis).

County	Applicants Paid 2010	Applications Paid 2011
Carlow	86	40
Cavan	189	83

County	Applicants Paid 2010	Applications Paid 2011
Clare	318	150
Cork	371	150
Donegal	543	259
Dublin	11	4
Galway	664	304
Kerry	255	132
Kildare	70	25
Kilkenny	231	75
Laois	138	39
Leitrim	353	153
Limerick	213	70
Longford	85	35
Louth	45	19
Mayo	698	317
Meath	149	56
Monaghan	214	86
Offaly	111	49
Roscommon	337	159
Sligo	254	128
Tipperary	320	134
Waterford	110	31
Westmeath	215	102
Wexford	127	56
Wicklow	81	27
Total	6,188	2,683

Checks are ongoing and my Department is dealing with applications on which queries and issues arose in the course of the administrative checking process. Further payments are issuing on an ongoing basis as these queries are resolved.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This process is under way with a view to commencing payments as soon as possible. In the event of any queries arising from these checks, my Department will be in direct contact with the applicants to have them resolved.

177. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when will all agri environment options scheme payments be made. [7214/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This administration check has been completed in relation to Agri Environment Options Scheme (AEOS) 1 and my Department is now dealing with the discrepancies that have arisen on individual files following this check. I have given the highest priority to the processing and payment of outstanding AEOS payments and to the elimination of all unnecessary delays.

[Deputy Simon Coveney.]

Under AEOS 1, payments in respect of the 2010 Scheme year commenced in August 2010 and are continuing to issue to outstanding applicants on an ongoing basis as outstanding queries are resolved, while payments to in respect of the 2011 year have also commenced.

In relation to AEOS 2, this checking process is under way with a view to commencing payments as soon as possible. In the event of any queries arising from these checks, my Department will be in direct contact with the applicants to have them resolved.

### **Proposed Legislation**

178. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs the reasons she will not introduce legislation to allow gay and lesbian couples to adopt children. [7046/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Act already provides that an individual habitually resident in the State, or a couple married to each other, each of whom is habitually resident in the State, may apply to the Health Service Executive for an assessment of eligibility and suitability to adopt. It is currently not possible for two unmarried persons to jointly adopt a child in Ireland.

At present there are no legislative proposals in relation to this matter.

### **Children in Care**

179. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs the amount spent on sending children in care abroad, either for treatment and or for residential services, per year in the past three years for which figures are available. [7168/12]

**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.

180. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs the percentage of children in care that were assessed for after care service needs before they turned 18 years in each of the three most recent years for which figures are available. [7169/12]

**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.

### **Health Services**

181. **Deputy Thomas P. Broughan** asked the Minister for Health if additional staffing will be allocated to the community nursing unit of St. Joseph's Hospital, Dublin 5; and if he will make a statement on the matter. [6957/12]

**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 Staff**

182. **Deputy Thomas P. Broughan** asked the Minister for Health the number of vacancies at grade currently at Beaumont Hospital, Dublin 9; if these vacancies will be filled as soon as possible; and if he will make a statement on the matter. [6958/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Medical Cards

183. **Deputy Billy Kelleher** asked the Minister for Health the position regarding an over 70s medical card application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [6960/12]

**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

184. **Deputy Anthony Lawlor** asked the Minister for Health the level of State support and resources available to sufferers of Lupus; and if he will make a statement on the matter. [6971/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The diagnosis and management of Lupus takes place in a number of healthcare settings. Patients with Lupus are generally under the care of a rheumatologist and other specialists as necessary, such as dermatologists. Any person may be referred to their local hospital by their GP.

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.

Under the provisions of the Health Act 1970, medical cards are provided to persons who, in the opinion of the Health Service Executive, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. The assessment for a medical card is based on the means of the applicant and his/her dependants.

At my request the HSE recently set up a clinical panel to assist in the processing of applications for discretionary medical cards where there are difficult personal circumstances. This should be of particular benefit to persons whose income is in excess of the standard income guidelines.

185. **Deputy Anthony Lawlor** asked the Minister for Health if he has considered introducing a national campaign to provide information regarding Lupus; and if he will make a statement on the matter. [6972/12]

**Minister for Health (Deputy James Reilly):** There are no plans at present for a national campaign to provide information regarding Lupus; however the HSE can commit to making arrangements to meet the Lupus patient group to discuss their suggestions on this matter — if that would be helpful. The National Advocacy Unit would be happy to facilitate such a meeting and they will listen to the concerns of patients with Lupus and ensure the feedback is considered by the HSE. The National Advocacy Unit can be contacted at [www.yourserviceyoursay.ie](http://www.yourserviceyoursay.ie) or 045 880400.

### Departmental Expenditure

186. **Deputy Heather Humphreys** asked the Minister for Health the cost savings he hopes to achieve as part of the new health service plan in the area of administration; the way this figure compares to savings he hopes to achieve on front-line services; and if he will make a statement on the matter. [6973/12]

**Minister for Health (Deputy James Reilly):** The HSE National Service Plan 2012 sets out the health and personal social services that will be delivered by the HSE within its current budget of €13.317bn and identifies a cost reduction target in 2012 of €750m. The Service Plan reflects the Programme for Government commitments for health and the savings targets set out in the Comprehensive Expenditure Report 2012-2014.

The scale of the financial challenge facing the HSE means that there will be an inevitable and unavoidable reduction in services but it will not be a “straight line reduction”. In developing the Plan, my Department and the HSE undertook a rigorous examination of budget allocations across the care programme areas, with the explicit aim of reducing the impact on frontline services and identifying where efficiencies will be driven. This process involved re-prioritising funding to protect areas of greatest need and meet *Programme for Government* commitments.

The pay and pension provisions in the Plan are based on about 3,000 WTE exits and I intend to review the Service Plan in March in the light of the numbers actually retiring. As part of my Department’s Comprehensive Expenditure Review, I proposed to commission a systematic and robust review of the number and deployment of management and administration staff at corporate, regional, ISA and local health office levels to establish the scope which exists for further savings in administration, in order to protect front-line services. This exercise will best be conducted when the full impact of retirements up to February 2012 is known.

The HSE is currently finalising detailed service plans at regional level and these regional plans will take account of the effect of the reduction in both staff numbers and budgets, as well as the service areas identified for priority development under the National Service Plan. Contingency plans are being developed to address the impact of the retirements. These will include measures under the Public Service Agreement to achieve increased flexibility in relation to work practices and rosters, redeployment and other changes to achieve more efficient delivery of services. Some management structures and services will be amalgamated and streamlined, cross-cover arrangements will be put in place wherever possible and where clinical management numbers have been reduced.

It is clear that 2012 will be a very challenging year for the health services. The Service Plan commits the HSE to minimising the impact on services by fast tracking new, innovative and more efficient ways of using reduced resources. It reflects the need to move to new models of care across all service areas which will treat patients at the lowest level of complexity and provide quality services at the least possible cost. It also includes a commitment to addressing staffing levels, skill mix and staff attendance patterns/rosters within the context of the Public Service Agreement. The Plan will be implemented in the context of the significant new governance structures for the health services which I recently announced.

### Health Services

187. **Deputy Éamon Ó Cuív** asked the Minister for Health further to Parliamentary Question No. 540 of 8 November 2011, if he will provide the details of the services offered to a person (details supplied); if these would be as beneficial as the services offered by the clinic in England of which the Health Service Executive is aware; and if he will make a statement on the matter. [6979/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### Hospitals Building Programme

188. **Deputy Tom Fleming** asked the Minister for Health the date on which Tralee Com-

munity Hospital, County Kerry, will open; the number of staff that will be employed in the hospital; where he proposes to take these employees from; and if he will make a statement on the matter. [6981/12]

**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

189. **Deputy Paschal Donohoe** asked the Minister for Health when a decision will be made on a medical card application in respect of persons (details supplied) in County Mayo. [7021/12]

**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.

Under new procedures, a Medical Card will remain valid, irrespective of the expiry date shown on the card, once the Medical Card holder is genuinely engaging with the HSE review process. Eligibility can be confirmed by any Doctor or Pharmacist, or the Medical Card holder online at [www.medicalcard.ie](http://www.medicalcard.ie) or through the GP practice systems.

### Services for People with Disabilities

190. **Deputy Olivia Mitchell** asked the Minister for Health the extent of respite service reductions for autistic children attending a school (details supplied) in County Dublin; if the decision will be reversed in view of the importance of respite to such families; and if he will make a statement on the matter. [7032/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for this question to be transferred to the Health Service Executive for direct reply.

### Mental Health Services

191. **Deputy Dan Neville** asked the Minister for Health about the working relationship proposal between the primary care teams, as outlined, and the multidisciplinary community mental health teams. [7098/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** There is a commitment in the Programme for Government to introducing a better and more efficient health system, a single-tier health service that will deliver equal access to care based on need, not income. The development of primary care services must be an essential component of the health service reform process. In a developed primary care system, up to 95 per cent of people's day-to-day health and social care needs can be met in the primary care setting.

Fully developed Primary Care Teams would give people direct access to integrated multidisciplinary teams of general practitioners, nurses, physiotherapists, occupational therapists and others. There are currently 425 Primary Care Teams in place, albeit at varying stages of development. The HSE has committed in its Service Plan to having 489 operational teams in place by the end of this year.

It is hoped that Primary Care Teams will be supported by a wider range of professionals, including pharmacists, dieticians, psychologists and chiropractors who will form a Health and Social Care Network. The vast majority of specialist based services could be organised at this level, including Community Mental Health Community Teams. Guiding the development of our mental health services is *A Vision for Change*, which is predicated on the existence of a

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robust primary care system. When an individual experiences a mental health problem, their first formal attempt to seek help is usually to contact their General Practitioner or other member of a Primary Care Team. This contact can be the key to a timely and successful resolution of their mental health problem.

Chapter Seven of “*A Vision for Change*” makes recommendations in respect of the provision of mental health care in a primary care setting. A key aim is to develop a flexible model of collaborative working between primary care and mental health services which enhances GPs’ skills in identifying and treating mental illness and emphasises the development of close linkages between the two services.

Through the “*Shared Care Model*” and the “*Team based approach to Mental Health in Primary Care*”, the primary care setting can provide sufficient access to appropriate care for people with short-term mental health difficulties and can also balance the need to ensure that needs of people with severe and enduring mental health problems are not overlooked.

The Shared Care model allows for the appropriate provision of mental health care at primary care level, along with access to advice, routine and crisis referral to the local CMHT, with a single point of access for referral. It may also be possible to create links with the mental health professionals in community services in order to provide this primary care level of mental health input. This currently happens to some extent with services for children and it is recommended that this be extended to cover work with adults in primary care. The shared care model can be seen to offer the ‘best of both worlds’ with the opportunity to provide good-quality holistic care. It is envisaged that a shared care model would lead to a pooling of expertise and enhanced creativity in problem-solving.

### Health Services

192. **Deputy Finian McGrath** asked the Minister for Health if he will urgently review a matter in respect of a person (details supplied). [7116/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy’s question relates to service matters, I have arranged for this question to be referred to the Health Service Executive for direct reply.

### Hospital Waiting Lists

193. **Deputy Finian McGrath** asked the Minister for Health the position regarding an operation in respect of a person (details supplied) in Dublin 9. [7126/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appoint-

ment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Medical Cards

194. **Deputy Mary Lou McDonald** asked the Minister for Health the reason a person (details supplied) in County Mayo has been waiting since August 2011 to receive a renewed medical card and a medical card in respect of the person's spouse despite being in recovery for cancer, regularly have to attend a GP and doctor and having twice through registered post sent additional information to the PCRS as requested. [7129/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

195. **Deputy Anne Ferris** asked the Minister for Health if a medical cardholder may continue to use a medical card while a review of the person's renewal application is being considered in view of the long delays in the medical card section; and if he will make a statement on the matter. [7138/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under new procedures, a Medical Card will remain valid, irrespective of the expiry date shown on the card, once the Medical Card holder is genuinely engaging with the HSE review process. Eligibility can be confirmed by any Doctor or Pharmacist, or the Medical Card holder online at *www.medicalcard.ie* or through the GP practice systems.

### Hospital Staff

196. **Deputy Éamon Ó Cuív** asked the Minister for Health when diabetes nurse specialist posts planned for University College Hospital, Galway are likely to be filled by the Health Service Executive; and if he will make a statement on the matter. [7141/12]

**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

197. **Deputy Billy Timmins** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [7147/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy as a matter of urgency.

198. **Deputy Heather Humphreys** asked the Minister for Health when a person (details supplied) in County Monaghan may expect to receive a decision on a medical card application; and if he will make a statement on the matter. [7160/12]

**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.

### **Nursing Homes Support Scheme**

199. **Deputy Catherine Byrne** asked the Minister for Health the way the nursing home support scheme is being funded; the amount that has been allocated to operate this fund; the number of applications that have been received to date; the number of applications that have been successful; and if he will make a statement on the matter. [7165/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Nursing Homes Support Scheme is funded from a dedicated subhead for long-term residential care (subhead B12) in the HSE Vote. Subhead B12 is the budget for the Nursing Homes Support Scheme albeit that transitional arrangements must also be facilitated from within the subhead, i.e. people in contract beds, people who choose to remain on subvention and people paying in-patient charges in public nursing homes. In 2011, there was €963m available for long-term residential care. Subhead B12 in the published Estimates for Public Services 2012 contains a total provision of €1,049,710 for long-term residential care. However, this figure includes an amount for ancillary costs associated with long-term residential care for older people.

The HSE received 9,323 applications for the Nursing Homes Support Scheme in 2011. In the same period, 10,671 applications (some of which would have been received in 2010) were processed to conclusion. This figure includes approximately 2,700 applications which were withdrawn by the applicant. There were just over 3,100 applications in progress at end-December. However, it should be noted that a significant volume of applications are submitted without the necessary supporting documentation. This can create delays which are outside of the HSE's control.

### **Mental Health Services**

200. **Deputy Robert Dowds** asked the Minister for Health if it is the case that no after-hours work or agency staffing has been authorised to support mental health services since the beginning of the year; and if he will make a statement on the matter. [7166/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The expenditure reductions necessary in 2012 will challenge all areas of the health system to provide continuity of services that are both appropriate and safe for patients. Like other care areas, efficiency and other savings will be required from the Mental Health Service. In this context, the HSE is seeking to reduce dependency on both overtime and agency staffing right across the health service. While some of these costs are still necessary, decisions on allowing these are based on need and within available resources at each area level.

### **Health Service Reform**

201. **Deputy Robert Dowds** asked the Minister for Health which of the seven new directorates which he intends to establish as part of reforming the health service will be responsible for public nursing homes. [7167/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Minister for Health will be bringing legislation forward involving significant changes in the governance of the HSE. The legislation will abolish the Board of the HSE and will replace the Board structure with a Directorate structure. In tandem with the proposed legal structures, new administrative arrangements will be put in place within the HSE which will reflect the need for greater operational management focus on the delivery of key services, including HSE residential services for older people.

The legislation to give effect to these changes will be given a clear priority by the Government in 2012. Following that legislation, the positioning of all services will be determined by the Minister.

### **Nursing Homes Support Scheme**

202. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an urgent application for the fair deal scheme in respect of a person (details supplied) in County Kildare. [7185/12]

**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.

### **Health Service Staff**

203. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will provide the breakdown, by profession and-or responsibility, of the total expected departure of all health service employees by the end of the current month; and if he will make a statement on the matter. [7217/12]

208. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the detail of his dynamic contingency plan to address the imminent crisis that will present following the signalled departure of up to 3,700 employees across the health service. [7222/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 203 and 208 together.

The Government has determined that, in line with its commitment to reduce the size of the public service, health sector employment numbers must be reduced to approximately 102,000 in 2012. The cumulative impact of staff reductions from this year and previous years represents a significant challenge for the health system in delivering services. The priority is to reform how health services are delivered in order to ensure a more productive and cost effective health system.

The most recent information available from the HSE indicates that, over the period from September 2011 to end-February 2012, some 3,800 health service staff will have retired from the health service. Of this total, approximately 2,200 persons (54%) have already retired during the five-month period to the end of January 2012, while the remainder have indicated that they will leave by the end of February 2012. It should be noted that these figures refer to the number of individuals rather than wholetime equivalents (WTE). It should also be noted that this data is subject to change in the event of additional applications being received or existing applications being withdrawn.

Contingency planning is being undertaken as part of the annual National Service Planning process. All factors, including budgets, staffing levels and other emerging issues, including the impact of “Grace Period” retirements are being factored into the regional plans which the HSE is currently finalising. I also intend to review the HSE Service Plan once the full impact of staff leaving at the end of the 29 February “grace period” is known.

The scale of retirements to take place by 29th February 2012 will prove challenging for the health services. The HSE is seeking to mitigate the impact of these retirements through the implementation of the National Clinical Programmes, targeted investment and recruitment as set out in the National Service Plan and in utilising the provisions of the Public Service Agreement (PSA) to bring about greater flexibilities. The measures under the PSA include flexibilit-

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ies in work practices and rosters, redeployment and other changes to achieve more efficient delivery of services.

The following table sets out the latest data from HSE broken down by grade:

Retirements by Grade as at 1st Feb 2012

Grade at Retirement	Total
Advanced Nurse Practitioner (General)	1
Ambulance Officer	2
Area Medical Officer	11
Area Medical Officer — Senior	6
Associate Specialist	1
Attendant, Multi-Task	161
Attendant/Aide	93
Biochemist	1
Biochemist, Principal	1
Boilerman	7
C.S.S.D. Operative	11
Cardiac Catheterisation Tech., Senior	1
Care Assistant (Intellectual Disability Services)	82
Care Group Specialist	1
Caretaker	12
Casualty Officer	1
Catering Officer Grade I	2
Catering Officer, Grade II	4
Catering Supervisor	2
Catering/Cleaner/Assistant	40
Chaplain	5
Chargehand	3
Chef I	10
Chef II	8
Chef, Senior	2
Chief Executive Officer	2
Child Care Manager	9
Chiropodist/ Podiatrist	1
Cleaner	6
Clerical Officer	131
Clerk of Works	1
Clinical Nurse Instructor/Teacher	2
Clinical Nurse Manager 1	78
Clinical Nurse Manager 1 (Mental Health)	10
Clinical Nurse Manager 2	196
Clinical Nurse Manager 2 — Night	6
Clinical Nurse Manager 2 — Theatre	2
Clinical Nurse Manager 2 (Mental Health)	89
Clinical Nurse Manager 3	29
Clinical Nurse Manager 3 — Night	6
Clinical Nurse Manager 3 — Theatre	1

Grade at Retirement	Total
Clinical Nurse Manager 3 (Mental Health)	4
Clinical Nurse Specialist (General)	22
Clinical Nurse Specialist (Mental Health)	11
Clinical Photographer, Senior	1
Community Welfare Officer	13
Community Welfare Officer, Supt.	3
Consultant Anaesthetist	14
Consultant Cardiologist	1
Consultant Chemical Pathologist	2
Consultant Child and Adolescent Psychiatrist	1
Consultant General Adult Psychiatrist	11
Consultant General Paediatrician	4
Consultant General Physician	6
Consultant General Surgeon	14
Consultant Histopathologist	1
Consultant in Emergency Medicine	1
Consultant Learning Disability Psychiatry Child	3
Consultant Medical Oncologist	1
Consultant Nephrologist and General Physician	1
Consultant Obstetrician and Gynaecologist	4
Consultant Ophthalmic Surgeon	4
Consultant Orthopaedic Surgeon	1
Consultant Paediatric Surgeon	1
Consultant Physician in Clinical Pharmacology and Therapeutics	1
Consultant Psychiatrist in the Psychiatry of Old Age	2
Consultant Psychiatrist of Learning Disability (adult)	4
Consultant Radiologist	8
Consultant Unclassified	6
Consultant Urologist	2
Cook, Trainee	1
Counsellor	5
Counsellor / Therapist (National Counselling Services)	1
Counsellor Therapist (Adult Counselling Services)	2
Craftsman's Mate	13
Dental Nurse	9
Dental Surgeon, General	7
Dental Surgeon, Principal	2
Dental Surgeon, Senior	4
Dental Surgeon, Senior Administrative	1
Dental Surgery Assistant (without qualification)	12
Dietician Manager	3
Dietician Manager-In-Charge III	1
Dietician, Senior	2
Director of Nursing/ Midwifery Education Centre	1
Director of Care	1
Director of Nursing and Midwifery	1
Director of Nursing (Mental Health)	1

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Grade at Retirement	Total
Director of Nursing (Mental Health), Assistant	20
Director of Nursing 1	9
Director of Nursing 1, Assistant	22
Director of Nursing 2	2
Director of Nursing 2, Assistant	14
Director of Nursing 3	3
Director of Nursing 4	7
Director of Nursing 4, Assistant	5
Director of Nursing 5	4
Director of Nursing, Deputy	3
Director of Public Health Nursing	9
Director of Public Health Nursing, Assistant	23
Domestic	115
Domestic Supervisor	2
Driver	18
Driver (Doctor-on-call)	2
Driver (Patients/Clients on Public Roads)	4
Driver, Minibus	6
E.C.G. Technician	1
Electrician	5
Emergency Medical Controller	3
Emergency Medical Controller — Team Leader	1
Emergency Medical Technician (Ambulance Attendant)	7
Emergency Medical Technician (Ambulance Driver)	17
Emergency Medical Technician, Leading	3
Engineer/Engineering Officer	1
Environmental Health Officer	2
Environmental Health Officer, Principal	5
Family Support Worker	12
Functional Officer	3
Gardener/Groundsman	2
Gardener/Groundsman Head	1
General Assistant	4
General Manager	5
General Operative	12
Grade IV	70
Grade V	28
Grade VI	26
Grade VII	25
Grade VIII	20
Health Care Assistants	60
Health Promotion Officer	1
Home Help	192
Home Help Co-Ordinator	3
Hostel Supervisor	8
House Officer, Senior	2
Household Services Manager	1

Grade at Retirement	Total
Housekeeper	3
Housekeeper, Assistant	5
Instructor	18
Laboratory Manager	3
Labourer	1
Laundry Worker	8
Linen Room/Laundry Supervisor	1
Local Health Office Manager — PCCC (HSE)	2
Maintenance Craftsman/Technician	13
Maintenance Foreman	10
Maintenance Foreman, Assistant	1
Maintenance Manager	3
Maintenance Officer	2
Medical Laboratory Aide	1
Medical Officer	11
Medical Officer, Principal	1
Medical Officer, Senior	2
Medical Scientist	27
Medical Scientist, Chief	17
Medical Scientist, Senior	26
Medical Scientist, Specialist	1
Miscellaneous Childcare, Support Services	1
National Director, Assistant (PCCC/NHO/Pop Health)	1
National Planning Specialist	1
Neurophysiological Measurement Technician, Senior	1
Nurse Tutor	1
Nurse Tutor (Psychiatric)	2
Nurse, Mental Health Community	1
Nursery Nurse	3
Nurses Aide	1
Nursing/Midwifery Clinical Placement Co-ordinator	1
Occupational Health Physician	1
Occupational Therapist	1
Occupational Therapist Manager	3
Occupational Therapist, Senior	12
Occupational Therapy Assistant	1
Orthoptist, Senior	3
Other Patient and Client Care Unclassified	1
Painter	3
Pathology Technician, Senior	2
Pensioners	12
Pharmaceutical Technician	1
Pharmaceutical Technician, Senior	1
Pharmacist	1
Pharmacist, Chief II	1
Pharmacist, Senior	3
Pharmacy Assistant	1
Phlebotomist	7

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Grade at Retirement	Total
Phlebotomist, Senior	1
Physiotherapist	1
Physiotherapist Manager	2
Physiotherapist, Senior	6
Physiotherapist-in-charge (Grade III)	1
Physiotherapy Assistant	1
Play Therapist, Senior	1
Plumber	3
Porter	35
Porter, Head	3
Porter, Theatre	7
Programme Manager	2
Project Manager	1
Project Worker	3
Psychologist, Clinical	4
Psychologist, Principal Clinical	6
Psychologist, Senior Clinical	11
Public Health Nurse	101
Public Health, Specialist	3
Radiation Therapist, Clinical Specialist	2
Radiographer	6
Radiographer, Clinical Specialist	3
Radiographer, Senior	6
Radiography Aide	1
Radiography Service Manager, I	5
Radiography Service manager, II	2
Registrar	3
Registrar, Senior	1
Respiratory Technician, Senior	1
S.E.N. (General)	8
S.E.N. (Psychiatric)	1
Seamstress/Tailor	5
Security Guard	2
Service Function Officer	1
Social Care Leader	25
Social Care Manager	3
Social Care Worker	37
Social Work Practitioner, Senior	9
Social Worker	20
Social Worker (Non-professionally qualified)	3
Social Worker, Medical	3
Social Worker, Principal	18
Social Worker, Psychiatric Senior	3
Social Worker, Senior Medical	2
Social Worker, Team Leader	13
Speech and Language Therapist	1
Speech and Language Therapist Manager	4

Grade at Retirement	Total
Speech and Language Therapist, Clinical Specialist	1
Speech and Language Therapist, Senior	2
Staff Midwife	19
Staff Midwife, Senior	18
Staff Nurse — General	369
Staff Nurse — Intellectual Disability	8
Staff Nurse General (Community)	12
Staff Nurse Senior, Mental Health (Nursing Bank)	1
Staff Nurse, Community Mental Health	8
Staff Nurse, Dual Qualified (General)	34
Staff Nurse, Dual Qualified (Intellectual Disability)	2
Staff Nurse, Dual Qualified (Mental Health)	3
Staff Nurse, Mental Health	113
Staff Nurse, Senior (Dual Qualified)	91
Staff Nurse, Senior (Dual-Qualified Mental Health)	

### Hospital Staff

204. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of health service employees at Monaghan General Hospital who have advised of their intention to retire by the end of this month; the number by profession and-or responsibility; and if he will make a statement on the matter. [7218/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

205. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of health service employees at Cavan General Hospital who have advised of their intention to retire by the end of this month; the number by profession and-or responsibility; and if he will make a statement on the matter. [7219/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Health Service Staff

206. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of health service employees by profession and or responsibility, across the primary, community and continuing care services covering County Monaghan who have advised their intention to retire by the end of this month; and if he will make a statement on the matter. [7220/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

207. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of health service employees by profession and or responsibility, across the primary, community and continuing care services covering County Cavan who have advised their intention to retire by the end of this month; and if he will make a statement on the matter. [7221/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

*Question No. 208 answered with Question No. 203.*

### **Hospital Staff**

209. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the way he proposes to replace the departing midwives at the Mid-Western Regional Hospital, County Limerick; if all retiring midwives will be replaced as per his comments on 2 February 2012 suggest; and if he will make a statement on the matter. [7223/12]

**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**

210. **Deputy Tom Fleming** asked the Minister for Health if he will examine the case of a person (details supplied) in County Kerry [7228/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, I have asked the HSE to examine the case and to reply directly to the Deputy in the matter.

### **Tourism Industry**

211. **Deputy Seamus Kirk** asked the Minister for Transport, Tourism and Sport if he will consider a heritage trail from Connaught to Cooley based on the Táin Bó Cúailgne saga; and if he will make a statement on the matter. [6997/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I believe that there is significant potential in projects like this to take advantage of the substantial international market for such trails/walkways/cycleways. The recently opened Mayo Greenway is a prime example of such.

With regard to this specific project, given its size and scale I would envisage that a number of state bodies could be involved including possibly local authorities, the Office of Public Works and the Department of Arts, Heritage and the Gaeltacht.

However in relation to the Department of Transport, Tourism and Sport and its agencies, Fáilte Ireland has the operational responsibility for the development of tourism product. Accordingly, I have referred the Deputy's Question to Fáilte Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Sports Capital Programme**

212. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport if sports capital funding will be available in 2012; when this money will be available; the way interested organisations seeking this funding may lodge an application; and if he will make a statement on the matter. [6961/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** I recently announced that the Department of Transport, Tourism and Sport will be advertising two new rounds of the Sports Capital Programme between now and 2016.

I am currently making the necessary arrangements to launch a new programme. When the terms and conditions have been finalised, full details will appear on my Department's website and in the national press. It will be open to any organisation to submit an application under the terms and conditions that will apply at the launch of the new programme.

### **Taxi Regulations**

213. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if taxi licence transfers are still governed by the three-year age of vehicle rule or whether the nine-year rule covers all transfers, as well as new applicants. [6969/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The regulation of the taxi industry, including issues relating to regulations about the transferability of small public service vehicles (SPSVs), is a matter in the first instance for the National Transport Authority (NTA) under the Taxi Regulation Act, 2003. I have arranged for your question to be forwarded to the NTA for a direct response. If you do not receive a response within ten working days, please notify my private office.

The position in regard to the current transferability arrangements for taxi vehicle licences was examined during the recent review of the taxi industry that I chaired. The Taxi Regulation Review Report which was published last month, proposes the introduction of a prohibition on the transferability of taxi vehicle licences such that after 1st October 2012 all taxi vehicle licences will be unique to the person to whom the licence has been issued and cannot be transferred or sold to another individual. The full text of the Taxi Regulation Review Report can be accessed on my Department's website.

### **Road Traffic Offences**

214. **Deputy Sean Fleming** asked the Minister for Transport, Tourism and Sport his views on whether it is fair that the holder of a professional driver's licence who has not been using his or her vehicle in a professional capacity for a number of years is subject to the lower blood alcohol content limit of 20 mg. [6976/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Section 3(1) of the Road Traffic Act 2010 (as amended) provides for the definition of 'specified person' within the context of the Act. The definition of a specified person includes those drivers who hold licences to drive vehicles in the categories C, C1, D, D1, EB, EC, EC1, ED, ED1 and W. These types of vehicles are usually associated with people who are required to drive on a professional basis. A driver with such a licence, who is driving or attempting to drive a vehicle that falls into these specified categories, will be tested at the lower BAC limit of 20 milligrammes.

In addition, Section 3(1) also defines someone as a specified person if they hold a licence to drive a small public service vehicle granted under section 34 of the Taxi Regulation Act 2003 or section 82 of the Road Traffic Act 1961. A person who holds such a licence and is driving or attempting to drive such a vehicle in the course of his or her business will also be tested at the BAC limit of 20 milligrammes.

Section 3(2) provides that such licence holders will be treated as specified drivers unless they can show to the contrary that they were not driving a vehicle from the categories specified above or, in the case of small PSVs, that the vehicle was not being used for business purposes at the time of the alleged offence.

I believe these provisions are fair and appropriate and I have no plans to change them.

### Road Network

215. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the details of the roads projects submitted by Donegal County Council for funding under the specific improvement grants programme for 2012 and the priority order indicated by the council for each road project; and if he will make a statement on the matter. [6977/12]

216. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the details of the roads projects in County Donegal granted funding by him under the specific improvement grants programme for 2012; if the approved funding was allocated in accordance with the priority listing allocated to projects by Donegal County Council in its application; if not his reason for not following the council's requested priority listing; and if he will make a statement on the matter. [6978/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 215 and 216 together.

The initial applications submitted by Donegal County Council to the National Roads Authority (NRA) for funding under the Specific Improvement Grants in 2012, in order of priority, along with the allocation provided in 2012 is outlined in the following table:

Priority	Project	Amount Requested	Amount Allocated
1	R263 Killybegs Industry Road	€200,000	€200,000
2	Kerrykeel — Eelburn	€140,000	€0
3	R245 Woodlands	€290,100	€290,100
4	Tir Chonaill Bridge	€100,000	€100,000
5	Mulantiboyle Bridge	€350,000	€350,000
6	R259 Crolly — Carrickfin	€250,000	€250,000
7	St. Johnston — Tullyowen Road	€300,000	€300,000

Further projects were subsequently submitted by the Council after the specified deadline, however, they were below the threshold for funding under the Specific Improvement Grants Scheme and were therefore not considered for funding.

The only project which did not receive funding in 2012 was the Kerrykeel-Eelburn Project. Donegal County Council received funding of €20,000 for this scheme in 2011 to finish out a section of this road. The NRA understood that this grant would then complete this project. The application submitted for funding in 2012 for Kerrykeel-Eelburn was for additional land acquisition together with road construction. As the application was less than the minimum threshold of €250,000 for a Specific Grant scheme, the NRA did not include it in its list of recommended Specific Grant schemes for Donegal County Council.

### Tourism Promotion

217. **Deputy Seamus Kirk** asked the Minister for Transport, Tourism and Sport if a tourism potential analysis has been undertaken in regards to the Viking discovery along the mid-Louth coast; and if he will make a statement on the matter. [6995/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Responsibility for the development of tourism in individual regions rests with the State tourism agencies. Accordingly,

I have referred the Deputy's question to Fáilte Ireland for direct reply. Please advise my office if you do not receive a reply within ten working days.

### **Pension Provisions**

218. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport if he will review a matter (details supplied) regarding a pension. [7096/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Pension entitlements for members, deferred members and pensioners of the Irish Airlines Superannuation Scheme are a matter for the Trustees of the scheme to address. I understand the relevant parties are in discussions on this matter, which are being facilitated by the Labour Relations Commission. However, I have no function in this regard and my Department is not a party to these discussions.

### **Road Network**

219. **Deputy Thomas Pringle** asked the Minister for Transport, Tourism and Sport if he will reinstate the local improvement scheme funding for local authorities to assist persons upgrade access lanes to their houses; and if he will make a statement on the matter. [7105/12]

**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. Given that priority it is not possible to assist with any works on non-public roads.

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.

However, the 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. In the interim, it is open to local authorities to continue to operate the scheme or a similar scheme from their own resources and I am sure they will do if they consider it to be a good use of limited resources.

### **Rail Network**

220. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport if he will investigate the procurement system by Iarnród Éireann whereby many contractors who are approved by the company for tendering for work on the rail lines are prohibited from quoting for contracts and jobs due to new policy of only advertising and accepting tenders from contractors who provide the full package of machinery required. [7226/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Procurement procedures in Iarnród Éireann are a matter for the company itself and ultimately for the board of Iarnród Éireann. However, CIÉ companies are required to adhere to national and EU procurement rules and to their own internal procurement policies and procedures. The code of practice for the governance of State bodies also stresses the importance of good practice in procurement

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and states that procedures must be in place in all State bodies to ensure compliance with procurement policy and guidelines.

I have referred the specific issue raised in the Deputy's question to the company for direct reply. Please inform my private office if there is no reply within ten working days.