



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Déardaoín, 9 Feabhra 2012.

Leaders' Questions	1
Order of Business	12
Legal Services Regulation Bill 2011: Second Stage (<i>resumed</i>)	19
National Disability Strategy: Statements	35
Message from Select Committee	67
Topical Issue Matters	68
Topical Issue Debate	
Diplomatic Representation	68
Pension Funds	71
School Transport	74
Telecommunications Services	75
Ceisteanna — Questions	
Minister for Agriculture, Food and the Marine	
Priority Questions	78
Other Questions	88
Questions: Written Answers	99

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Thursday, 9 February 2012.

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

Paidir.

Prayer.

Leaders' Questions

Deputy Michael McGrath: On behalf of the Fianna Fáil Party, I express sympathy to our deputy leader, Deputy Éamon Ó Cuív, on the death of his mother, Emer Uí Chuív. Ar dheis Dé go raibh a h-anam.

The Taoiseach told the Dáil earlier this week that next Tuesday the Cabinet would approve the setting up of transition teams to manage the retirement of thousands of public sector employees at the end of February. It is shambolic that the Government has left it until two weeks before the deadline to put these teams in place, despite having 12 months notice that this issue was coming down the track. Such is the lack of preparation for dealing with the fallout from the impending retirements that the Minister for Health is admitting that staff who are being incentivised to leave can and will, in some cases, be immediately rehired to fill gaps in the service. It is no excuse to say the final numbers leaving only became available last week. When the Government took office 11 months ago today it knew that thousands of public sector staff would be leaving at the end of February 2012. If we get through this process without essential public services being dangerously compromised, it will have been because of the flexibility and the commitment of public servants.

What reassurance can the Minister provide for the people about the state of critical front-line services, particularly in the health sector, at the end of February following the retirements? The Government has been noticeably reluctant to spell out the net savings that will be achieved

[Deputy Michael McGrath.]

in 2012. All we continue to hear is that by the end of 2015 the gross public sector pay bill will be €2.5 billion lower than in 2008. When our public expenditure spokesman, Deputy Sean Fleming, sought information on the financial numbers and the savings underpinning the retirements this year, he was told by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, that the information was not available and that he should contact each Department for the information. That is a joke. I want the Minister to provide clarity on the net savings to be achieved. In particular, what will be the gross payroll savings arising from the retirements this year? What will be the net payroll savings, taking into account the extra pension costs that will be incurred and the revenue forgone by way of the income tax, PRSI and pension contributions and pension levy payments being made by these public servants and the fact that some of them will be rehired.

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

Deputy Alan Shatter: This is a speech. He should ask a question.

Deputy Michael McGrath: Will the Minister also clarify the amount in retirement lump sums that will be paid this year?

Deputy Michael Healy-Rae: There will be no savings.

Deputy Alan Shatter: One would not think the Deputy's party had caused the financial collapse. Where was he two, three, four or five years ago?

Deputy Michael McGrath: Where was the Minister? The people of Dublin South disenfranchised him on that occasion.

An Leas-Cheann Comhairle: Please allow the Minister for Social Protection to reply.

Deputy Billy Kelleher: The Minister did not see it coming either. He was buying properties morning, noon and night. He is nearly bigger than NAMA.

An Leas-Cheann Comhairle: Order, Deputy.

Minister for Social Protection (Deputy Joan Burton): I wish to be associated with the condolences offered by Deputy Michael McGrath to the deputy leader of Fianna Fáil, Deputy Éamon Ó Cuív, on the death of his mother, Emer Uí Chuív.

This is a retirement scheme which, as I am sure the Deputy will recall, was arranged and introduced by the late Brian Lenihan, with a retirement date of February 2012. What it means in practice is the bringing forward of retirements which would have been due to take place this year and next year of staff close to retirement age. It is different from a special scheme. It merely allows people to take advantage of the additional pension income they will derive as a consequence of taking retirement earlier, as set out by the Deputy's late colleague, Brian Lenihan, when Minister for Finance. Therefore, the Deputy's mystification about it now is a little odd. Perhaps he did not understand it at the time and that is the reason he is now befuddled.

Deputy Timmy Dooley: That is outrageous.

Deputy Michael McGrath: I am looking for information.

An Leas-Cheann Comhairle: Order, please.

Deputy Michael McGrath: Has the Minister got the numbers?

Deputy Joan Burton: In regard to my Department, and I speak for my other colleagues——

Deputy Timmy Dooley: I would say they are happy about that.

Deputy Joan Burton: ——course we have been aware of this scheme, we inherited it from your good selves, and in every Department planning has gone ahead to deal with this transition and transformation, which is also a critical element of the changes which are taking place under the Croke Park agreement. The Taoiseach correctly has asked for this to be formalised by bringing it for discussion before the Cabinet not only last week and on previous occasions but on doing so again next week now we have finally established the numbers. I remind Deputy McGrath that in the arrangements his party left us there was no requirement for advance indication of people's arrangements.

Deputy Timmy Dooley: The Government has had 12 months to sort that out.

Deputy Niall Collins: What has it done in the past 11 months?

An Leas-Cheann Comhairle: Order, please.

Deputy Joan Burton: I think I speak for the other members of the Government when I say——

Deputy Mattie McGrath: I hope the Minister does.

Deputy Joan Burton: ——that probably the most notable example of surprise was the notification one day of an option, which was perfectly exercisable by the individual concerned, as he was entitled to do under the arrangements and commitments the Deputy's party in government made in the context of the broader Croke Park agreement and other arrangements with public servants, when we heard that the director of the Office of Corporate Enforcement would avail of the provision, as he was entitled to, after due consideration. As to why Deputy Michael McGrath would be concerned——

Deputy Timmy Dooley: He is asking the questions. The Minister is supposed to be answering them.

Deputy Joan Burton: ——and befuddled by arrangements his party put in place——

Deputies: Hear, hear.

Deputy Joan Burton: ——leaves me slightly puzzled.

(Interruptions).

An Leas-Cheann Comhairle: Order, please. I ask Members to have respect for the speaker. Deputy Michael McGrath has one minute to ask a supplementary.

Deputy Michael McGrath: That response is beyond belief.

(Interruptions).

Deputy Michael McGrath: The Minister was asked simple straightforward questions——

Deputy Alan Shatter: The Deputy had a bad time on “Morning Ireland” and he is continuing it here.

Deputy Michael McGrath: —about what the savings will be arising from the retirements that will take place at the end of this month. She gave no answer to any of those questions. That pretty well sums up the way this Government has handled this issue over the last number of months. The fact is that there was no preparation——

Deputy Finian McGrath: There was more fudging.

Deputy Michael McGrath: —no plans were put in place and with two weeks to go, the Government will consider formally establishing transition teams to manage an exodus of 7,000 to 8,000 public sector employees, which was known about 11 months ago today when the Minister came into office. That is the simple truth.

Deputy Tom Hayes: Michael, you will be not brought on to sub again if you keep going like that.

Deputy Mattie McGrath: We will have to see Tom do it.

Deputy Bernard J. Durkan: Mattie will have to take over.

An Leas-Cheann Comhairle: Order, please.

Deputy Michael McGrath: The chorus is in fine form this morning.

Deputy Mattie McGrath: For who will Tom be subbing?

Deputy Michael McGrath: The very purpose of this scheme is to save money. I have asked the Minister again about this and we have asked the relevant Minister repeatedly about it but we have been unable to get basic financial information about the savings that will be achieved. What will be the gross savings on payroll in 2012? What will be the net savings, taking into account all the issues I mentioned, and how much will be paid in lump sums in 2012? Surely we are entitled to get that basic information.

Deputy Joan Burton: Can I say to Deputy McGrath that the thing that surprised me most is the state that Fianna Fáil left the country in——

Deputy Timmy Dooley: After 11 months the Minister’s surprise should have abated.

Deputy Joan Burton: —and the lack of detailed arrangements they left behind them.

Deputy Niall Collins: Can the Minister not answer the question?

Deputy Joan Burton: Perhaps, the party can reflect back in sorrow.

Deputy Mattie McGrath: They kept the CE schemes going.

Deputy Joan Burton: Perhaps Fianna Fáil is in reflection mode in sorrow and self-blame for what it did.

Deputy Niall Collins: The Minister is still in reflection mode.

Deputy Timmy Dooley: We had enough lectures from the Minister when she was on over there. Can she answer the question?

Deputy Joan Burton: Let me say again in regard to the various Departments, as I think the Deputy will appreciate, this has been an ongoing matter of continuous discussion between individual Ministers and the Secretaries General of their Departments. I can speak for myself but I know I also speak for other Ministers.

Deputy Timmy Dooley: The Minister is looking nervous about that.

Deputy Joan Burton: I have discussed this with my Secretary General on a weekly basis and we have had a group of very senior civil servants——

Deputy Mattie McGrath: Did the Minister ask Big Phil?

Deputy Joan Burton: ——in our Department. Can I just explain? In the Department of Social Protection we have taken in 1,700 new staff under the transformation programme, the former community welfare officers and the former FÁS employment staff.

Deputy Niall Collins: Will the Minister give us the figures and stop the waffle?

Deputy Joan Burton: We are also losing——

Deputy Mattie McGrath: The Minister is going around the house now.

Deputy Charlie McConalogue: Did the Minister forget the question?

Deputy Joan Burton: I am giving Deputy Michael McGrath a serious answer to what I thought was a serious question. We are also losing somewhere in the region of 300 staff through advanced retirement. We have been engaged in continuous planning but what we did not know until last week, and I hope Deputy Michael McGrath will take this as an honest answer——

Deputy Timmy Dooley: As opposed to the other one.

Deputy Joan Burton: ——what I as a Minister and what the other Ministers did not know, while we could anticipate what the numbers would be like, and generally speaking we monitor them weekly, was the exact number until last week.

Deputy Timmy Dooley: Can we have the figure for the savings? It is a simple question.

Deputy Joan Burton: Deputy Michael McGrath asked for a full financial analysis. That is being done at the moment. We have the internal figures but the Deputy should remember, and this is the why he cannot be given a complete answer now——

Deputy Timmy Dooley: We are not getting any answer.

Deputy Niall Collins: The Minister is making it up as she goes along.

Deputy Joan Burton: I am sure he remembers the original scheme.

Deputy Mattie McGrath: You are winging it, Minister.

Deputy Joan Burton: The actual confirmation of the retirements does not happen until the actual retirement date arrives. We have a very good idea now of what is likely to happen——

Deputy Timmy Dooley: Tell us the good ideas.

Deputy Joan Burton: ——but what has happened on other occasions——

Deputy Charlie McConalogue: Can the Minister give us an estimate?

Deputy Joan Burton: —is that some people have not proceeded with their retirement. While unfortunately I cannot be exact and Deputy Michael McGrath will appreciate that my powers are limited to forecasting——

Deputy Niall Collins: The Minister is limited in a lot of ways.

Deputy Joan Burton: —in terms of an exact number.

Deputy Michael McGrath: Based on how many people have applied, what are the savings?

Deputy Joan Burton: Deputy McGrath asked for exact figures——

Deputy Michael McGrath: Based on how many have applied.

Deputy Joan Burton: —and I am telling him why I cannot be as exact as I would normally wish to be——

Deputy Timmy Dooley: You have not given any figure.

Deputy Niall Collins: Round them up or round them down but give us a number.

Deputy Michael McGrath: Does the Minister know how many have applied?

Deputy Niall Collins: Give us an idea. Give us a ballpark figure.

Deputy Joan Burton: —because I cannot foretell what will exactly happen on the last day of February.

Deputy Bernard J. Durkan: Whatever about predicting the future, the Deputies opposite cannot remember the past.

(Interruptions).

An Leas-Cheann Comhairle: I call Deputy Caoimhghín Ó Caoláin.

Deputy Emmet Stagg: Welcome back, Caoimhghín.

Deputy Bernard J. Durkan: Welcome home.

An Leas-Cheann Comhairle: Deputy Durkan, please, allow Deputy Ó Caoláin to speak.

Deputy Caoimhghín Ó Caoláin: Ba mhaith liom ar dtús comhbhrón a dhéanamh leis an Teachta Éamon Ó Cuív faoi bhás a mháthair, Emer Bean Uí Chuív, do ndéanfaidh Dia trócaire uirthi.

Does the Minister recall that 12 months ago yesterday her colleague, the then Labour Party health spokesperson, Deputy Jan O'Sullivan, stated that in the first months of Government “we will lift the moratorium on replacement of front-line staff where beds or operating theatres are closed because of shortage of nurses”? That was before the general election and what we are now seeing is nearly 4,000 health service workers leaving the service early before the end of this month and they will not be replaced, and 1,054 of those are nurses. We now have in excess of 2,000 public hospital beds closed. Is the Minister aware that the Psychiatric Nurses Association of Ireland, PNA, yesterday described the mental health services today as a complete shambles? Those are its words. A PNA survey has shown that up to 400 of its front-line

service providers, psychiatric nurses, will be leaving by the end of this month over this tranche of early retirements. That represents 9% of the total complement of psychiatric nurses within the system.

I give the Minister just one example of the effect of cuts because it is important that we understand the impact. Even before the January-February exodus of staff, in the north County Dublin mental health services in the run up to Christmas 17 people sought admission as inpatients and every one of them was refused access. One of them has since tragically died as a result of suicide. When the general secretary of the Psychiatric Nurses Association states, as he did yesterday, that we are facing the horrendous prospect of leaving mentally vulnerable people without any services and that there will be a consequent increase in the suicide rate, not only do we need to take note of the alarm bells he is ringing, we also need to act.

Will the Labour Party — I single out the Labour Party because it has a particular interest in continuing in Government——

Deputies: Hear, hear.

Deputy Caoimhghín Ó Caoláin: ——act on the alarm bell that the general secretary of the PNA rang yesterday, or will it continue to jointly preside over this shambles?

Deputy Joan Burton: Although the final number of nurses availing of the scheme in the area of mental health and psychiatric care is not yet available, 436 mental health staff have indicated their intention to leave our mental health services by the end of February 2012. The HSE's service plan includes a commitment to reduce acute inpatient capacity by a minimum of 153 beds nationally in 2012, in line with the recommendations of A Vision for Change. The Minister for Health, my colleague Deputy O'Reilly, and my colleague Deputy Lynch, who is the Minister of State dealing with this area, have been particularly commended by all of the organisations interested in this vital area of health for what is contained in terms of change, reform and progress in A Vision for Change. The document, as I am sure Deputy Ó Caoláin knows, includes a commitment to allocate €35 million for mental health in budget 2012, in line with the programme for Government. Within that, there is a commitment to involve an additional 400 people in mental health services.

I can understand that the loss or early retirement of 436 colleagues is a serious matter for the members of the PNA and their patients. However, A Vision for Change takes account of this. As I said to Deputy McGrath, we must bear in mind that the people who are availing of the end of February deal are by and large those who are close to retirement and are leaving somewhat earlier to avail of the existing pension package, which will fall dramatically after the end of February. In A Vision for Change, we are looking at transformation of mental health services. At a time of tight budgets, we are specifically providing a commitment of €35 million in budget 2012 for mental health services. There was recently a good debate in the Seanad with the Minister of State, Deputy Lynch, in which there was widespread agreement among all political parties and Independents that A Vision for Change was the route to take for positive development of mental health care.

Deputy Caoimhghín Ó Caoláin: Much of what the Minister said was very predictable, and the PNA, in its statement yesterday, forecast exactly that type of response. Will the Minister admit that preventative community and primary care services will be hit severely by these cuts, not only because of the departure of human resources but also because of the cuts in other resources? It makes nonsense of the HSE claims that services are being developed across these areas. That is not the case at all. The so-called €35 million that has been ring-fenced, allegedly, for the further implementation of A Vision for Change — which I absolutely support — is a

[Deputy Caoimhghín Ó Caoláin.]

myth by another name, because it is not new money. Let us get to the core of it and have it explained precisely. It will not even plug the gap, let alone enhance services.

I made the point last year — I did not think I would have to make it again, but it is even more applicable today because the situation has become even worse — that as a Deputy here for almost 15 years, I have never looked at the health service with such concern as I do today. I reflect the reality of the people who come to me, as a health spokesperson and as a Dáil Deputy, from across this State. We are facing a very serious situation. I ask the deputy leader of the Labour Party whether she accepts that the concern I have reflected is real and growing and that it is of itself having a negative effect on people's health. Perhaps she does, perhaps she does not; but if she does not, she should, and if she does understand it, I ask her what she is doing about it. That is our question. The Labour Party appears to be voiceless in this regard, and it is high time its members played the part they heralded in advance of the general election, for which there has been no evidence over the 12 months since.

Deputy Joan Burton: I respect the Deputy's long-standing interest in the issue of mental health. I went to school beside St. Brendan's hospital and, like many Members of this House from all parties and none, I am concerned about utilising the limited resources we have in the best way possible for people with mental health difficulties. The €35 million is not imaginary money. It is in the budget for A Vision for Change, which is accepted and acknowledged by commentators — as I am sure the Deputy is aware——

Deputy Caoimhghín Ó Caoláin: It is not new money. There are cuts in mental health services.

Deputy Joan Burton: ——as a good document. There is a long history on the north side of Dublin, between St. Brendan's and Portrane, of high standards of care and attention to patients, particularly by psychiatric nurses. I am very aware of that.

Deputy Caoimhghín Ó Caoláin: We are not questioning their sincerity.

Deputy Joan Burton: As for what the Government is doing, apart from the commitment of €35 million, I am sure the Deputy is aware that a new mental health facility is being built in Beaumont at the moment. I am sure he is also aware that the Government has committed, in a tight capital programme, to correctly rebuild the Central Mental Hospital. I do not know why the Deputy should feel that the commitment of this Government, as detailed in the programme for Government, to prioritise mental health services is not being delivered on. However, it will take time to rebuild the Central Mental Hospital and to complete the building of the new facility in Beaumont. A special allocation of €20 million was made for primary care in the budget. The challenge for all health services, as in other Departments, is the significant number of staff who are resigning in advance of their expected time. This is challenging for managers but, as we all know, we have many managers in the HSE——

11 o'clock

Deputy Caoimhghín Ó Caoláin: Too many.

Deputy Joan Burton: ——and it is their job, and that of the Minister, to deal with this. In fairness to the Minister, if the Deputy was talking to his predecessor, she would not have answered any of his questions, because she did not take any responsibility.

Deputy Caoimhghín Ó Caoláin: She never answered any questions.

Deputy Joan Burton: Yes; but that was then, this is now.

Deputy Timmy Dooley: They are making it up as they goes along.

Deputy Robert Troy: Every parliamentary question is referred to the HSE.

Deputy Joan Burton: The Minister is responding to Deputies' questions about mental health——

Deputy Timmy Dooley: They abolished the HSE.

Deputy Joan Burton: ——and we are setting out the commitments we made to this very important area, in capital and current budgetary expenditure.

Deputy Caoimhghín Ó Caoláin: The Minister could not possibly believe all of that.

Deputy Shane Ross: On behalf of the Technical Group, I express our sympathy to Deputy Ó Cuív on the death of his mother.

I welcome the absence of the Taoiseach, the Tánaiste and the Minister for Jobs, Enterprise and Innovation, and I wish them well on their trip to the United States.

However, I hope they are not saying the same things in the United States as they say here. They started off badly by making exaggerated claims about the economy here which will not have credibility overseas.

Last night, Deputy Eamon Gilmore, the leader of the Labour Party, claimed the fact that a very daring and audacious fund manager had put €2.5 billion into Irish bonds was a very positive sign. He ought to be careful in what he says. That particular fund is at the bottom of its peer group in terms of performance in the United States. It withdrew from the Irish Financial Services Centre, IFSC, three years ago and it is not a fund with which we would necessarily wish to be associated. It has also taken a massive punt on Hungary.

Second, I beg the Taoiseach not to promote the line he has been peddling on the bond markets in the United States again. Last week, he claimed in this House and elsewhere that the fact there had been a very small bond swap from one bond to another was a great victory for Ireland in the bond markets. What actually happened is that the National Treasury Management Agency, NTMA, twisted the arms of various Irish banks and forced them to take this swap. It was not a genuine move.

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

Deputy Shane Ross: I have a question.

Deputy Alan Shatter: Cynicism from one of the cronies, is it? We read this stuff every Sunday.

Deputy Mattie McGrath: Éistigí.

Deputy Michael McGrath: How many bankers has the Minister had locked up?

Deputy Ray Butler: You will be writing for the *Irish Independent* next, Mattie.

(Interruptions).

Deputy Mattie McGrath: Whatever I would say would be true anyway. I would not be telling lies.

Deputy Ray Butler: You might get a fiver for it.

Deputy Mattie McGrath: Listen to the serious points being made.

Deputy Alan Shatter: When Willie O'Dea cannot pen an article, it might have you as a substitute.

Deputy Mattie McGrath: Will you whist?

Deputy Shane Ross: A Leas-Cheann Comhairle, when you can keep the junior Member from Dublin South quiet, I will continue.

An Leas-Cheann Comhairle: I am doing my best, Deputy.

Deputy Shane Ross: Is the Minister aware of the fact that, contrary to what is being said by the Taoiseach and the Tánaiste, Dr. Michael Somers, who was the Government's nominee to the board of Anglo Irish Bank and the head of the NTMA for 20 years, said this week that the bond markets will not tolerate Irish bonds at the designated time in the Government's timetable and that we will need a second bailout? Mr. Colm McCarthy, who is the Government's nominee to the board of the Dublin Airport Authority, DAA, this week, has also said Ireland will need a second bailout.

Deputy Joan Burton: I have great respect for the commentary and writings of Deputy Ross. I recall his commentary on many occasions, particularly coming up to Christmas and the new year, on luminaries of the Irish collapse. I believe Mr. Seán FitzPatrick was always his nominee to be Governor of the Central Bank or Minister for Finance.

Deputy Mattie McGrath: How many are before the courts?

Deputy Joan Burton: Similarly, people such as Mr. Seán Quinn also featured strongly.

The whizz kid bond trader who was featured in yesterday's edition of *The New York Times* and funds a big mutual fund in America for wealthy Americans, Mr. Hasenstab, might yet feature in Deputy Ross's list of people he admires, given that he picks losers and winners.

(Interruptions).

Deputy Joan Burton: Years ago, the Deputy had a very distinguished career as a broker in forecasting the future.

With regard to Ireland's current position, we have regained a certain level of reputation. People in Ireland, be they private individuals or public servants, have made enormous sacrifices for this country, many of them deeply unpleasant and difficult for families, individuals and businesses. We are working our way out of that. The biggest difficulty, as the Deputy knows and writes about, is the current difficulties in the eurozone. When the agreement with the troika comes to an end, the Government will, as with all such agreements, seek an orderly exit from it. However, that depends on us being able to interact with the market.

The Deputy cited Dr. Michael Somers, a man with a very strong and independent mind. His successors in the current NTMA are also independent in the exercise of their functions. The Deputy says the recent bond sale is of no significance. Actually, as the Deputy knows well, progress in the markets is made up of small and significant steps, and the bond sale is one such step. The Taoiseach and the Tánaiste are perfectly right to cite that when speaking to an American business audience, as they are also right to tell Irish people here that it is a small but positive step. What if no one was buying our bonds?

Deputy Ross will recall that the new governor of the ECB has a policy of financial easing with regard to liquidity and banks. That was not only widely welcomed in the eurozone but

was sought by countries such as the United States and by other international observers of the eurozone crisis. The small steps are positive. Would we like to have more steps? Absolutely. Are we pleased that Mr. Hasenstab has invested some of his funds in Ireland? On balance, that is a positive step. If no one was investing anything in Irish bonds, we would not have the basis for a slow but steady take-off. That is what we are hoping will happen and if it coincides with easement in the case of movements in the eurozone, that could be tremendously positive for this country.

Deputy Shane Ross: I am delighted to hear the Minister speaking in defence of bond speculators. It is a slightly reverse situation for her, but that is something to which we are becoming accustomed.

Deputy Phil Hogan: You made a living out of it.

Deputy Mattie McGrath: It is the face of New Labour.

Deputy Shane Ross: However, I cannot accept her statement that the NTMA is somehow an independent body. There is an advisory board for the NTMA. It might not do anything but there are political appointees on that board. They are appointed by the Minister.

Deputy Alan Shatter: The Deputy would have put Seán FitzPatrick on it.

Deputy Billy Kelleher: You said you would lock him up but he is still free.

Deputy Shane Ross: The chairman is Mr. David Byrne, who gets €50,000 per year. Along with him there is Mr. Kevin Cardiff, who might have just resigned, and Mr. Hugh Cooney, a Fianna Fáil fund-raiser. The idea that the NTMA is independent is utter nonsense. Does the Minister or anyone else in the House agree with the Taoiseach when he says, quite wrongly, that the growth rate this year will be 1.3%? Are we going to allow him to peddle that porkie in the United States when he is selling the Irish story?

Deputy Joan Burton: The most difficult issue Ireland has had to weather this year has been the crisis in the eurozone. Any changes relating to growth rates, as the Deputy knows, arise from the general fear that there might be a general recession in the eurozone. The introduction by the head of the ECB, Mr. Mario Draghi, of a form of additional liquidity directed particularly at banks to get credit moving again within the eurozone, enhance the reputation of the eurozone and restore confidence to the markets is welcome for Ireland. These measures will help our overall position, particularly if they are successful in inducing confidence in a market that has become deeply unstable and velocity of which is beyond the tempo at which sovereign countries, or areas as large as the eurozone, operate. As a former broker, Deputy Shane Ross knows this better than I do.

What the Taoiseach is saying to an American audience, in working to attract investment and jobs to Ireland, is perfectly appropriate and I hope it will have the desired result. The context of the visit to the United States of the Taoiseach, the Tánaiste and the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, is that when the Global Irish Economic Forum took place some months ago, former President Clinton offered to host a forum on investing in Ireland for American investors in New York. Is Deputy McGrath suggesting the Taoiseach should give a negative message about the country after all the sacrifices made by everyone and after everything people in the country have suffered?

Deputy Timmy Dooley: That is what Minister did day in and day out.

Deputy Billy Kelleher: She said the country was banjaxed.

Deputy Timmy Dooley: That is why they did not bring her to New York. They left her and her negativity at home.

Deputy Joan Burton: Is it seriously being suggested the Taoiseach——

Deputy Finian McGrath: He should tell the truth.

Deputy Joan Burton: The Deputy normally talks out of both sides of his mouth.

(Interruptions).

Deputy Joan Burton: Is the Deputy seriously suggesting that if the Taoiseach was to sit beside President Clinton today, he should talk down the country and its prospects of recovery? I do not accept this.

(Interruptions).

Deputy Mattie McGrath: A Leas-Cheann Comhairle, may I raise a point of order?

An Leas-Cheann Comhairle: There are no points of order raised during Leaders' Questions.

(Interruptions).

An Leas-Cheann Comhairle: If the Deputy resumes his seat, I will explain my ruling. Only leaders may raise a point of order during Leaders' Questions.

On my own behalf, I sympathise with Deputy Éamon Ó Cuív on the death of his mother.

Order of Business

Minister for Social Protection (Deputy Joan Burton): It is proposed to take No. 16, Legal Services Regulation Bill 2011 — Second Stage (Resumed); and No. 17, statements on the development of the national disability strategy, to be taken not later than 1 p.m. and the order shall not resume thereafter. It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply to No. 17: (i) the opening statements shall be made by a Minister or a Minister of State and the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group who shall be called upon in that order, may share time and shall not exceed 15 minutes in each case; (ii) the statements of each other Member called upon shall not exceed ten minutes in each case; (iii) a Minister or a Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes; and (iv) Members may share time.

An Leas-Cheann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 17 agreed to? Agreed.

Deputy Michael McGrath: We can all agree that the first priority of the Government and the country is employment creation. When will the Minister for Jobs, Enterprise and Innovation bring forward a jobs plan? Despite the modest recent reduction in the numbers on the live register, the figure has remained stubbornly high for the past 12 months. Can we have a date for the announcement of a jobs plan? How quickly will the subsequent legislation such as a temporary partial credit guarantee Bill be brought before the House?

Is it the Government's intention to hold off on the publication of fiscal responsibility legislation until the Attorney General has made a determination on the question of whether a

referendum is required to implement the fiscal treaty? When is that advice from the Attorney General likely to be received?

Deputy Joan Burton: The jobs plan will be launched next week. Later that week or during the following week time will be allocated for statements in the House. As I am sure the Deputy is aware, because it has been widely flagged, the plan will contain a number of initiatives targeted at helping the SME sector and kick-starting job creation in it.

The Government has requested the advice of the Attorney General on the eurozone fiscal compact. The fiscal responsibility Bill will have a role in that context because of the undertaking we have given. The Minister for Finance has done an amount of detailed work on the Bill which will be brought before the House in the context of the Attorney General's advice being received and of decisions to be made by the Government about the fiscal compact.

Deputy Caoimhghín Ó Caoláin: In the *Alice in Wonderland* world of economics pursued by the Government it appears that those who have retired early from the health service, as an alleged cost-saving measure, can, in the words of the Minister for Health, be rehired, presumably while retaining their handsome pensions. Surely this is a prime example of Darby O'Gill economics. In the hope the House will have an opportunity to address some of these matters, will the Government intervene to bring forward the Health and Social Care Professionals (Amendment) Bill in order that we can address some of the major questions relating to the health service? The retirements are being spoken about as a cost-saving measure. We might recognise that there are cost-saving measures that could be implemented in the prescribing of medicines. In that regard, will the Health (Pricing and Supply of Medicines) Bill also be brought forward in order that we can address a real cost saving of public money?

Deputy Joan Burton: Most of the staff who are retiring early are close to their retirement date. The Ministers for Health and Public Expenditure and Reform have indicated that there may be a need to exercise flexibility in a limited number of cases to allow retiring staff to stay on a little longer. The Government made such a decision in the case of the Director of the Office of Corporate Enforcement, for example. Allowing some flexibility, as in the case of teachers teaching examination classes, makes good management sense when the number of staff who will take the retirement option is completely unpredictable.

The House debated the HSE service plan last week. The Bill is due to be brought before the Dáil in this session.

Deputy Caoimhghín Ó Caoláin: Does the Minister have any idea of the numbers that will be considered for rehiring?

Deputy Joan Burton: They will be rehired in very exceptional circumstances.

Deputy Colm Keaveney: With the publication of the Finance Bill, will the Minister give the House some indication of when we will have an opportunity to discuss the Bill? I note that section 14(6) of the Bill was not included in the explanatory memorandum. This allows for education fees to be paid to employees participating in SARP. Effectively, employers would not have to be charged tax on education fees up to a limit of €5,000.

An Leas-Cheann Comhairle: Deputy, that will be on——

Deputy Colm Keaveney: The parents of Irish citizens are not as fairly treated in the payment——

An Leas-Cheann Comhairle: I understand that will be discussed next week.

Deputy Colm Keaveney: —and compared with persons who have already been in receipt of generous tax allowances—

An Leas-Cheann Comhairle: I call on the Minister.

Deputy Colm Keaveney: Would the Minister be in a position to clarify when she will have an opportunity—

(Interruptions).

Deputy Joan Burton: First, there will be three days of debate on Second Stage of the Finance Bill 2012 next week. If there is any incomplete documentation, I will ensure that it is sent to the Deputy.

The SARP provision is on the advice of the IDA. In effect, the people who may benefit from this will be overseen by the IDA. When the previous Government was in power, the focus of tax breaks was in respect of bricks and mortar. This is a small provision for highly targeted individuals. It is not to do with property-based tax breaks on which Fianna Fáil spent billions per annum and which ultimately helped—

Deputy Timmy Dooley: And from which many of the Minister's people benefitted.

Deputy Joan Burton: Mr. Regling and Mr. Watson said that was what brought the economy down.

Deputy Timmy Dooley: The Government is shutting them all down.

Deputy Joan Burton: Most Deputies are aware that modern companies, which are major international giants such as Google and Facebook, rely heavily on human intellectual capital. In order to attract additional foreign investment, it is critical that we attract people who help to create more jobs here. The projected cost of this relief for up to 100 individuals over a period of time is €3 million to €5 million. It is very modestly targeted.

Deputy Pearse Doherty: It is open ended, and it contains no requirement to produce one job in the State.

Deputy Joan Burton: The requirement by the IDA is that each of these individuals would generate 50 jobs.

Deputy Pearse Doherty: No. It is not in the legislation.

An Leas-Cheann Comhairle: Deputy Doherty, please.

Deputy Pearse Doherty: The company is to report, but there is no requirement that the tax break produce jobs.

Deputy Joan Burton: The Deputy is a modest person who has some experience of modern business. The big jobs in this world at the moment are being created by the likes of Facebook and Google and I hope that, in due course, some of what we create will end up in Donegal.

Deputy Pearse Doherty: This is open ended. It is not just for Facebook and Google. It is for any company outside of this State to put its employees in here.

(Interruptions).

Deputy Joan Burton: It is being done to provide a modest tax break that costs €3 million to €5 million.

Deputy Pearse Doherty: A modest tax break. Does the Minister know how much it costs? The tax break is worth up to €64,000. That is not modest. The Minister should ask lone parents if that is modest.

An Leas-Cheann Comhairle: We are not having a debate this morning.

Deputy Joan Burton: Packages such as this will be on the recommendation and oversight of the IDA.

Deputy Pearse Doherty: They will have €5,000 in fees paid for their children, and their flights home once per year.

An Leas-Cheann Comhairle: Deputy, your colleagues want to get in.

Deputy Alan Shatter: Does the Deputy want jobs created in this country or not? There is no proposal to which he is not opposed.

Deputy Joan Burton: We want to see high-end jobs in this country for our young graduates who have so much to contribute to the development of human capital.

Deputy Richard Boyd Barrett: That is why we are giving bribes to foreign executives.

Deputy Michael Healy-Rae: In respect of the Finance Bill 2012 and the implications it will have for the health service, has the Minister any firm proposals to deal with the outrageous situation in the processing of medical card applications?

An Leas-Cheann Comhairle: No, Deputy. We had this yesterday. Is this on legislation?

Deputy Michael Healy-Rae: Yes it is. I am asking about this because it is an important issue.

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

Deputy Joan Burton: No.

Deputy Michael Healy-Rae: So the Government is proposing to do nothing to improve the current situation, which is outrageous.

An Leas-Cheann Comhairle: The Deputy can table a parliamentary question or raise it as a topical issue matter.

(Interruptions).

Deputy Michael Healy-Rae: I did not ask the Minister for injustice about this.

Deputy Alan Shatter: The Deputy is turning the place into a kindergarten.

Deputy Michael Healy-Rae: If the Minister for injustice can deal with his own Department, he will be doing very well.

Deputy Joe Higgins: I wonder if the Minister will arrange meetings at Dublin Airport between these few dozen high flyers she is bringing in and the thousands of our own brightest and best who are being forced out of the country by her Government's insane austerity policies.

[Deputy Joe Higgins.]

Are there any further amendments from the Government on job creation that we do not yet know about? I ask this in light of the Minister for Health telling us that hundreds of vital health service staff who are being induced to leave will actually meet themselves on the way back in to fill the same jobs.

Deputy Mattie McGrath: Revolving doors.

Deputy Joe Higgins: When will we have legislation, or possibly an amendment to the Finance Bill 2012, to provide the 100,000 real jobs that the Government parties promised before the general election?

Deputy Joan Burton: When Finland had a bank crash some decades ago, the Finnish Government wisely decided to invest not just in bricks and mortar but also in human capital. As a consequence, Finland became a country at the leading edge of technology. This Government wants to see the bright young graduates that our education system has produced being enabled opportunities to stay and work in Ireland through the development of human capital and through the development of intellectual capital.

Deputy Richard Boyd Barrett: Is that why the Government is cutting postgraduate grants?

Deputy Joan Burton: Modern growth and investment are strongly related to human capital resources——

Deputy Richard Boyd Barrett: So why is the Government cutting postgraduate grants?

Deputy Joan Burton: ——whether in IT, culture, music or entertainment. We want our share of those investments and I regret that the Deputy should be so negative.

The early retirement scheme is bringing forward retirement. These people are going somewhat earlier than they otherwise would have gone, and the Minister for Health has provided very significant budget lines in respect of A Vision for Change and primary care. The health service management are managing this change. That is their job.

Deputy Mattie McGrath: Under what legislation is the Minister for Justice and Equality — I see his deputy is also here today — advertising for space in Clonmel to accommodate the FCA when they are closing down the barracks there? They have an advertisement in yesterday's newspaper looking for accommodation. They have perfectly good accommodation already.

An Leas-Cheann Comhairle: That is not promised legislation.

Deputy Mattie McGrath: That is what is happening. The Minister for injustice is doing this in Clonmel.

An Leas-Cheann Comhairle: I will ask the Minister.

Deputy Mattie McGrath: I will ask the Minister——

An Leas-Cheann Comhairle: Is there any legislation on this?

Deputy Alan Shatter: There is no legislation.

Deputy Joan Burton: My own brother served in the Reserve Defence Force for a long period of time. The reserve does a great job around the country and the Minister is to be commended——

Deputy Mattie McGrath: For dumping them out of the barracks and onto the street. He should be ashamed.

Deputy Joan Burton: ——for ensuring that facilities for the Reserve Defence Force are made on an appropriate basis, along with retaining a very significant number of Defence Forces personnel.

An Leas-Cheann Comhairle: The Deputy can table a parliamentary question. I call on Deputy Stanley.

Deputy Paul Kehoe: Deputy McGrath should join himself.

Deputy Mattie McGrath: I did. The Deputy's party is a dad's army.

An Leas-Cheann Comhairle: Order, please.

Deputy Brian Stanley: I would like to ask the Minister about promised legislation on distressed mortgages. I have asked the question before of the Taoiseach, the Tánaiste and the Minister during Question Time, and I am still no further on with it. Four out of ten local authority loans are in serious distress of more than 90 days or more. I know that from an answer I received to a parliamentary question.

An Leas-Cheann Comhairle: Is this on legislation?

Deputy Brian Stanley: It is on promised legislation. Just bear with me because I have tried this a number of times over the past six months and I have not got a straight answer. The Minister for the Environment, Community and Local Government is present so I hope we can get a straight answer. Four out of ten local authority loans are in serious distress of 90 days or more, which is more than four to five times the rate of those who have borrowed from private lenders. I have raised this issue on the Order of Business and with the Taoiseach and Tánaiste on Question Time, but I have got no further with it.

Local authority officials are at their wits' end trying to balance books. People are coming before the courts and losing their houses——

An Leas-Cheann Comhairle: Can you help me, Deputy? Which legislation is this?

Deputy Brian Stanley: The Government has the Keane report before it, as well as the personal insolvency Bill. Will the Minister include measures in the personal insolvency Bill to deal with this issue of distressed local authority loans? I ask for a straight answer. Will the Government honour the election promises by both parties to the people that they would deal with the issue of distressed loans?

Deputy Joan Burton: Local authority loans are part of the stock of mortgage loans which also includes other types of loans. The Government acknowledges that many families are in serious distress with their mortgages. This is the reason the Government is bringing forward a series of measures to deal with personal insolvency and debt. These measures have been widely welcomed by organisations that deal with people in mortgage distress, including the Money Advice and Budgeting Service which is funded by my Department. Last year, my Department

[Deputy Joan Burton.]

made payments totalling €90 million in respect of mortgage interest supplement for families in distress. The personal insolvency legislation will proceed in this session.

Deputy Brian Stanley: I asked about local authority loans.

Deputy Timmy Dooley: The Road Safety Authority has published statistics on the number of drivers who have accrued penalty points but these cannot be attached to their driving licences because these drivers are not driving on Irish licences. This is a matter of great concern when one considers the scale of the problem with approximately 300,000 drivers in the State to whom this applies. It is a matter of concern because it is not possible to enforce the law to the fullest extent across this number of drivers. I ask if the Government has given consideration to bringing forward some amending legislation to deal with this matter to ensure that all drivers are subject to the same penalties and there is a capacity to continue to reduce the number of deaths on the roads.

Deputy Joan Burton: This matter has been around for 20 years and ultimately will only be solved at a European-wide level when states can advise each other of the penalty points incurred by each other's nationals. This is a matter for discussion at European level. We are not in a position nor has it been possible for the past 20 years, to pursue those who have incurred penalty points and who are outside the State. I know our own citizens regard this situation as very aggravating but I hope this can be addressed in a Europe-wide context.

Deputy Pearse Doherty: Considering approximately 100,000 people are struggling to keep a roof over their head and dealing with mortgage arrears and the public in general are struggling with the effects of the budget, I ask the Minister to explain to the House why the Taoiseach, Deputy Kenny, has signed a statutory instrument on 31 January 2012, just last week, to confer an additional payment on a Minister of State, Deputy Jan O'Sullivan, a colleague of Deputy Burton's, of an additional €17,205 which is to be tax free. I ask the Minister to explain to the House and to the public that in light of the austerity measures, why S.I. 28 of 2012 has been signed by the Taoiseach to confer a tax-free allowance of €17,205 on top of the junior Minister allowance of €130,000?

An Leas-Cheann Comhairle: Deputy Doherty, please.

Deputy Alan Shatter: What has this to do with legislation?

Deputy Pearse Doherty: It is a statutory instrument and as a Member of this Parliament——

An Leas-Cheann Comhairle: Order, please.

Deputy Pearse Doherty: I have the right to challenge a statutory instrument within 21 days. I am challenging the fact that an additional payment has been conferred on a junior Minister without even a whisper of it in this Chamber.

An Leas-Cheann Comhairle: The Deputy has asked the question.

Deputy Paul Kehoe: What about the Sinn Féin members in Westminster?

Deputy Pearse Doherty: Deputy Kehoe is another person who also gets the allowance of €17,000. I ask the Minister to justify this payment.

Deputy Joan Burton: I understand that Deputy Adams when in Westminster claimed about £1 million and that Sinn Féin claimed a total of about £5 million in respect of staffing and other supports——

Deputy Pearse Doherty: Why is Deputy Jan O’Sullivan getting an additional tax-free allowance of €17,000?

Deputy Joan Burton: The first action of this Government was to reduce ministerial salaries. The Taoiseach and the Civil Service set the level of reduced payments for Ministers and this would have been reflected in the statutory instrument.

Deputy Pearse Doherty: On a point of order, I wish to notify the Chair that I am challenging the statutory instrument which is my right as a Member. I have 21 days in which to do so.

An Leas-Cheann Comhairle: The Deputy can put down a motion.

Deputy Pearse Doherty: I want this issue debated in the House, as it will be in a committee next week.

An Leas-Cheann Comhairle: The time has elapsed and I cannot call further speakers.

Legal Services Regulation Bill 2011: Second Stage (Resumed)

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

Deputy Joanna Tuffy: I wish to make a further point in my remarks about access to the professions. In my experience the Law Society of Ireland has many mature students, including people who have reached retirement age, who then train as solicitors and this is to be commended as there should not be any limitations on who can enter a profession. It is preferable for entry to the professions to be as open as possible.

When proposed legislation is to have a significant impact on some of the stakeholders and when that legislation is controversial, it is crucial to have proper consultation with the stakeholders. There should have been consultation with the stakeholders prior to the publication of this Bill. I refer in particular to the Bar Council of Ireland and the Law Society of Ireland. It is all very well to say that consultation can take place once the Bill has been published but the Minister has already decided to take one route, which is with regard to the Competition Authority. The Competition Authority report recommended a model of a regulator with oversight of the regulation by the professional bodies. The Minister’s proposals will make for a significant change and he should have entered into consultation before publication of the Bill.

In that regard, in the United Kingdom following the publication of the Clementi report, the UK Government responded by publishing a White Paper in October 2005 entitled, *The Future of Legal Services — Putting Consumers First*. A draft legal services Bill was published in May 2006, along with explanatory notes, a regulatory impact analysis and commissioned research from PricewaterhouseCoopers on the cost of the proposal. The Bill was then submitted for legislative scrutiny to a joint committee of the Houses of Parliament established specifically for that purpose. This committee made 50 recommendations on the draft Bill and the Bill was introduced in 2006 and enacted in 2007. The Legal Services Board was established in 2008. This is the way to go about it. There is talk of a need for genuine participation by Members of the Oireachtas in drafting legislation. I acknowledge that the Minister has proposed that committees may consider the heads of Bills but I ask the House to consider the way this type of legislation was dealt with in the UK and that is what should happen here. Let us imagine what would have happened if the Bill had been presented to a committee of the Houses where there

[Deputy Joanna Tuffy.]

could be 50 recommendations made by the committee on amendments. Instead, the Minister has brought the Bill straight into the House. He referred to amendments but we have no idea how much consultation or engagement he envisages on the amendments or how much he will take on board from the various stakeholders.

First, the Minister should have held consultations beforehand, because the Bill moves on significantly from the Competition Authority report in that it does different things to those proposed in the report. Second, I recommend that in future legislation of this nature, which will radically affect stakeholders, should be dealt with in the way it was done at Westminster. That seems to me a model for dealing with such legislation. In this country there has been no pre-regulatory impact assessment or analysis of costs, whereas in the UK a report was carried out by PricewaterhouseCoopers on the cost of the proposal. I urge the Minister to take his time with the legislation and to engage with the interested parties.

It is all very well to go along with what has become part of Irish discourse and to dismiss what certain groups say on the basis that they are vested interests. We are all vested interests in society but we all have something to contribute and to say. If one chooses law as a career, one cares about the law as well. One cares about the independence of the legal profession and that things are done in the best possible way. I will refer to the competitive angle later.

As the Minister is aware, concerns have been expressed about a number of proposals. One issue of concern is the proposal on multidisciplinary legal practices and legal partnerships. Concerns have been expressed by the Bar Council about them and also by FLAC. Again, the Bill deals very differently with the situation compared to how it was done in the UK. The Competition Authority took a particular line on allowing multidisciplinary practices for reasons of competition but it did not carry out analysis. My understanding is that the equivalent UK legislation was different. Not only does the Bill say there should be an investigation into whether there should be multidisciplinary practices but it provides in the legislation that there must be multidisciplinary practices. Legitimate concerns have been raised by FLAC and the Bar Council.

I do not think the system is ideal and should not be reformed. It should be reformed; perhaps more radically even than what is proposed in the Bill. The view has been expressed that the current system based around sole practitioners in the Bar makes barristers accessible to the general public, whereas adopting the “bigger is better approach” could reduce access to services and potentially distance people’s access to barristers as compared to the way they currently have access to individual barristers. That legitimate fear has been expressed. Perhaps the Minister should consider amending the legislation so it could be paused. Let us see what the independent regulator decides in terms of whether the new system will work and what are its benefits and drawbacks and then legislation could provide for the necessary changes.

Reference has been made to the independence of the proposed authority. It is not just the Bar Council and the Law Society that have raised fears about the lack of independence of the proposed authority. The Council of Bars and Law Societies of Europe has raised concerns, as have the International Bar Association and the American Bar Association. In a recent opinion piece in *The Irish Times*, Ms Carol Coulter expressed concerns. She contrasted what the Minister proposes with the regulation of the medical profession. She indicated:

Of 56 operative sections in the Bill as a whole, 21 require ministerial approval. The extensive powers proposed for the Minister are unprecedented in Irish law and in sharp contrast with the law regulating another important profession, itself the subject of a recent extensive overhaul.

Other people have made similar criticisms. For example, Prof. Colin Scott, professor of EU regulation and governance at UCD, comments on the issue. He takes a different approach to that proposed by the Minister in the Bill. He suggests: “The debate is not about whether there should be a public regulator, but where the balance lies between the regulator and self-regulation.” The Competition Authority opted for the oversight regulation model, which seems to be the model in many other countries.

The Minister has made much of the fact that the Law Society has recently changed its policy on the handling of complaints procedures. The Law Society recently wrote to the Minister in that regard. It notified him of a major change of position decided on by the society’s council on 20 January 2012. The council decided that it would not seek to have the society retain control of the handling of clients’ complaints for reason of the need to address the public perception that solicitors should not adjudicate upon complaints about members of their own profession. It maintains the society has the highest of standards for the handling of complaints by members of the public but the change would be for reason of public perception. That is not a new statement by the Law Society. In a recent address by the president of the Law Society, Mr. Donald Binchy, outlined:

I would submit that, insofar as the public is concerned about these matters, its concern is in the main that complaints against solicitors should be handled independently of the Law Society. Insofar as there may be a public demand for change, I would submit that that is where the demand lies, and also in the area of costs.

I concur with that view from my experience as a public representative more so than a solicitor. That is the area about which the public is mainly unhappy in terms of the professions regulating themselves, in particular on the issue of solicitors’ fees, which is the area I have dealt with. It is not just a matter of public perception. The public has legitimate concerns. I provided assistance as a public representative to a couple who were charged an outrageous fee for a conveyancing matter. Their difficulty was that they could not get another solicitor to represent them in their complaint to the Law Society about the person who had charged them the excessive fee. When they raised the matter themselves the reduction they got was minimal. Having experience as a solicitor, but in my capacity as a public representative, I helped them put forward a submission to the Law Society in appeal. It was only at that stage that a significant reduction was made to the fee for the people concerned, who were my constituents. Even then I thought the Law Society could have gone further. I still felt the people were being charged an excessive amount.

Section 68 is not sufficiently enforced even though it is drummed into one when one is training with the Law Society. I have much anecdotal evidence from people I know and constituents that people are not given a section 68 letter when they engage a solicitor. They are not given any indication and then suddenly they are landed with an excessive bill. As a public representative I advise anyone going to a solicitor to make sure they ask at the outset what the cost will be or on what basis the fees will be charged. There needs to be more awareness and more education of the public in terms of their rights in that regard. That is something the Law Society could perhaps examine. There is no section 68 applying to barristers. I welcome the fact that barristers are required to do something similar under the Bill. It is important that clients of solicitors and barristers, including solicitors who engage barristers, are clear on what fees will be charged or how they will be worked out from the start.

The regulator will consider the question of education. The Law Society and Bar Council do a good job in terms of the education of solicitors and barristers, but some elements could be improved. When I was a solicitor, the education I received was too intense. More time could be spent on training solicitors in the reading of titles, etc. The Law Society is better placed to

[Deputy Joanna Tuffy.]

train solicitors at that stage of their education. Someone might attend a university, institute of technology or so on to learn about the law. I did not learn about the law, as I did a different degree, but I studied for the Law Society's entrance exams. When one begins one's apprenticeship as a solicitor, one learns about the practical implementation of the law. I am not sure that a straightforward college could provide the same quality of training as is provided by the Law Society. Would a college spring up just for this purpose, who would be involved and from where would the expertise come? While improvements are necessary, so is caution.

A more radical step taken by the Bill is the proposed unification of the two professions. A report on unification is to be carried out by the regulator, but that unification is not legislated for in the Bill and no presumption is made prior to the investigation in terms of the outcome, the merits of the idea, how it would work, its pitfalls, how it should be phased and so on. I favour unification. My opinion is not set in stone, but the idea should be investigated.

The public is used to watching legal dramas from the US where everything is more informal. There is too much pomp and ceremony in how barristers operate. The clothes, dinners and so on make the Bar off-putting to wider participation by people from different socioeconomic backgrounds, including solicitors. I was always scared stiff whenever I was sent into the Four Courts because the manner in which everything there was carried out was daunting. Some archaic elements, for example, the masters course, need to be re-examined.

Competition is not the be all and end all. The Minister might not be aware of it, but there was cut-price conveyancing in my area of west Dublin during the Celtic tiger housing boom. It probably destroyed some solicitors. I never made money in the short time that I practised as a self-employed solicitor. I was always at a loss and the cost of insurance was crippling. This is another issue that needs to be examined.

Deputy Mick Wallace: This is an important Bill and many decisions will be made. The legal profession impacts on many people's lives. The cost element needs to be tackled. When the legal profession comes to mind, the first thought that occurs to people is that availing of it costs too much. Prices have fallen in the past while. I remember how it was impossible to get a barrister for my business for less than €2,000 per day. More recently, I have got barristers for €800 and €500. Prices are moving in the right direction. Costs still need to be controlled, but no element of control exists. Section 90 requires legal practitioners to set out the basis upon which costs are to be calculated. This is a good idea, but strict controls are necessary. In the construction industry, for example, a contractor might price a job well in advance and provide a breakdown, but it is frightening how often the final price will be much higher. To avoid such situations, there must be tight pricing controls.

The notion of fixed price bills seems more popular than the notion of hourly rates. Solicitors or barristers being allowed to charge a certain amount per day depending on the court involved is not workable, given that some cases require more preparation than others. The hourly rate idea is a good one, as people could compare like with like, especially if there was a maximum chargeable rate. If extra work was required during the preparation, lawyers would be able to invoice for it.

The merging of the professions seems contentious. I have spoken to a number of barristers and solicitors who are not convinced that a merger will lead to a better service for the consumer. Some large firms will garner most of the better barristers and it might prove difficult for some people to gain access to the best professionals. Currently, a small solicitor can access any barrister provided he or she can afford it. However, if barristers go to work for large firms, employing them will become more expensive because big firms are inclined to charge more.

If they have the best people, they will also garner the most work, including major commercial and Government business. Recently, we have seen how Governments have been keen to give a great deal of work to their favourite firms. For example, the amount of money that the likes of Arthur Cox receives from the State for work relating to the banking crisis has been pointed out numerous times. The 2008-11 figures are frightening. The firm received €1.6 million, €5.9 million, €4.8 million and €1.3 million in 2008, 2009, 2010 and 2011, respectively. It did not even tender for some of the work at the initial stages. A blind eye has been turned to the fact that Arthur Cox advised both the former Government and Bank of Ireland during the banking crisis.

I am not sure that big is beautiful. We would have a more honest profession were there smaller groups. That banks were too big to fail was a global problem during the financial crisis. Likewise, I would hate to see legal firms growing so large as to be uncontrollable. The Government should spread its work out further and not give everything to the likes of Arthur Cox.

There is no doubt that action is required to safeguard the independence of the profession. Self-regulation is not the ideal system for legal professionals, no more than it was in the building industry. In the case of that industry, a system under which the consultant engineer and the architect signed off on work proved to be a disaster in cases such as Priory Hall.

12 o'clock Likewise, in the case of the legal profession, the introduction of an independent body to oversee and regulate is a welcome change. Having said that, transferring the duty of regulation from the profession to complete Government control may not be the best solution. Given that the Minister's fingerprints will be all over the new regime, it would be better if the regulatory body were to include a greater number of representatives from various citizens' groups and non-governmental organisations. Even if the Minister adopts a completely healthy, honest and effective system, he is making laws for others to follow. We do not know whether he will even be in the same office next year. As such, he must legislate for the future. Putting so much power in the hands of one individual may not be the best idea in the world.

Another issue to consider is that some 50% of litigation involves the State, which has implications when considering what is encompassed by the notion of an "independent" body. The new authority amounts to yet another quango and will be expensive to administer. The Minister will argue that it must be paid for by the legal profession, but the dogs in the street know the cost will be passed on to the consumer. Moreover, such bodies can become a law unto themselves, as we have seen in the case of the Health Service Executive, the National Roads Authority and so on. There should be greater diversity in the membership of the boards of all such bodies, together with a reduction in the size of the board. Larger boards will involve larger costs and, as I have said, it will be consumers who ultimately face the bill.

A properly functioning society requires that the Government be held to account. As such, giving so much power to the Government in this instance is a cause for concern. The State already has a serious level of control over the judicial system in terms of its responsibility to appoint judges. We saw what happened in the United States some years ago when it was left to the Supreme Court to decide who had won the presidential election in Florida. Given that the Republican Party had nominated most of the judges, it was no great surprise when the court came down in favour of George W. Bush who went on to become President. Some 400 people in the State have applied to be appointed to seven or eight judicial vacancies. It will be interesting to see how that works out. The Judicial Appointments Advisory Board makes recommendations to the Government on such appointments, but there is a lack of transparency arising from the absence of criteria by which an applicant is deemed fit for appointment as a judge. While the board can make recommendations, the Government makes the ultimate decision and is thus in a position to appoint its friends. We have seen enough of this in the

[Deputy Mick Wallace.]

past and it is time to move away from it. There should be fewer Government appointees and more people appointed on merit rather than on who they know.

Deputy Seán Conlan: I welcome the opportunity to speak to this important Bill. I will begin by declaring an interest in that I am a member of the Law Society of Ireland. The aim of the Bill is to reform the regulation of the legal profession and remove restrictions to trade in the provision of legal services. It also seeks to increase competition by changing the method by which the profession is regulated and introducing new education and training arrangements and new business structures in the form of legal partnerships and multidisciplinary practices. The Bill provides for independent complaints-handling procedures and new cost adjudication mechanisms.

I have listened closely to the arguments made by the Minister in support of the new arrangements. I welcome his invitation to make constructive suggestions to enhance the regulatory framework set out in the Bill and achieve its key objectives. I also welcome the Taoiseach's comments that the only decision taken thus far by the Government on the Bill was the one to publish it. I will support any measures which will increase transparency in regard to costs, enhance complaints-handling procedures, improve the regulatory framework governing the professions, increase competition and lower the cost of legal services to the consumer.

However, I have serious reservations about aspects of the Bill, as drafted. I am concerned that it may fail to achieve its key objectives in a number of instances and may instead lead to less competition, higher costs to consumers and a diminution in access to justice for the public. I have spoken to representatives of the Law society of Ireland, the Dublin Solicitors Bar Association, the Bar Council of Ireland and my local Bar association in Monaghan, all of which have raised serious concerns about aspects of the Bill. The Law Society of Ireland's main concerns centre on the threat posed to the independence of the profession by excessive Government control. It is also concerned that the running costs of the proposed new regulatory authority could lead to higher costs to practise for solicitors and barristers which will ultimately be passed on to consumers. It has further concerns regarding fair procedures in the area of complaints handling, the provisions relating to misconduct and the absence in the Bill of provisions to transfer staff from the Law Society of Ireland to the new authority.

The Bar Council of Ireland, while supporting the measures dealing with increased transparency in regard to costs, has major reservations that aspects of the Bill go against the recommendations made in the Competition Authority's report of 2006. The council contends that fundamental and far-reaching reforms of the type proposed should be properly evaluated and shown to be in the public interest prior to enactment. It points out that no regulatory impact assessment was carried out before the Bill was published.

All of the representations I have received express major concerns about two aspects of the proposed legal services regulatory authority, namely, its lack of independence and its cost. Given that the proposed body will not be independent of the Executive, there could at some time in the future be a level of Government control over the body which runs directly contrary to the core value of independence in the administration of justice. The Bill has been widely criticised by various international groups, including the Council of Bars and Law Societies of Europe, CCBE, the International Bar Association and the American Bar Association. These concerns must be addressed.

The professions have queried the proportion of the authority's members to be nominated by the Minister, seven out of 11, in comparison with similar statutory professional bodies. For example, the appropriate Minister nominates five out of 25 members to the Medical Council,

nine out of 21 to the Council of the Pharmaceutical Society of Ireland, four out of 19 to the Veterinary Council of Ireland, and five out of 37 to the Teaching Council of Ireland

The establishment of the legal services regulatory authority could introduce a new and enormous level of cost to the legal system. It is effectively a new quango and the bureaucratic regulatory superstructure proposed by the Bill seems likely to lead to an increase in costs. As it stands, the legal profession will have to bear the entire cost of this new quango and that cost will inevitably be passed on to consumers. Direct regulation of the legal professions by an enormous quango is not an efficient or effective way to regulate. It is also inconsistent with the independence of the legal professions. The Competition Authority recommended independent oversight regulation, a model involving an independent regulator overseeing the front-line regulators, namely, the Law Society of Ireland and the Bar Council of Ireland. This model is consistent with international best practice and arguably far more effective and cost efficient.

The business structures for the delivery of legal services proposed in the Bill such as multi-disciplinary practices and legal partnerships will damage rather than enhance competition in the delivery of services. The proposed business structures are likely to lead to increased costs and a reduction in choice. 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 throughout the country who rely on ready access to the independent Bar to compete on a level playing pitch with the large city firms. FLAC has expressed concern about the proposed structures. Legal partnerships and multi-disciplinary practices were not recommended by the Competition Authority, the Legal Costs Working Group or the programme for Government. Of major concern is that no independent economic assessment of this or other models of business structure for the delivery of legal services was undertaken prior to publication of the Bill. Chambers, legal partnerships, LPs, and multi-disciplinary practices, MDPs, were not recommended for Northern Ireland, which has a more comparable legal system and population to the Republic of Ireland than does England or Wales. The views of the Northern Ireland review group are as relevant to the Republic of Ireland as they are to the North.

The US once planned to expand multi-disciplinary practices. However, issues such as sharing profits with accountants and other professionals and possible conflicts of interest arose. This movement ended abruptly with the fall of Arthur Andersen as a result of its association with Enron. Arthur Andersen was alleged to have given dubious legal, tax and accountancy advice to Enron. The US Sarbanes-Oxley Act 2002 was introduced following the collapse of Enron and corporate accounting frauds, which effectively ended the trend of multi-disciplinary networks established by the "Big 5" accounting firms in the US.

The Bill, as drafted, presumes or presupposes that chambers, LPs and MDPs will be introduced, which is regrettable. The Bill would be a better if it provided for full and proper consideration by an independent body of the consequences of the introduction of these new structures. Such a huge regulatory change needs to be properly considered before implementation. In so far as public consultation is required regarding the establishment of the multi-disciplinary practices and so on, there is a requirement under this Bill that the authority consult with the public. It is merely enabled to consult with the legal professional bodies if it deems it appropriate to do so. Why is there such need to shun the professions in this manner? There are obvious alternatives to the type of regulation proposed in the Bill which would comply with the requirements of the troika, including 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 Government and would oversee and supervise regulation by the Law Society and the Bar Council. This would be a more efficient and effective form of regulation than that proposed in the Bill. It would also be considerably less costly. The

[Deputy Seán Conlan.]

Bar Council has suggested that the independent regulator would carry out research into business structures for the delivery of legal services in the State. This would enable the Oireachtas to be provided with a comprehensive assessment of the types of business structures that should be allowed to operate the delivery of legal services in the State in the interests of the public, not the legal profession.

I have a number of specific concerns about this legislation. The proposed new complaints system by removing a filtering section could lead to gridlock of the complaints committee and disciplinary tribunal. Regarding complaints generally, there is no limit on the category of persons entitled to complain. In theory an aggrieved witness, member of the public sitting in the gallery in the court room, relation or friend of an aggrieved litigant or any person could make a complaint. The Bill does not appear to contain any provision with regard to retrospective application. Does this legislation provide for the making of complaints with regard to past conduct? Furthermore, no limitation period governing the time within which a complaint must be made, is included.

On levies, a levy is to be introduced to fund the authority. This will be met by the profession, with 10% to be paid by the Bar Council, 10% by the Law Society and the remaining 80% on a *pro rata* basis between the Bar Council and the Law Society in proportion to complaints made against each and expenses arising. This levy will make continuing to practice or entry to the profession much more expensive for solicitors and will result in increased costs for practitioners and, in turn, the client. On funding, the authority is to have 43 appointed members, including a chief executive, committees to assist and advise, advisers, consultants, inspectors and a significant number of staff, which the Minister will have the power to appoint. The Bill contains no ceiling in regard to costs that may be incurred by the LRSA, its staff or consultants engaged, thus providing no incentive for control of costs.. The view of the solicitors profession is that this will give rise to an enormous and unnecessary super-structure surrounding the regulation of the legal profession and legal services, which may become somewhat analogous to other fraught Government bodies.

On inspectors, the authority will have the power to appoint such members of staff as it thinks fit to be inspectors. These inspectors will under section 28 have the power to attend, with or without prior notice, at the place of business or places of business of a legal practitioner. These powers will be exercised without any warrant from a court of law or any independent review prior to execution. Misconduct is broadly defined in section 45 of the Bill. Apart from obvious misconduct, it includes any act or omission likely to bring the profession into disrepute and includes, unusually, issuing a bill of costs which is excessive. What is an excessive bill of costs? Is it a bill that is reduced on taxation or a bill that is significantly reduced on a percentage basis by, say, more than 15% of the costs claimed? If one is fighting a costs issue, what is the determining feature of "excessive"? This is not defined and there are no guidelines in this regard.

An appeal lies to the High Court from the disciplinary tribunal, with various sanctions ranging from censure restriction to being struck off. The right to appeal lies to the Supreme Court. I need clarification on this. There appears to be no appeal from the complaints committee.

I am not convinced that legal costs will decrease as a result of this Bill. Rather, the big city firms and established senior and junior counsel will be the big winners to the detriment of the consumer, small practices and newly qualified solicitors and barristers.

Deputy Patrick O'Donovan: I welcome the opportunity to contribute to the Second Stage debate on this Bill. Change in any industry, be it business, education, health, legal or otherwise will always generate a degree of controversy. Change does not come easily to any profession,

including the legal profession which is one of the oldest professions. As such, this legislation has generated a great deal of concern. Like other Members, I, too, have concerns about this legislation. I am sure the Minister will take on board our concerns.

It is important that we differentiate between what is being provided and what we expect. It is easy to adopt the media line that legal practitioners are all on the take. Far from it. Given the collapse in the house construction sector and in the area of conveyancing, many legal practitioners are only scraping out an existence. Many rural practitioners who routinely contact me for advice and so on are experiencing difficulties. We all know that a few people have caused a great deal of damage to the reputation of the legal profession. In this regard, one need look no further than to some of our Sunday newspapers, some of which are referring to the Four Courts as the Four Goldmines. There was much discussion in this House on the recently held referendum on judges' pay. Rightly or wrongly, the perception is that justice is not available to people who cannot afford to access it, which is a serious indictment of the system. However, it is up to the legal profession to set the record straight from its point of view.

The issue of cost was referred to by previous speakers. It is important to bear in mind that the pursuit of justice can be a costly business. Much depends on the amount of investigation and work that must be undertaken by a legal practitioner. Unlike a mechanic, who can fix a particular price for repair of a car and so on, legal practitioners cannot fix a price for their services because they will not know the total outlay involved until a matter has been resolved. Many of the legal practitioners who have contacted me are concerned that this legislation will set what should be the cost of a particular legal service.

As regards the legal services regulatory authority, it is time such an independent body was put in place. I am aware that previous speakers have taken issue with what the Minister is doing. However, it is necessary to put in place a regulatory authority to set standards for professions be it in respect of education, medicine or civil engineering. Also, such regulatory authority must be accessible to the public who, in turn, must be confident that said authority is on their side and is monitoring those standards on behalf of consumers. While I do not wish to cast a cloud over the existing system, if it is perceived to encompass internal regulation and light touch regulation from within, a legitimate concern is whether it ultimately achieves results for the consumer.

It is unfortunate that, in common with a great deal of other legislation published since the Government took office, this legislation has been published in response to the contents of the memorandum of understanding between Ireland and the EU-IMF-ECB troika. As this probably constitutes the biggest change the legal profession will undergo within a lifetime, it is unfortunate the country has again been dragged, kicking and screaming into making a change of this nature. Such a change should have been undertaken and this debate should have been held. Moreover, there should have been greater interaction during the years. However, as I have stated in the Chamber previously, regardless of the troika's expectations regarding Ireland, the Minister for Justice and Equality has not been shy in bringing forward proposals needed, which I welcome.

One point of concern to me is that many younger people who are trying to enter the legal profession find it prohibitively expensive. Having completed one's undergraduate studies in law or another discipline in, say, the NUI, the costs associated with trying to get into Blackhall Place or the King's Inns are undoubtedly very high. Similarly, the costs are extremely high for many who try to gain access on a part-time basis. The price of books is high and many people returning to the profession may also be trying to hold down a job, have family commitments and so on. The very fact that such costs are high means that almost straightaway those whom one can expect to be solicitors or barristers are being taken from a certain stratum. One must

[Deputy Patrick O'Donovan.]

question whether solicitors and barristers are truly reflective of Irish society and whether entrants are being drawn from all social strata. One must ask whether there is an issue of access for persons who may come from socially disadvantaged areas. Moreover, the concern is how can one induce people from the margins to enter the legal professions, become practitioners therein and perhaps ultimately go on to become judges.

My colleague and the previous speaker, Deputy Conlan, raised the issue of the perceived quangoisation of the legal profession. There is undoubtedly a concern about whether the Minister's proposed regulatory authority will become another quango. That said, the present set-up is not accessible *per se* and is perceived to be aloof. Consequently, to establish what is required by the troika and the public, the new set-up must be accessible, easily understood and uncomplicated in registering issues, complaints and so on. However, I agree with Deputy Conlan that it is important it not become a cranks' charter, whereby persistent complainers and cranks make life difficult for people on an individual basis. As public representatives, Members know only too well the types of people who seek to become serial objectors and complainers without legitimacy. The establishment of legitimacy in the lodging of a complaint must be taken on board.

I have referred to the educational aspects of the Minister's proposals and reiterate it is important that the system be perceived to be accessible to people from a variety of backgrounds, regardless of their means. The perception is that it is a very expensive process to qualify as either a solicitor or a barrister and in itself, this creates problems. I differ with Deputy Conlan in respect of his comments about the multidisciplinary aspect of the Bill's proposals because other jurisdictions have had a different experience from that to which the Deputy referred.

Ultimately, as I noted, change to the system will not come easily and obviously people will be anxious about its impact on the service user and the practitioner. The vast majority of practitioners are small-scale solicitors and barristers who are struggling. Consequently, Members should avoid overdoing the bureaucratic burden on those who are in danger of being squeezed even further.

I welcome the opportunity to speak to the legislation. There is an opportunity to engage further with consumers, practitioners and the Oireachtas. I understand there are time constraints on the legislation's enactment, but, ultimately, I welcome the opportunity for Members to have this debate and suggest the modernisation of an institution as old as the legal profession. I hope the Minister will take on board some of the points I have made.

Deputy Marcella Corcoran Kennedy: I thank the Chair for giving me the opportunity to contribute to this debate. I welcome the Bill and acknowledge that the legal costs working group and the Competition Authority have been advocating for a Bill such as this for a number of years. I have a personal interest in consumer rights and the Bill will be positive for consumers of legal services in Ireland. I note some concerns have been expressed by the Law Society of Ireland and the Bar Council of Ireland, many of which have been articulated. I note further that concerns regarding multidisciplinary practices have been raised. In addition, the potential impact on rural solicitors and barristers and the question of whether the proposed authority will be sufficiently independent also have been raised. The approach adopted by the Minister has been to listen to everyone involved in the debate. I sincerely hope he will take on board the opinions expressed to assure the best possible outcome is arrived at. However, the current proposals strike the balance that needs to be struck between the profession and consumers. It is welcome that some of the organisations have moved position from the initial stages of the

debate. I note the Law Society of Ireland welcomes the Bill and has acknowledged the need for independent regulation.

The proposed legal services regulatory authority will be a key feature in this regard because it is evident from other walks of life that self-regulation and internal disciplinary procedures do not work because they are not public. It will be important to have a good balance in the composition of the board authority, as this will give confidence to those concerned in the profession. The board's make-up should include members of the Law Society of Ireland and the Bar Council of Ireland, as well as consumer advocates, representatives of the council of the free legal aid centres and other such individuals drawn from different walks of life. If the correct balance can be achieved in this regard, it will address these concerns. When setting up the authority, the Minister should consider allowing it to introduce its code of practice without requiring consent from him, as this is another matter about which concerns have been expressed.

I noted with interest the point Deputy Mick Wallace made about the Judiciary. Judges are appointed by the Government and one must have confidence that they are independent. While I was uncertain what the Deputy was suggesting, as a citizen I am certainly confident that judges are independent. Moreover, given the existing example of the Judiciary's independence, I am confident that on its establishment, the legal services regulatory authority also will act independently of the Government and not be something that will be used by a Minister.

I will not dwell too long on this subject but reiterate that I welcome the Bill. It will be positive for consumers and provide young people who wish to enter the profession a better opportunity. Moreover, for those already in the profession, better opportunities will arise from the Bill's introduction. Those who seek to have an input into this process should take their opportunities to so do. This is their chance as the approach to date has been highly inclusive. All those who wish to contribute will be listened to. I look forward to studying the amendments the Minister will table on foot of this debate.

Deputy Paudie Coffey: I also welcome the opportunity to contribute to this important debate. It signals a fundamental change in the public perception of legal services that will instil greater confidence in the public, which is a welcome development. Consequently, I also welcome the Bill.

The legal profession has served this country and its citizens very well. The Bill will give effect to key reforms in the area of legal services. These reforms were included in the Programme for National Recovery and they were identified as some of the structural reforms required under the EU-IMF programme to which the country has signed up. The establishment of independent regulation of the legal profession through the new legal services regulatory authority is extremely important. Heretofore, the Incorporated Law Society acted as a self-regulating authority for the legal profession. There is a perception that where there is self-regulation there is not full transparency in decision-making. In the interests of ensuring public confidence, it is no longer acceptable that self-regulation should continue. The Bill will certainly address that.

The Law Society has done a great deal of work during the past 150 years. It has changed its position and no longer seeks to deal with client complaints about the legal profession. It has indicated that, in the main, it has taken this approach to address the public perception of the profession. That mature decision on the part of the Law Society is welcome. I understand the Law Society has welcomed many of the changes in Part 9 of the Bill which deal with the issue of transparency in the context of legal costs. These changes will ensure that citizens will be able to predict, to some extent, the costs they will be charged and there will be a modern costing system in respect of legal services.

[Deputy Paudie Coffey.]

There are three fundamental pillars in our democracy, namely, the Oireachtas, which is also known as the Legislature and which makes the law, the Executive, which comprises the Government and which enforces the law, and the Judiciary and the legal profession, which interpret the law. That system has stood the test of time and has served our country and many others well. The Oireachtas and the Executive are subject to scrutiny, in the context of transparency and accountability, by the Houses of the Oireachtas Commission and the Standards in Public Office Commission. It is only right that matters relating to the legal profession will be fully transparent and that the profession will be independently regulated, particularly from the point of view of public perception and confidence.

It is important to have transparency in the charges imposed by the legal profession in respect of services provided. In a recent high-profile case — in respect of which there had been a successful outcome in court — there was a serious breakdown in the relationship between the clients and solicitors involved as a result of the costing structures imposed. One can imagine the intricacies that come into play and the lack of clarity involved with regard to matters of this nature. The Bill, by means of the regulatory authority it will establish and the structures it will put in place, will bring the clarity required. I hope it will also help to improve the relationships between clients and solicitors and give the former — who are, after all, customers — more confidence in the legal services with which they are being provided. That is an extremely important aspect of the Bill. The provisions relating to information on costs and putting in place the structures to which I refer will automatically give rise to fairer competition in legal services.

Families in rural areas have traditionally retained the same firms of solicitors over many generations without ever questioning either the costing structures imposed or the level of service provided. This is because a level of trust has been built up — and rightly so — through the provision of a good level of service by the solicitors over many years. In the context of the modern society in which we live, I suspect that the position may change as a result of much more transparency in respect of the costs of service provision. Clients will become more discerning and will seek to discover who provides the best service at the best price. That is a welcome development.

To date, legal costs have been excessive. Previous speakers referred to the tribunals. The costs relating to the Mahon tribunal have almost reached €100 million. There is a great deal of concern regarding access and the cost of hiring barristers for the purposes of clients obtaining the best defence in legal cases. It can be extremely costly to obtain legal opinions. Access to good legal services is very important. The Bill will certainly assist in improving the level of access.

I was disappointed with the result of the recent referendum whereby Oireachtas committees were not given the power to investigate matters and make findings. When one considers the cost of tribunals, there could have been serious savings to the State — it would have been in the interests of citizens — if the referendum had been passed. I suspect it was not passed because the reputation of politicians, who are themselves professionals, has been badly damaged in the eyes of the public. As politicians, we must acknowledge that the damage to which I refer came about as a result of the problems that have afflicted our country and our economy in recent years. Many of these problems arose because of a lack of regulation and on foot of bad decisions made by politicians. The referendum result is understandable to some degree. However, if the referendum had been passed there would have been a great deal more transparency in the context of the delivery of public services. In addition, the costs relating to the provision of such services would have fallen.

I have rarely had occasion to visit the courts. However, the courts environment seems quite intimidating and archaic, particularly in the context of the wigs and gowns which members of the Judiciary and the legal profession are obliged to wear. I accept and respect that a tradition but, the courts system, with its dress codes, and so on, can be intimidating to the ordinary citizen. A great deal of money is spent on the provision of services in our courts. Will the Minister indicate if judges and barristers are paid allowances in respect of wigs, gowns, and so on? The Bill provides options and allows discretion in respect of wearing of wigs and gowns.

Members of the legal profession have raised with me the independence of the new authority. Under the Bill, the Minister and the Government will have the power to appoint the majority of members of the authority. The Minister already referred to this but I ask him to address it further when replying to Second Stage. We need clarity on the Government's intentions and we must fully respect the independence of the Oireachtas and the Judiciary.

Deputy Noel Harrington: I welcome the fact the Minister is in attendance for this debate. I compliment him on his resolve in introducing the legislation, particularly in light of his background and the resistance with which he has been obliged to deal. The legal profession is quite intense in nature and it has been the subject of comment within this State and, more recently, from the troika. The troika does not see it in a very favourable light.

I welcome the introduction of the Bill in principle. Does it go far enough? The main reason for its introduction relates to public concern in respect of the costs which apply to legal services provided by solicitors and barristers. It would be fair to describe it as a legal costs Bill. Let us consider circumstances where a legal counsel could charge €20,000 for five hours spent in court. I accept that there might be a great deal of work involved but the figure to which I refer is twice the amount people receive annually in the form of the State pension. It is an enormous sum. We need greater scrutiny and competition when it comes to legal costs.

The Bill sets out new procedures and rules and establishes new bodies for those involved in the legal profession, which consists of barristers and solicitors, and the many others who work in the legal area. In that context, it gives effect to one of the main provisions in the programme for Government and is aimed at establishing independent regulation of the legal profession to improve access and competition, making legal costs more transparent and ensuring adequate procedures for addressing complaints. The Bill meets part of the State's commitments under the EU-IMF-ECB programme of financial support for Ireland. Not all of its provisions are regressive from the point of view of citizens. The Bill before the House is a positive development for the country and its people.

Almost all citizens will be involved in some form of transaction with the legal industry during their lifetime. The most common of these transactions would relate to the purchase or sale of a family home or other property. Other transactions would involve drawing up wills and dealing with probate issues. We should encourage more people to make wills. Most citizens will be lucky enough never to be obliged to deal with barristers. People who have dealings with barristers fall into two separate categories, namely, those who become involved in civil cases and those who become involved in criminal ones. An increasing number of cases relate to financial transactions. I understand the Minister will soon introduce another Bill to deal with this issue. In drafting the Bill, will the Minister consider whether there is a need for senior and junior counsel to represent financial institutions when the case involves a lack of funds? This increases the debts of a person who already does not have the capability to pay back the debts. I accept the need for a barrister when a legal point is in dispute and I note in recent judgments on such matters that the judge has refused to award costs where a client has been co-operative with the financial institution.

[Deputy Noel Harrington.]

With regard to criminal cases, will the Minister consider the amount of adjournments sought by State counsel and or defence counsel which add to the costs borne by the taxpayer? Will he consider where both sides are agreed a case is not ready to proceed allowing them to arrange with the court clerk to set back the date? One has only to spend the first hour in any court to see the amount of witness, court and prison staff time wasted, with the costs borne by the taxpayer. This is our responsibility and we should note it and take account of it. This is why we are here.

The explanatory memorandum states, “Together, these provisions are intended to promote competition and transparency in the organisation and provision of legal services in the State and in relation to legal costs.” This is welcome. In stating its aim is to reduce legal costs, this includes the State’s legal costs, as the State is the biggest customer of legal services in the country. Ultimately, this comes back to the taxpayer. We have a joint role here. Not only are we drafting legislation, we are also making our best efforts to minimise the impact of legal costs on the taxpayer, as the State is the greatest contractor of legal services. The State, that is, the taxpayer, pays at least half the costs of all prosecutions. Far too often when costs are settled and agreed, the scrutiny is less than it should be. Again, this exposes the taxpayer to needless costs.

The State, through the Departments and their agencies, has a reputation of rarely settling cases until reaching the steps of the court or after the hearing of the case has started. Perhaps the Government could examine the greater use of mediation and arbitration facilities. This would save the taxpayer considerable funds. With this in mind I would like to see every Minister appoint a delegated person in the Department to be a mediation or arbitration officer to examine the possibility of avoiding these legal costs, if possible.

Recently I read a report about a family seeking approximately €25,000 damages for the death of their son while on active service for the State. Obviously I am not qualified to judge the merits of the case but I am sure the legal costs of trying the case will be much greater than the amount claimed and there may be a role for mediation or arbitration in this. We must consider the taxpayer and State funding.

Penalty points involve an administrative system of sanction which frees up the courts. I would welcome the expansion of this scheme to many other areas of criminal prosecution where the legal profession seems hell bent on furthering its own boundaries and where administrative sanctions simply administered would effectively punish wrongdoing and save State funds. It would also be less traumatic for victims and those accused. In most cases, a person will really feel the heat and take note if one hurts him or her in the pocket. Often, the gardaí prosecuting a case where there is no administrative sanction find the person in question is home before they are back at the station, even where a sentence is imposed. This is unfortunate and is an unnecessary expense for the State.

I know I am deviating from the legislation before the House, but will the Minister examine with his colleague, the Minister for Agriculture, Food and the Marine, the case for using administrative sanctions for very minor sea fisheries offences where the minimum penalty is a hearing before the Circuit Criminal Court? This is a matter of close to my heart. It crushes a nut with a sledgehammer and administrative sanctions might be more appropriate in such a case.

The State, which is the biggest customer of legal services in the country, is the taxpayer, and any efforts to reduce its costs should be welcomed by everyone in the Chamber and in the State. The institutions must be prudent in their expenditure on legal costs and, in doing, so we must ensure the courts work in the most efficient way. Therefore, I welcome the creation of

a body to represent judges. I hope we will be able to start a debate on court procedures and practices.

I recognise that while changes have been made in the operation of conveyancing through the digitisation of the property register, the fact that when a property is bought solicitors on both sides must search back centuries to ensure title is correct creates cost. I would welcome any efforts to reform this in the legislation. These records and certificates should be incorporated and digitally recorded in order that when the property is sold again, the only search that needs to take place is during the period since the previous sale. It does not make any sense that when a property is transferred or conveyed, one must go through an entire search when one should only have to go back as far as the most recent transaction. It defies logic, adds needless work to the legal profession, takes up its time and also causes expense to the taxpayer and the client.

Our legal system is very protected and expensive. We must welcome any legislation that would encourage transparency and any effort to bring scrutiny and accountancy, in a legislative framework, to the legal profession.

With regard to personal guarantees and an abuse of a position of trust, we have seen positions of trust being abused, not only legal profession but also in many professional trades including, the political profession. This should be a criminal act where great moneys have been expended, and this is the case in other countries. In the United States, people are leaving the prison system at present after serving time for crimes committed in the past ten years for failed Ponzi or pyramid investment schemes. We are very poor in this regard and seem to give people a free hand. We should tighten up on white collar crime and the legal system should be encouraged to assist in this.

Inflicting unnecessary cost on the taxpayer should be cited as a crime if it could be proved. This would be very difficult and perhaps many politicians could be charged with it. We saw it in previous regimes and perhaps this regime may be the same ultimately. If one blatantly inflicts unnecessary costs on the taxpayer, one should be sanctioned in some way through legislation. The phrase “my word is my bond” is thrown out very casually in transactions, and we do it ourselves. Unfortunately, all it is is one’s word, and often after a transaction goes pear-shaped there is no sanction, and this should be dealt with. The 98% of citizens who are honest and good people have paid unfairly for this principle and we must deal with it.

With regard to the Priory Hall debacle, there were legal people involved in that as well as the architects, builders, developers and planners. Some politicians might have been involved in it also. More sanctions must be imposed in that regard to avoid situations arising such as those that happened in Priory Hall, although many more of those may come to the surface. It all stems from a lack of scrutiny, regulation or examination of services and, more importantly, a lack of sanction.

The practice of joint accounts of solicitors is worrying also. How far does one go in that regard? Everyone accepts that 95% or 98% of solicitors firms, legal operatives and barristers are honest, but there is this source of temptation and there may be a better way of dealing with funds through the solicitor’s office.

Regarding individual advice to a client, I highlight a case that may not be fair to the legal profession but is worth noting. I came across a case recently in my constituency of Cork South-West, specifically in Castletownbere, where a claimant who had lived in the United Kingdom sought legal advice from a solicitor on pension rights and was advised that they had no entitlement to a pension from this State. The matter came through the political system, as it were, for a second opinion and it was found subsequently that they had entitlements to a pension but, unfortunately, they lost out on four or five years of entitlements because of the legal advice

[Deputy Noel Harrington.]

they had received, which was wrong, and they had no way of seeking any redress from that office. That is unfortunate, and legislation should address that.

The complaints procedures available to the citizens of the State appear to be used only in very serious or significant cases against legal firms, but there is a myriad of individual small issues involving citizens who, rightly or wrongly, feel aggrieved or dissatisfied with the legal advice they have received. In some cases the advice they were given may have been in regard to a crime. I would like to see a system whereby if a firm or a solicitor had a bank of small complaints, for example, a trend could be followed whereby they would indicate that there may be a problem. It might not be a significant case or a headline maker for the press but, in a particular field or regarding an issue, a reasoned claim could be made that a firm or a solicitor is either doing the work incorrectly, is incompetent or may need to be dealt with by a board. If such a system was in place, it would give greater credibility to the legal system, the individual solicitor or the firm, greater assurance to the client and, ultimately, to the citizen.

We are all aware of the way legal professionals deal with charges. They have a computer logging system to record every minute of the work done for the client in the case. Those records should be available to an adjudicator. We hear much anecdotal evidence, and much of it might be incorrect, about a solicitor coming in to a case, thinking of a number and trebling it and charging that as the fee. They might also assess the client's situation and his or her background and decide on a fee appropriate to that client irrespective of the work they do, the expense the firm has taken on or the ultimate judgment. I am lending credence to it here but that kind of story is out there and this legislation must go a long way to deal with that and give an assurance to our citizens that we have a legal system we can depend on and that is ultimately beneficial for our country.

Costs arise outside the individual solicitors, firms and barristers but third party witnesses and experts giving testimony in courts seem to be an industry in themselves. Some of those issues might be addressed as part of this legislation in that the legal costs adjudicator or the Taxing Master could be given more teeth to assess those costs.

Ultimately, the main message is that the legal system has served us well but it is a very expensive profession. It is a protected profession. It has been recognised by the EU-IMF-ECB troika as something that must be dealt with. It is an issue that is adding to the costs for business and the individual and is one we must urgently address. I fully support the Minister in his efforts to reform that element of the legal services sector. Doing it from without and within is a difficult job and he should be commended on that. I commend the legislation and hope it will get broad support that will lend credence and give assurance both to legal service providers and the citizens of this country.

Acting Chairman (Deputy Ciarán Lynch): I call Deputy Dowds. The Deputy has ten minutes but the debate will adjourn at 1 p.m. and resume next week. He has a few minutes remaining and will be in possession when the debate resumes.

Deputy Robert Dowds: That will be Tuesday afternoon, is that right?

Acting Chairman (Deputy Ciarán Lynch): I assume so.

Deputy Robert Dowds: I have no difficulty with any of the aims of the Bill and welcome in particular the provisions relating to legal costs which are long overdue and to which Deputy Harrington, among others, referred. However, I am concerned that the Bill as currently drafted will decrease competition and increase costs in some respects for reasons I will outline. The

system is far from perfect but in its current form the Bill could diminish much of what is good at the Bar.

There is no shortage of competition among the majority of practitioners at the Bar, and there is no shortage of competition for the services needed by the majority of litigants. Criminal legal aid fees have been cut by 35% in the past three years. The economic climate has ensured that solicitors shop around, and barristers have also cut their fees accordingly. Many practitioners have considerable difficulties getting paid at all.

Where costs are high it is in the provision of legal services to State agencies and civil litigation, and this has as much to do with the tendering process as anything else. For example, regarding the provision of legal services to NAMA, the tenders precluded firms with a turnover below €25 million from applying. Only the biggest firms in the country were eligible and therefore they were free to charge whatever they wanted. The Bill does not address that and I ask the Minister to address that in the debates on subsequent Stages of the Bill.

The Bill proposes to change radically the way barristers do their work, introducing for the first time partnership and multidisciplinary practices and allowing barristers employed by firms to practise in court. That is being done without any meaningful consultation with barristers themselves and has huge implications not just for the profession but for the public. Until now, irrespective of whether one was a multimillionaire or a single parent, one was entitled to choose one's own barrister and it did not matter whether one was living in Dublin 4 or the remotest part of Mayo or whether one's solicitor worked on his or her own, in a small country or city practice or in one of the top five firms. One was entitled to seek out and retain the best barrister working in that area. If barristers are employed in firms, that will no longer be the case. Access to barristers will be severely curtailed.

It stands to reason that if the top firms can retain the most experienced barristers specialising in a particular area, they may be able to charge accordingly and consumers will have no option but to pay more for the privilege. The proposal also has implications for small solicitors' practices that until now have had access to the top barristers in the country.

Debate adjourned.

National Disability Strategy: Statements

Minister of State at the Department of Health (Deputy Kathleen Lynch): I am delighted this opportunity has been provided in the Dáil to have a debate on this issue. We had a debate on this issue in the Seanad recently and the debate there, while not coming down on one or other side of the issue of that House, was quite exceptional. It was wide-ranging, inspirational, to a great extent, and showed the value of having a structure that allowed for a more free-flowing debate. In terms of statements on specific areas, perhaps on Dáil reform, we should examine how debates work there because it most definitely was a better type of debate, more interventionist and I found it far more satisfactory.

I will inform the House on the areas in which we will develop the national disability strategy and ultimately strive to improve the quality of life of people with disabilities in the coming years, even in the face of the financial restrictions in which we find ourselves. I can also assure everyone, however, that I see this session as an important sounding board, as I know that Deputies will reflect issues which have been raised with them by constituents all over the country. I can assure all speakers on the matter that I will be take on board the salient points they make and consider them in the context of the development of the implementation plan for the national disability strategy, which was committed to in the programme for Government.

[Deputy Kathleen Lynch.]

I intend to take every opportunity that arises to raise both parliamentary and public awareness of disability and its effects on those with a disability and on their families.

This is particularly important in light of the findings of the report of the National Disability Authority on a survey of attitudes to disability which it carried out on behalf of the Government and which I launched recently. The survey was taken by the NDA in 2011 and, unfortunately, it showed that, since the previous survey carried out in 2006, overall the public's attitude to people with disabilities has hardened across a range of settings, including the workplace, schools and the community. To give one brief example, the percentage of people who said they would object if a child with intellectual disability or autism was in the same class as their child went up from 8% in 2006 to 21% in 2011. Overall, 40% of respondents in the latest survey stated that they were opposed to educating children with intellectual disabilities in mainstream settings. These findings are a concern when Government policy stresses the importance of educating children with disabilities in mainstream settings, unless it is harmful to the child or to other children. I will examine further the full set of results from the NDA's survey and how we might address them in the overall context of developing the national disability strategy.

The strategy was launched as far back as September 2004 and there is no doubt much has been achieved arising both from legislation such as the Education for Persons with Special Educational Needs, EPSEN, and Citizens Information Acts and from the sectoral plans which were produced and progressed around the six functions of health, social protection, employment, transport, environment and communications. It is also true to say that considerable resources have been expended in the intervening years. Rather than looking back and simply listing achievements to date, I want to put greater emphasis in this session on progressing the strategy in the immediate future and on getting the maximum return on the resources we have at our disposal.

When the Government came into office, we felt the strategy needed to be revitalised and refocused. That is why I established a new implementation group for the strategy to develop an implementation plan and to carry it out over the lifetime of this Government. I am chairing the group and it has representatives from the relevant Departments, the NDA and from organisations, many of which are service providers, which are key players in the sector, namely, Inclusion Ireland, Mental Health Reform, the National Federation of Voluntary Bodies, the National Service Users Executive, the Not for Profit Business Association and the Disability Federation of Ireland. In addition to these, I have added new members to the group who I believe are crucial to development of the strategy. We have included for the first time, the County and City Managers' Association because local authorities are vital at community level and they are the decision makers. For example, it is they who make decisions on necessities such as public lighting, footpaths, public seating, which bus routes will be used and so on. Second, I appointed a number of individuals to the group to represent the actual experience of living with disabilities. They will lay out the issues with which they have to deal and stress the practicalities which should be addressed by the strategy to improve their everyday lives. Their input will be crucial to the plan. Internationally, there is a widely used disability motto, "nothing about us, without us". It is not used here so much but it is a great motto and one to which we should keep returning. In this approach we need to ask people with disabilities how they want to spend their day and we need to do as much as possible to ensure they can do so as independently as they wish. In achieving this and in developing our national disability strategy, we must strive to achieve the maximum possible with the level of resources available, and those resources are considerable.

A crucial initiative in this regard is the Review of the Efficiency and Effectiveness of Disability Services in Ireland, more commonly known as the value for money review, which is being

undertaken. This in-depth review of disability services will assess how well current services for people with disabilities meet their objectives and support the future planning and development of services. A steering group is overseeing the review. It is chaired by an independent chairperson, Mr. Laurence Crowley, and has two other independent members as well as members drawn from the disability sector, the Department of Health, the Department of Finance and the HSE. The disability services were selected for review in consideration of the significant annual expenditure on the programme. We should not forget that those resources have been put in place by successive Governments. This is not something we are now suddenly addressing, but a continuum. The people who were in this job before me were as concerned about how the services were delivered and were extraordinarily effective in securing resources and putting in place services. Other considerations in the section of disability services for review are the size of the population directly affected by the services and the scope and nature of services provided. Disability services infrastructure has developed in an *ad hoc* way over many years and systems of allocation of resources and accountability have evolved differently in the former health board regions. Different organisation types have also followed different development paths. Sometimes when I say that, and say it in different ways, I think the organisations, the service providers, take it as a form of criticism, which it is not. These organisations, the service providers, whether small or large, provided a service to people with disabilities at a time when the State did not; although they were funded by the State but for a long time they very much depended on charitable donations as well. We owe a debt of gratitude to those people which should be acknowledged publicly. Concerns were expressed regarding the number of agencies providing disability services, the likelihood that inefficiencies had crept into the system, the potential for geographical or sectoral inequities in resource allocation and service provision, and the potential for duplication of costs. Other issues of concern included administrative costs, management structures, and non-pay expenditure on research, advertising, profile-building and infrastructure. All of these concerns are being addressed. The review offered an opportunity to take stock of the entire system and, if warranted, to make recommendations for policy changes or reform, with the aim of ensuring the system would meet the needs of service users into the future in the most efficient and effective way possible. The scope of the review included a commitment to define and describe the objectives of disability services, to consider the extent to which existing policies are consistent with delivery of these objectives, to assess whether current policies and investments arising from those policies are sustainable in the context of the changing economic climate and to propose the policy changes, if any, needed to ensure that overall objectives are delivered.

While the VFM review will concentrate on efficiency and effectiveness, a separate expert reference group on disability policy was established specifically to examine existing disability policy and determine whether it needs to be changed to meet better the expectations and objectives of people with disabilities. As part of this review, a public consultation process on existing disability services was undertaken, which confirmed that people with disabilities and their families, more than anything else, are seeking more choice in the services they receive and more control over how they access them. The expert reference group report proposes a significant reframing of disability services, with a move to individualised supports and the introduction of individualised budgeting for people with disabilities in order to put more choice and control directly in their hands. The proposals in the expert group report and the findings from the public consultation will be considered shortly by the steering group, which will hold its final meeting in the near future to sign off on the report. I expect to publish the review in the first half of the coming year, with the Government's approval.

HSE-funded service provision is moving towards a community-based and inclusive model rather than one that is institutional and segregated. The focus in the next few years will be less

[Deputy Kathleen Lynch.]

on increasing the level of service delivered by the voluntary sector and more on improving the existing service for people with disabilities through tailoring the service to their needs and supporting them in participating fully in economic and social life, with access to a range of high quality supports and services to enhance their quality of life. At the moment, service users have little choice or control over the service that is supplied to them.

In addition to the individualised budgets proposed by the policy review, a number of other aspects of independent living will be central to the development of the national disability strategy. With regard to accommodation, the HSE published a report in June 2011 proposing a new model of support in the community for those in congregated settings, which are defined as settings in which ten or more people with disabilities live. The report proposes a seven-year phased closure of congregated settings, with individuals actively supported in living full, inclusive lives at the heart of the family, community and society. The broader overall issue of housing will be addressed by the National Housing Strategy for People with a Disability 2011-2016, which sets out a framework for the delivery of housing to people with disabilities through mainstream housing policy. This will be achieved by directing the efforts of housing authorities and the HSE towards supporting people with a disability in living independently in their own homes so they do not have to move into residential care. A suite of inter-agency protocols has been developed to support more efficient co-operation between the HSE and housing authorities. A planning group is working on the housing strategy and will identify sustainable funding mechanisms.

Another issue to do with independence which will be addressed by the national disability strategy is that of employment and training opportunities. There is a wide range of supports for people with disabilities and for employers, including the supported employment programme, the disability allowance disregard, the wage subsidy scheme, the employee retention grant scheme and the workplace equipment adaptation grant. This is an area in which there are many challenges for people with disabilities. One new scheme that will be introduced in the near future by the Department of Social Protection under the national disability strategy will mark a further important development of the range of supports available to people with disabilities. The scheme, which is called the partial capacity benefit scheme, will allow people with disabilities who are assessed as having restricted employment capacity to avail of employment opportunities while continuing to receive an income support payment. The scheme recognises that the current structure of the welfare system, which categorises people as being either fit or unfit to work, does not reflect the reality for many existing welfare customers. The scheme will be open to people who are in receipt of invalidity pension or who have been in receipt of illness benefit for a minimum of six months, and participation will be voluntary.

The ongoing integration of the employment services and community services divisions of FÁS into the Department of Social Protection is an important step away from a passive model of income support and towards a proactive model under which all people of working age, including people with disabilities, are given the support they need to find employment or to develop the skills and aptitudes required to progress towards employment by undertaking appropriate education, training or work experience. People with disabilities may call in to a FÁS employment service office to meet with an employment service officer who will provide them with full information, advice and guidance about training and employment. Such an approach not only makes economic sense but also allows services to be tailored to meet the individual needs of each person and to respect and enhance their dignity as individuals.

Another key area to be addressed with regard to independent living is capacity. The Government's legislative programme, announced in January, indicates that a mental capacity Bill will be published in this Dáil session. The Bill will reform the law in respect of adults who are

vulnerable in the sense that they may lack some or all capacity to make important decisions for themselves. It will modernise the law on capacity, which is currently contained, for the most part, in legislation dating back to the nineteenth century, and will bring Irish capacity legislation into line with current thinking and modern legislative frameworks worldwide. The main proposals in the Bill are to replace the outdated adult ward-of-court system with a new statutory framework governing decision-making on behalf of persons who lack capacity. It will change existing law on capacity, shifting from the current all-or-nothing approach to a flexible, functional one whereby capacity is assessed on an issue and time specific basis.

I will finish there and take up certain issues later if that is what the Chairman wishes.

Acting Chairman (Deputy Robert Troy): Yes, as the Minister of State has gone over time.

Deputy Billy Kelleher: I welcome the Minister of State and I also welcome the opportunity to speak on this subject. Disability is something we should discuss on an ongoing basis and we should continually monitor the resources and supports provided by the Government to individuals, agencies and voluntary organisations that are working with people with disabilities. In addition, we should take note of our attitudes to people with disabilities. A recent report from the National Disability Authority contains surveys that show a hardening of attitudes towards people with disabilities, which is of major concern. It is similar to the phenomenon of an immediate deterioration in attitudes towards foreign people when there is a downturn in the broader economy. More people are saying they would prefer that children with autism or Asperger's syndrome were not educated in mainstream schools. This is an undercurrent that we need to deal with in a vocal way. This type of attitude is insidious and seeps into people's consciousness, creating dangerous precedents.

There is a number of ways of addressing this, including moral debate. We must encourage society to be outward-looking and supportive of people with disabilities, but there must also be supports from the Government. When supports for people with disabilities are diminished, people begin to feel, for example, that their children are not receiving their educational rights or entitlements. It is an unfortunate argument, but one that is made. Education providers will tell one that parents complain their children are not receiving the full educational opportunities to which they are entitled for various reasons. That must be addressed at Government level and also at societal level. It is for that reason that debates such as the one we are having are important. The National Disability Authority and other organisations are working on a continual basis not only to promote the rights and entitlements of people with disabilities but also to ensure their views are heard in the broader community so people understand the challenges faced by those with disabilities and embrace this as an opportunity to improve society.

I welcome the Minister's appointment, as I have said publicly. I do not wish to praise her too often but I know she is genuinely committed to this issue and has long been a campaigning advocate for people with disabilities. However, we must ensure that we bring the broader community with us and not have a "them and us" situation. We have that in too many areas such as, for example, race and, for many years, in the context of creed and nationality on this island. It is not unusual for people to bring a debate down to a simplistic assessment of what is right and wrong or why somebody is less fortunate than others because it is somebody else's fault.

The area of education, in particular, is one we must address. We must be able to support the education providers in the classroom, that is, principals, assistant principals and teachers, as well as the people with disabilities to ensure they have their basic right to an education. We have had this very contentious debate for many years. Court cases have been taken and there have been Supreme Court challenges. Originally, there was a great deal of support in the

[Deputy Billy Kelleher.]

broader community for education for people with disabilities, but that seems to have regressed. That is clear from the surveys carried out under the national disability strategy. More than 40% of respondents in the latest survey stated that they were opposed to educating children with intellectual disabilities in mainstream settings. That is exceptionally worrying. When one looks at some of the other issues raised in that survey of attitudes one can see it is something we must take on board in a serious and meaningful way.

The other side of the argument is that there are many people with disabilities who are isolated and do not have the necessary supports to participate in society in a meaningful way. The State has obligations, through its funding systems, the agencies, the education system and through supporting voluntary organisations that work with people with disabilities, to ensure that people with disability have the means to live independently as best they can and as much as they wish. How much they wish to do so is the critical issue.

I do not blame the Minister for the budget announcement but it is an issue that must be addressed quickly. I refer to the announcement that disability allowance was to be cut for people under 18 years of age and slashed from €188 to €100 per week for people from 18 to 21 years of age and from €188 to €144 per week for those aged 22 to 24 years old. That was paused by the Taoiseach and the Government announced there would be a review of the decision with regard to the reduction for new applicants for disability allowance. I am not sure what that review consists of, what the decision is or whether it has been made. Not much would be required to carry out the review. However, we know one thing for sure, that it was a mean cut that hurt many people and caused much disquiet and anger in the broader community.

Clearly, many people are now living in limbo. They are waiting for the review to come to a conclusion and for a decision to be made. In the meantime, they are unsure. They are concerned as to whether they will come under the new scheme announced in the budget, which has subsequently been paused, or whether it will only affect new entrants following the Government's decision. I appeal to the Minister to hold the review, to move the pause to stop and just stop the cut. In the context of the overall budgetary provision for social welfare, this is the meanest of them all.

Given that she has responsibility for the disability area, the Minister has an obligation to try to encourage the Government and the Minister for Social Protection to cancel the review and allow the payments to continue as they always did previously. Move the pause button to rewind and return to the way things were before the budget. Let people who have challenges, difficulties and uphill battles on an hourly and daily basis have the financial means to at least participate in a meaningful way in society, as best they can, and to maximise their abilities. That is the basic right of any citizen.

When pressure was brought to bear after the budget, the Taoiseach admitted that the Government does not get everything right. I do not expect the Government to get everything right every day, but when it gets something badly wrong, it should at least put admit it and move on. I have sat on the Government benches. We defended unpopular decisions and decisions we did not particularly like personally, but which were made collectively. The Minister's obligation is to try to argue and advocate for people with disabilities. In the case of the disability allowance, it is a mean cut that should be reversed. The review should be stopped and the situation should be returned to what it was prior to the budget announcement.

Often legislation is the pillar in which the Government and Parliament set out the basic building blocks of rights, entitlements, obligations and support. After that, one hopes society will buy into the general principle in the statute. The key issue is the delivery of services. One can pass the legislation but there must be meaningful support to give it a firm foundation

in the delivery of services. Ensuring that people have practical rights and opportunities is critically important.

Special needs assistants and other supports are very important for people with disabilities. There is also the issue of home helps. All the elements are intertwined. They are the elements that give people the support and opportunity to maximise their potential. Any cuts in the number of special needs assistants in the education system, cuts in the number of home helps and cuts that affect carers simply undermine and diminish people's capacity to live in a meaningful way. While we pass and embrace the legislation, that is not worth much unless it is followed up with meaningful support that has an impact on people's lives. Aspirational legislation is very noble but it does not have a daily impact on people. What impacts is the supports that flow from the legislation in terms of provision of finance and personnel and support of organisations, advocacy groups and State agencies that offer assistance and support to people with disabilities.

I welcome the Minister's statement that the mental capacity Bill will be published in this session. That is critically important legislation, for a number of reasons. There have been advances in how people are assessed. For many years, one was assessed once and that was it. However, due to treatment and better assessment procedures, people might have a mental capacity that is much diminished at times but at other times they might have full capacity. When that Bill is eventually passed, and I urge the Minister to bring it forward as quickly as possible, the key issue will again be support through whatever body will be prescribed in the legislation for assessing people.

There will have to be enough support in terms of having a critical number of people who can assess and make decisions on an immediate basis, rather than having people waiting for long periods for assessment as to whether they might have a mental capacity diminution or improvement. That will be fundamentally important. When the legislation is passed the supports should flow very quickly afterwards to ensure it will function in the context of assessing people and ensuring they do not wait for a long time, in effect in limbo, given that they might previously have been described as having a diminished capacity and it could now be much improved because of treatment or simply recovery from mental health issues.

There is another matter that we regularly discuss. In Cork recently the Minister of State launched an initiative to highlight the issue of suicide. We talk about and highlight the issue at times, but our society still has not come to terms with it. Suicide is still seen as a taboo and, in many cases, considered a shame on a family. We must move beyond this and see it as a societal issue that needs to be addressed on an individual basis and collectively. The Minister of State has spoken about suicide in a forceful and purposeful way.

Because of the huge financial pressure and all that flows from the downturn in the economy there is an increased incidence of suicide. We know this, but what have we done to address it? I do not expect the Government to address every personal problem that flows from debt or unemployment. However, we should have a conversation about what it is like to feel so isolated and alone in one's own community that one sees suicide as the only option. When he assumed office, President Higgins spoke about the new republic. He spoke about the need for a conversation among ourselves and an attempt to define what was critically important. He suggested that for too long we might have adjudicated our own success and that of our community and country in purely material terms. While we see material gain as a barometer of success, those who do not have it may feel they have failed. We should have that discussion, but not merely in an abstract way. We must get to the root cause of why people feel so isolated in their own communities or families that they see suicide as the only way out.

[Deputy Billy Kelleher.]

I wish the Minister of State well in making sure the disability strategy is continually pursued and monitored. The National Disability Authority will keep us updated in that regard. We must continually monitor the attitude of society to people with disabilities. If we are failing and those attitudes harden, this will become a regressive republic, something I would deeply regret. I urge the Minister of State to promote the disability strategy at every opportunity and to do so in a way that brings everyone in society on the journey to ensure people with disabilities can reach their full potential.

Deputy Jonathan O'Brien: I also welcome the opportunity to participate in this debate. I followed the debate in the Seanad on the issue which was productive and timely, especially when we consider the survey mentioned and the hardening of attitudes. It is right and proper that Deputies and Senators lead by example in dealing with disability issues. By having these conversations we can help to set out the strategy and, through legislation and our own attitudes, lead the debate in the right direction. We have a big responsibility to do this.

It is interesting that the three Deputies present in the Chamber represent the same constituency. We know each other outside the Chamber. Having served with the Minister of State in local government, I know she has always had and always have a genuine interest in this issue. That is why her appointment will reap benefits. She has mentioned that many of the policy initiatives we want to implement are dependent on receiving the co-operation of other Departments and Ministers. I hope that co-operation is forthcoming, as it is vitally important. We cannot use our economic woes or the recession as an excuse not to fulfil our obligations to people with disabilities.

The Minister of State mentioned the UN Convention on the Rights of Persons with Disabilities which we have not ratified. I have spoken to the Minister for Justice and Equality, Deputy Alan Shatter, and the Minister of State about this. It is the Government's desire to ratify it as soon as possible. The legislation required to bring us up to the required standard, as well as the administrative work that needs to be done, are being examined. The mental capacity Bill will have a huge role in this regard.

I commend the Minister for Justice and Equality for bringing the Bill to the top of the political agenda. Much legislation is required in the justice area, some of which is troika driven. The Bill is scheduled to be introduced at the end of this month. A number of groups have forwarded submissions to the Joint Committee on Justice, Defence and Equality which they will discuss them with the joint committee and there will be a wide ranging consultation process which will benefit us. I look forward to the being Bill published and passed by both Houses.

We cannot use the current economic environment as an excuse to take our foot off the pedal with regard to the national disability strategy which will encompass many of the provisions that will enable us to ratify the UN convention. Speaking at a conference in Galway last December, a senior UN official said this was not the time for the Government to proceed at half speed in meeting its commitments to the strategy. He went on to say the recession presented no excuse for failing to meet these commitments. It is essential that the Government address the concerns of people with disabilities about the strategy and the manner in which it is being implemented. There needs to be real change in this regard. The programme for Government sets out the commitments to people with disabilities and states disability services will be a priority in the lifetime of the Government.

The Minister of State has cited transport as one of the areas in which there has been significant improvement. While there has been a significant improvement, there is more work to be done, as we saw last year when a case was taken against Bus Éireann which it lost. While we are taking gradual steps, there is more work to be done. I hope other Ministers and their

Departments will give as much priority to this issue as the Minister of State has in recent months. If they do not, they will fail her, as the person with special responsibility but, more importantly, they will fail those who are relying on us to implement the policy that will enable them to live full and independent lives and give them every opportunity to participate in life. As politicians, we should fail neither ourselves nor the people who depend on us.

Departments were required to publish disability sectoral plans. Are these recommendations being progressed? One of the commitments set out in *A Vision for Change* tasked the Department of Jobs, Enterprise and Innovation of tailoring its services to meet the needs of those with mental health problems to help them back into employment and help those in employment to retain it. How are these reports progressing?

Other aspects of the national disability strategy need broader dialogue. The allocation of funding in the budget is key to that discussion. We cannot progress without the co-operation of those with the knowledge, as the Minister of State has recognised. The people on the implementation group set up by the Minister of State represent all spheres of life, which is important. We cannot be seen to dictate to people. We have to listen to them and we have to take on board their views. They have to be part of the process and buy into it. It is much more likely to succeed if we do that.

We have mentioned the survey. There is no doubt it is a worrying development. We have to reverse that type of attitude and the only way we can do this is by leading by example. I want to assure the Minister of State that I, and my party, will support any policy on this issue brought forward by this Government. We all have the same view on the issue. People would not disagree that we need to prioritise this area, even in these difficult times. We need to lead by example. The Minister of State has our full support on this and I wish her well.

Deputy Richard Boyd Barrett: I welcome the opportunity to discuss the very important area of disability. I do not doubt the Minister of State's commitment to deal fairly with people with disabilities and to provide the resources and supports necessary for them. We are all human beings and we all want to see people treated humanely and in a dignified way. However, it is easy to talk about consulting and reviewing legislation. There is often a big gap between aspiration, even in legislation, and the reality on the ground.

I do not claim to be an expert in this area, but when one becomes a TD, one quickly meets people who are experts because they are dealing with situations of disability. Overwhelmingly, I meet people in desperate straits who are continuously frustrated and often driven to despair by the lack of resources and funding and the bureaucracy through which they must wade to get the support they need. I experience this on a constant basis in my office and in my clinics, and it is difficult not to conclude that all the pious aspirations in the world really mean nothing against a background of brutal cuts being imposed in health, social protection and other areas which are making the situation worse for people with disabilities. That is what we must address.

The facts which confirm this view are manifold. As was mentioned already, the implementation of recommendations in the document, *A Vision for Change*, has not taken place. This document was commissioned in 2006 and it is a very good document that sets out to develop a framework for delivering mental health services in a holistic way. It is precisely what is needed. However, there has been no implementation of that policy. The new Government committed, at the beginning of the year, to delivering on *A Vision for Change*, but has come up short. *A Vision for Change* promised community care, minimising hospitalisation, more occupational therapists, more social workers and more advocates. However, due to the public sector recruitment embargo and the public sector retirement scheme, the reality is that we do not have enough of these staff and we are actually losing them. How many such staff will

[Deputy Richard Boyd Barrett.]

we lose as a result of the public sector retirement scheme? How many have we lost due to the embargo?

While A Vision for Change promises precisely the right things, in reality, mental health is still being dealt with in terms of hospitalisation, medicalisation and a lack of autonomy for the patients. This was highlighted yet again before Christmas with the Louise Bayliss affair at St. Brendan's Hospital. This shows the woeful failure to implement A Vision for Change.

The Government has promised that €35 million will be ring fenced for mental health, but Amnesty International has pointed out that unless that money is ring fenced for community mental health services, it is simply plugging the gaps left as a result of the general cuts in funding across the health service, as well as the recruitment embargo and the loss of staff across the HSE and the mental health services.

I have a friend whose 80 year old aunt had severe mental health problems. She was coping relatively well at home with a community mental health nurse who came to visit her at least once — sometimes twice — a week. As a result of the embargo, those visits were reduced to every fortnight or less and consequently she had to go into hospital for a year. That is just one example of the failure to move in any serious way in the direction of delivering A Vision for Change. It can be delivered only if we have the adequate staff and resources, but all of the cuts and reductions in funding are moving us in precisely the opposite direction.

I would also like to make particular reference to the domiciliary care allowance. This is a monthly payment to the carer of a child with a disability. The criteria for the allowance are so severe that the child requires care and attention and supervision substantially in excess of another child of the same age. The allowance was administered by the HSE until 2009 and since then it has been administered by the Department of Social Protection. The problems really began from that point, coinciding with the economic crash here. I have a constant stream of people complaining about this to me. Even though they get diagnoses from medical professionals clearly stating that their children meet the criteria and require care and attention or supervision substantially in excess of another child of the same age, they are refused the domiciliary care allowance. I am getting a constant stream of complaints in this regard. It is difficult not to conclude that this is an austerity measure, a tightening of the austerity screw and that a directive has been issued that people should be refused if any excuse can be found, even if they meet the criteria laid down. If they appeal the decision and can wade their way through the bureaucracy, bang their heads of the wall for long enough, some of the applications may be granted on appeal. The families in question are suffering as a result. It amounts to unfair treatment of the most vulnerable sectors of society. It seems to be nothing more than a cost-cutting exercise, presumably following the logic that if people are refused over a period of many months, they will eventually give up and decide not to appeal or if they do and succeed in their appeal, the State will have saved itself a number of months of payments while the appeal was being processed.

I have some examples to illustrate and reinforce the point. John from Ballybrack is in the Visitors Gallery. Last August his son, Harry, aged nine years, was diagnosed with autism spectrum disorder. He was refused domiciliary care allowance in October, even though he had psychiatric and GP assessments stating clearly that he needed care and supervision substantially in excess of that required by another child of the same age. He needs constant care and attention by his parents. His mother has had to take time off work and is suffering from depression as a result. He needs help eating and dressing and can only be brought to school or collected by one or other of his parents. Recently he has had to attend a special school for children with autism because his condition prevents him from continuing in mainstream school.

I refer to the opinion of the medical professionals on Harry's qualification for domiciliary care allowance. The medical certificate states he has been diagnosed with autistic spectrum disorder by Dr. Anne O'Donovan, consultant child psychiatrist at the Lucena Clinic. It states he has a severe disability and needs full-time care and attention far beyond what is normally required by a child of his age. The response of the Department of Social Protection to this medical opinion states:

It is clear from your application that your child requires additional support. However, while the diagnosis of your child's disability is not in question, the medical evidence provided does not indicate that the extra care and attention required is substantially in excess of that required for a child of the same age.

The medical professional's opinion is that he requires full-time care and attention far beyond what a normal child would require. The word "far" is stronger than "substantially". However, the application for the allowance has been refused at the stroke of a pen. I ask the Minister for an explanation. This is but one instance; I have had a great number of cases coming to my clinic and know that other Deputies have encountered the same problem. How is it that officials are making these decisions when the medical evidence and all of the circumstances surrounding the applications make it clear that such cases should be entitled to domiciliary care allowance, but they are still being refused? It is difficult not to conclude that the simple reason is austerity, that there is a directive that people should be refused if at all possible in the first instance in the hope they will go away, or else the hope is to make some savings if applicants are frustrated for a few months. The result is extreme suffering for vulnerable children and their families who need this money. For example, Harry cannot do what children want to do, including playing football, going to a local club or attending swimming classes. Such activities cost approximately €150 a year, but in his case the one activity he likes to do — playing in a centre which caters particularly for children with autism which is located in County Kildare — costs €60 for each trip. His parents need the money they are being denied to care for a child who, self-evidently and based on the clinical evidence available, needs this support, but the State or the Government or both are refusing to give it to him. This situation has to change, otherwise all the pious aspirations mean nothing.

I refer to another example involving a woman with a five year old son who has autism and speech difficulties, is not toilet-trained, cannot feed himself and attends a special needs school. She received domiciliary care allowance for two years but suddenly last November the Department of Social Protection informed her that the allowance was being reviewed. A GP had certified that the young boy needed care and attention in excess of that required by a child of the same age. In a letter dated 12 January the Department indicated that the allowance was being withdrawn from 31 December. One must question what the Government has got against children with special needs. This is unacceptable treatment.

I appeal to the Minister. I have no doubt about her sincerity, but the policies of austerity being pursued by the Government and the budgetary decisions hitting the most vulnerable and disadvantaged in society mean human suffering for persons who need more support than most of us. It is simply obscene to deny families and vulnerable children that support.

As the Minister well knows, there are many other instances and examples of problems in the disability sector. I refer to the situation in St. Michael's House, the budget cuts, the number of families in crisis, the number of new families looking for services every month, services not having adequate resources or staff, the number of people on waiting lists for occupational therapy and speech and language assessments. The list goes on. The most vulnerable persons, about whom we are always talking about protecting, are the victims of the austerity measures, a Government policy to prioritise the paying-off of bankers and bondholders, instead of looking

[Deputy Richard Boyd Barrett.]

after the vulnerable sections of society. I appeal to the entire Government, not just the Minister, to change its priorities in order that people like Harry among the tens of thousands of young vulnerable children who are being treated abominably will be given the support and help they need.

Deputy Robert Dowds: It is difficult to estimate exactly the number of people with disabilities. However, the figure seems to range between 10% and 18% of the population. One set of figures for 2006 indicated that there were approximately 36,000 people in the age group to 17 years; 172,000 in the age group 18 to 64 years, and 117,500 in the age group over 65 years. It is very difficult to define disability; however, one looks at it as a continuum. Because people are living longer, a growing proportion of the population will have a disability which could affect their sight, hearing, speech, mobility, intellectual or mental capacity. One size does not fit all in this regard, which presents a real problem for the Government. For instance, some people with a physical disability need significant support, while others will have multiple disabilities.

Some people with physical disability have a mild disability and therefore do not have much need for extra supports. That presents a problem for the Government in the sense that it is difficult to assess how to treat people in the round. For that reason, to the greatest extent possible, people need to be treated on the basis of their individual circumstances.

I say that in particular from my personal involvement, as I was a teacher of children with physical disability for more than ten years before I got elected to the House in February 2011. That experience demonstrates the fact that people with disability ought to have a direct say in anything that affects them. If possible, I would like to enshrine that in law to the greatest extent possible. From my conversations with the Minister of State, Deputy Kathleen Lynch, she accepts that.

Often, interventions for people with disability are well intentioned but often wrong headed. I will give two examples to illustrate the point. When I was elected councillor, a new swimming pool was built in my area in Clondalkin. As soon as it was mooted, I immediately asked that the pool would be made fully accessible to people with a physical disability. I was assured at all times that this would be the case. Towards the end of the construction period, however, it became apparent that the changing rooms were not suitable for people with a physical disability. While the council made some effort to adjust the facilities, it was not ideal. The seat to take a person with a disability out of the swimming pool was inadequate in that one could not wheel the chair into the changing rooms and one had to move from the chair into an ordinary wheelchair which made the process more complicated. South Dublin County Council has a good record of trying to provide for people with disability. I know that no harm was intended but it should have been possible to have delivered the swimming pool in a way that really suited people with disability and probably at no greater cost.

I hope the Dublin Airport Authority hears of my next example which relates to Terminal One. There are several toilets for people with a physical disability. However, all of them are designed in such a way that people with a good left-hand grab can use them easily but if one has a good right-hand grab, one cannot. It would have been preferable if half of the toilets were designed for one lot of people and the other half were designed for the other. When that was pointed out, the point was accepted but, again, there was insufficient consultation with people who knew the problems people encounter.

Another problem that concerns me in respect of people with a disability is the area of work. Sadly, the majority of young adults with disability suffer from unemployment. While it is clear that a blind person cannot drive a truck and someone with a severe physical disability cannot

work on a building site, that does not mean that those people are unfit for work. Many areas of work could suit people with a wide range of disabilities. In that regard I pay tribute to South Dublin County Council which has made a real effort to employ people with a variety of disabilities. It has people on its staff with disabilities ranging from severe sight loss to severe mobility problems. That model needs to be followed on a more widespread basis. Obviously, it must be done in conjunction with the design of buildings being suited to people with disability.

Another important area is personal assistance, which is a difficult matter to discuss in the current economic woes. For adults in particular, however, it is important that we strive to allow people with disability to live as independently as possible and not to continue to depend on their parents well into adulthood. I appreciate that it is a costly objective but that is an important area of concern if we are serious about tackling disability and giving people equal rights.

I wish to deal briefly with the tricky issue of disability payments. The fact that people with disability vary so much in the extent of their disability means, in a sense, that there needs to be flexibility in terms of the allowances paid to people with disability. Again, I appreciate that this would probably require more administrative work, but by doing so it would be possible to target people with greater material needs with more resources and to provide less resources for those with less disability. It is a difficult area but that must be done if the issue is to be tackled fairly. From conversations with the Department of Social Protection, I am given to understand that an announcement will be made soon in respect of new measures to help disabled people gain meaningful employment. I look forward to that with interest.

Many people say that everyone with a disability should be mainstreamed in schools. That is true in many cases but it is not always the right approach. For a certain section of people with disability there needs to be some specialised schooling. It is a case of one size not fitting all. For example, where possible, the school I worked in encouraged every child who came in at junior level to transfer to a mainstream school as soon as possible. The reality is that it was not possible for all of the children but it was for some. That type of flexibility is required throughout the services.

Deputy John Browne: I wish to share time with Deputy Robert Troy and, possibly, Deputy Charlie McConalogue.

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

Deputy John Browne: I welcome the Minister of State, Deputy Kathleen Lynch. I wish to say a few brief words on the national disability strategy. It is important that we would continue with a strategy for people with disabilities. It is not all about money either; it is about having a proper strategy in place to recognise the different strands of disability and also to give people with disability a say. Everyone has a solution for people with disabilities and too often the person with a disability is not involved in the implementation of the policies.

I must declare a vested interest in that I have a daughter with a disability — spina bifida. I have been very involved with Spina Bifida Hydrocephalus Ireland, the Irish Wheelchair Association and many other associations in my county through the years. We have come a long way from 25 years ago. When my daughter went to St. Aidan's primary school, there was no personal assistant, PA. She then went to Enniscorthy vocational school where there was one PA between five students. A former Deputy in this House, Mr. Tony Dempsey, was then principal. He made the case for a PA for five students at that time. Dr. Michael Woods was then Minister. It was the first PA approved in County Wexford. Now every student attending Enniscorthy vocational school, and every other school has a PA, and rightly so. I hope that situation will continue. Despite the State's austerity measures and financial difficulties, I hope we will con-

[Deputy John Browne.]

tinue to support people in education. Irrespective of whether people have disabilities, it is important that they be given an opportunity to enhance their education and, if possible, get jobs.

The question of jobs raises issues. When I ask a company for €1,000 or €5,000 to pay for a function for people with disabilities, I get it more often than not, but if one asks the company to provide such a person with a job, the result is different. This is despite the fact that many people with disabilities are highly skilled, highly trained and highly educated and can probably do a job as well as any able-bodied person. However, some people are not prepared to give them a chance.

My county of Wexford had the legendary late Fr. Anthony Scallan. His approach was to develop strategies for people with disabilities and to let someone else worry about paying for them. The County Wexford Community Workshop, St. Michael's day care in Gorey, St. Clare's day care in Enniscorthy, the Ard Aoibhinn Centre in Wexford and St. John of God in Enniscorthy exist because of Fr. Scallan and a group of people recognised the need to provide services for people with disabilities. In whatever cutbacks are made, it is important that we not reduce the funding available to these and similar community groups across the country.

The cutbacks in respect of people with disabilities created many problems during the budget. The Minister of State, Deputy Kathleen Lynch, was involved in pausing the cutbacks. I hope the delay will become permanent, so that people in receipt of €188 per week will continue to receive it. The amount is not large. Most people with disabilities are not able to drive and must avail of public transport or taxis. Nearly everywhere my daughter and her friends go, they travel by taxi. It is not because their parents will not drive them, but because they like to be independent, do what they want and go to and from community centres or discos under their own steam.

I will take a further minute of Deputy Troy's time to discuss the issue of informing families about disabilities. A number of organisations in Cork are doing this worthwhile work. There is a great deal of trauma and soul searching on the part of parents when they are informed that their child has a disability. It causes problems within families. Support and help are required. The Minister of State should consider the matter. The Cork template could be developed for the rest of the country. From my family's situation and what I know of other families, people's outlook on how they will cope changes when a consultant, doctor or nurse informs them that a child has spina bifida or another long-term illness. Since one always wonders what will happen to the person with the disability when one passes on, families must be supported in this regard as well. It is important that the Minister of State include this matter in the national disability strategy.

I thank the Minister of State for her interest in this field. From speaking with her, I know she has a genuine interest in it and that she will fight her corner at the Cabinet table to ensure that people with disabilities are protected. I hope we will be able to enhance their supports in the years ahead.

Deputy Robert Troy: I thank Deputy Browne for sharing his time with me. This is an important and proper debate, given that 18.5% of our population experiences some level of difficulty.

An alarming statistic stood out from the national survey of public attitudes to disability, in that only 44% of people believed that people with disabilities were treated fairly. While this is a small increase on the 2006 figure, it remains a matter of concern and must be addressed urgently.

I welcome the Minister of State's statement that this session would be a sounding board. I hope that she will take on board some of our suggestions. She also stated that the "percentage of people who said they would object if a child with intellectual disability or autism was in the same class as their child went up from 8% in 2006 to 21%". The level of support in the school system and the number of special needs assistants, SNAs, must be reviewed to ensure a sufficient level of SNAs in mainstream education. The provision of these supports in recent years was of major benefit. People would be concerned if people with special needs were not given the level of support they needed to stay in mainstream education.

I am glad the Minister of State acknowledged the great deal of good work done in recent years in terms of disability awareness. It is only proper that we learn from what we did right as well as from our mistakes.

Deputy Jerry Buttimer: The good work was done by the voluntary organisations in Cork.

Deputy Robert Troy: The Minister of State mentioned that she would include the County and City Managers Association, CCMA, for the first time, but it is local authority members in towns and counties who decide where money should be spent at Estimates time. A great deal of good work has been done by a former independent member of Mullingar Town Council to create awareness and to ensure that a safety audit was conducted. The audit called for additional footpaths, tactile paving and so on. Perhaps it would be more appropriate to include elected members via the county and city mayors association. In light of last week's paper, I am concerned that the Government seems to be diminishing the role of local authorities in local democracy.

If the cuts to allowances for people with disabilities participating in community employment, CE, schemes proceed, people with disabilities will not opt to join CE schemes. An extra €20 per week and 18 hours of work would provide invaluable training for those people and might allow them to find full-time employment.

Deputy Boyd Barrett articulated the discrepancies in the domiciliary care allowance. I would like to speak on the matter further, but time does not permit. It is an issue of concern to the many families of people with special needs.

Deputy Jerry Buttimer: I welcome the Minister of State, Deputy Kathleen Lynch for this important debate. Deputy Boyd Barrett is no longer present, but I wish to clarify that there are excellent services, that disability and mental health are differentiated, that "A Vision for Change" is separate from the disability strategy and that €35 million has been ring-fenced by the Minister of State. I compliment her in respect of that.

One would imagine from Deputy Troy's comments that Fianna Fáil had done nothing but good for the past 14 years. The reality is that, only for the voluntary organisations to which Deputy Browne referred, we would have no services in many cases because they were competing against the Department of Health and Children and the HSE.

Deputy Robert Troy: It was not all bad.

Deputy Jerry Buttimer: This important debate is about the delivery of specialist disability services. Those services are provided by a diverse range of groups in a variety of community and residential settings. Disability services operate effectively because of the integration and co-operation of non-statutory, voluntary and community groups. I take this opportunity to pay tribute to groups such as the COPE Foundation in Cork which do Trojan work through the efforts not only of staff but of the family of friends of the people availing of their services.

[Deputy Jerry Buttimer.]

The significance of these groups is clear when we consider that the Health Service Executive's service plan for 2012 includes 9,100 residential places and 18,600 day service places. That is a substantial provision no matter what way one looks at it. The Minister of State, Deputy Kathleen Lynch, indicated in her opening statement today that the Government's objective is an enhanced quality of life for people with disabilities. The national disability strategy must be focused on the people it will benefit by way of the services it provides to them and their families.

Deputies opposite will undoubtedly refer to the expenditure reductions introduced in the budget. That is to be expected, but what we must focus on is our objectives in all of this. There are two points to make in this regard. First, we must mitigate the impact of adjustments on individuals and families. Second, as Deputy Billy Kelleher will know from his time in government, many service providers have already begun achieving efficiency within their own organisations. I hope those organisations which have delivered savings while maintaining the highest standards of care will be duly recognised. I must declare an interest in this as a member of the COPE Foundation in Cork. On the other hand, organisations which have not achieved the same levels of savings and efficiency must do so now. They must work with the HSE to reform their management structures and implement the necessary changes. The HSE itself has a critical role to play in offering flexibility and co-operation in its dealings with these groups.

There is a huge variance in the disability services available across the State. Some have developed in an *ad hoc* way, being mainly provided by voluntary bodies. Traditionally, there has been no global overview and no uniform model of service provision. Instead, different health board regions and voluntary bodies developed services based on local need and demand. This has worked very well in many instances, offering local control and allowing families to feel personally involved in the service being provided. Moreover, it has minimised the need to deal with cumbersome State bureaucracy. However, the drawback is that models of best practice were not utilised across the country and not every organisation operates at the same level of efficiency.

If we are to reform the provision of disability support, we must ensure that we deliver high-quality, efficient services uniformly across the country. We must plan for the provision of disability services on a regional and national level. Whether in terms of resource allocation, service provision or the duplication of costs, we must strive to eliminate geographical or sectoral inequity. The Minister of State referred to the expert reference group on disability policy. Public consultation carried out by the group shows that people with disabilities and their families would like more choice in the services they receive and more control over how they access them. To facilitate these preferences, the group proposes moving towards individualised supports and individualised budgeting. This is, in effect, a model of direct payments or brokerage.

It is important to ensure that there is independent support and advocacy for individuals within such a system. It will fundamentally change the way in which services are delivered and the power relationship between people with disabilities and service providers. We must safeguard against the provision of services on the cheap and maintain professional standards and quality provision focused on best practice. There will be a need for significant training and investment in mainstream services. We must also be aware that individualised supports will be dependent on the voluntary and local community to sustain them. At present the capacity is simply not there.

Last June the HSE published a report, *Time to Move on from Congregated Settings — A Strategy for Community Inclusion*. Implementing the recommendations of that report will

result in dramatic changes for people with disabilities, their families and service providers. The report proposed moving the 3,600 people currently living in congregated settings to dispersed forms of housing in ordinary communities, to be provided mainly by housing authorities. Congregated settings are defined in the report as “living arrangements where ten or more people share a single living unit or where the living arrangements are campus-based”. A cluster of three or four houses, each with three or four residents, could come within this definition. The report proposes a move away from this model within seven years.

This is a cause of concern to parents whose children are living in clustered accommodation. The reality is that there is insufficient capacity in many areas of the country outside of these congregated settings. While proposing a seven-year programme of change, the report does not provide a plan for that transition. Nor does it provide estimates of the costs involved. We must consider whether it is appropriate to do away with all congregated settings. People have different levels of disability and different care needs, and we must ensure we cater for everyone. As people with disability age and become more dependent, the appropriate facilities must be available to cater for them. If we abandon all congregated settings, are we to expect nursing homes to cater for older people with disabilities? If so, there are significant implications for how nursing homes and community hospitals operate and for service provision within the community. Moving on from congregated settings is a complex transition. Should we choose this as our model of service provision, we must ensure all persons with disabilities, at all stages of life, are catered for.

I commend the Minister of State on her lifelong involvement with disability and her close working relationship with many organisations across the country long before her appointment. Several challenges lie ahead in regard to the delivery of adult disability services in the next ten to 15 years. Significant advances were made in recent years in the provision of childhood disability services. The next logical development is in respect of the transition from childhood to adulthood. As people leave the school system we must ensure there are sufficient services in place to cater for their needs, be it sheltered employment, housing and so on. We must replicate the current child services model to cater for adults. Ensuring that these provisions are in place will have cost implications for public finances and service providers.

My father used to say, when he worked in the COPE Foundation, that we have a responsibility to look after people from the cradle to the grave. That is what we should work from and toward. I compliment the Minister of State on her speech today. She did not shirk her responsibility and was clear in her objectives. I very much welcome the reference to a mental capacity Bill and to the UN Convention on the Rights of Persons with Disabilities. We have obligations we must meet. It is not all about pounds, shillings and pence. Rather, it is about looking after the needs of those who are, according to the old Irish saying, *duine le Dia*. During a recent visit to the COPE Foundation, I saw the joy and contentment of the individuals who are looked after there. It is a testament to the staff and the quality of care. I hope we never lose sight of the imperative to provide quality care as our main priority.

Deputy Caoimhghín Ó Caoláin: An opportunity to address the issue of disability on the floor of the Dáil is always welcome, even in the limited form of statements. The heading for this debate, namely, Development of the National Disability Strategy is deeply ironic. How is any real development of that strategy possible when the very services and supports that assist people with disabilities are under continual attack from this Government? As I stated recently at a rally in Ardee, it is not that the Members of the Government parties are bad, rather it is that they are pursuing bad policies. This needs to change immediately. I appeal to Government members to ensure that this is done. If I believed Government Members were bad there would be no point in my appealing to them.

[Deputy Caoimhghín Ó Caoláin.]

Yesterday, the Psychiatric Nurses Association revealed the shocking truth in regard to the loss of front line staff in our mental health services and the terrible effects of this for people with mental illness. The point was well made by the PNA that while strategies to increase awareness of the reality and danger of suicide, to address the need for prevention and to reach out to those in danger are necessary, if there are not in place services to help people when they seek it, we are cruelly leading people up a blind alley. The same applies to disability. We can talk until the cows come home about developing the national disability strategy but if the State is failing in its duty to vindicate the basic rights and entitlements of disabled people then we are talking in a vacuum. If the services are being cut back then the strategy remains but a piece of paper which has no meaning in the lives of real people, which, sadly, is the situation presenting today.

This Government and its predecessor have talked much of moving from institutional-based care to community care across a range of sectors, including disability and mental health. However, the reality is that community-based services across the board are also under attack. Ms Deirdre Carroll of Inclusion Ireland, whom the Minister of State, Deputy Lynch knows, stated in the wake of Budget 2012:

The situation for people using services is growing increasingly bleak, as services continue to be cut, and charges are introduced in areas such as respite and transport. Given the economic situation, it unfortunately looks like this will continue, which causes massive worry and stress.

We must ask what strategy is guiding a Government that would propose savage cuts to disability payments to young people and then withdraw them following the justifiable anger and protests of people across this country, including its own backbenchers? It is certainly not a strategy based on fairness, proper planning or the rights of people with disabilities. The HSE National Service Plan 2012 imposes a 3.7% cut on disability services. The impact of this is not yet clear as the HSE and disability organisations are still assessing how it will be implemented across the complex range of services and supports throughout the State. However, the HSE has admitted that there will be reductions in day, residential and respite services, which is evident in my constituency. I am sure other Deputies have had similar situations brought to their attention.

The Disability Federation of Ireland stated in the wake of Budget 2012 that for Government to be penny wise and pound foolish is not a sustainable way to proceed.. It also stated:

Supports and services that keep people well and able to continue to operate in the community, and with their families, are the best way to reduce demand on high cost hospital and institutional provision. Investing in this area where there are many voluntary organisations that are close to families and that are continually promoting community participation and engagement is the way to maximise outcomes for people while dampening the need for hospital and institutional interventions.....

There was a concern expressed in some quarters that the reduced cut to disability this year necessitated greater cuts to hospital services. People with disabilities also strongly rely on services provided by hospitals and don't see the issue as one against the other. In fact by maximising supports for people in the community there will be reduced demand on hospital services. The best way to assist hospitals is to work to ensure that there is less demand for their services.

We all recognise that commonsense approach. However, it appears that these basic lessons are lost on this Government. Account must also be taken of the other cuts that directly affect

people with disabilities but do not come under the heading of disability, including health care, social protection, education, transport and local government services. All of these are targeting the most vulnerable in Irish society, among them people with disabilities.

I am reminded of the response some 12 months ago of the Minister of State's colleague, Deputy Burton, to Budget 2011:

There is pain for the poor, money for the rich, particularly for the bankers, and the rolling back of the State . . . There is no modern example of a developed economy deflating to this extraordinary degree but claiming it can grow . . .

There certainly is pain for the poor and money for the rich. The Finance Bill 2012 published yesterday reveals the Government's plan to give tax breaks to wealthy executives in what can only be described as the true tradition of the Leas-Cheann Comhairle's colleague, the infamous — or famous depending on one's point of view — former Minister Mr. Charlie McCreevy. Meanwhile, people with disabilities are anxious and uncertain about the future of their services and supports.

Sinn Féin has called for a review of the disability Act, with a view to the introduction of a new rights-based disability Act alongside a robust enforcement mechanism and the establishment of a disability ombudsman. The Minister of State, Deputy Lynch, will recall the work she, I and many other Members did on the disability Act and our strong contention that it had to be rights-based in times of economic distress, such as we are now experiencing, to protect the most vulnerable who cannot protect themselves, which certainly includes those in the disability sector.

Sinn Féin has called for over-arching responsibility for the national disability strategy to rest with the Department of the Taoiseach and for annual targets to be set for delivery by 2016. This makes eminent sense. It has also called for a major pilot study on direct payments to include individuals from across the disability spectrum. We need to define people's qualifications for personal assistance services, supporting independent living for disabled people and to regulate in law the provision of these services to ensure proper standards. These are the type of practical measures needed to make a disability strategy meaningful. I believe the Minister of State concurs with this. Implementation of the strategy thus far has been disappointing. The Disability Federation of Ireland, DFI, has also stated:

On the one hand, there is no coherent picture of how Ireland is progressing towards the agreed goals; information about what outcomes have been achieved is very sketchy. On the other hand, it has been far too easy to use the economic and fiscal crises to sidestep the NDS instead of factoring it into crisis planning.

This is what is happening in so many areas, allegedly under the umbrella of current fiscal challenges. Cuts and changes are being introduced across all sectors. One would have to question the real motivation and intention behind much of it.

There are choices to be made. As I stated earlier, this Government is following bad policies and making the wrong choices. Austerity is not and will not work. It is trampling on the rights of people, targeting the most vulnerable and storing up more pain and inequality for the future. People with disabilities have had to fight for what they have gained in recent years. I am confident that people in this sector, many of whom I have met and know, will not cave in now. As Members of this House, we have a responsibility to give expression to their anger and dismay and to echo their appeal to the Minister of State and her colleagues in Government to re-examine their approach to this sector. A fundamental change in direction is required.

Deputy Simon Harris: I thank the Minister of State, Deputy Kathleen Lynch, and the Government for making time available in this House to discuss disability issues in the context of the implementation of the national disability strategy. It is important that Members have interactions across the House on such issues regularly. In the past, there have been highly successful debates on the issue of mental health, in which Members have shared and exchanged ideas on reform and the ways forward and this also is true in respect of the area of disability.

This debate is timely and comes in a week in which parents of autistic children rightly have been outraged, hurt, upset and insulted by ignorant and ill-informed comments in an article that appeared in the national media, of which I am sure many Members are aware, and which effectively attempted to blame parents for making their children autistic. I have never heard such nonsense. Everyone is entitled to his or her opinion but this sort of sensational comment, made in an effort to engage in self-promotion and nothing else, does irrefutable damage to the years of work undertaken by parents, carers and advocacy groups to try to achieve recognition in the first instance and, second, support and resources for their children with conditions on the autistic spectrum. I hope Members on all sides of the House will join with me in echoing these comments to enable the Oireachtas to send out a strong message that Members stand firmly behind the families of autistic children in distancing themselves from those sensational and ill-informed comments.

This debate comes at a time in which many people with disabilities are under severe pressure due to the economic situation of the country, and many Members have commented in this regard. I have absolutely no doubt but that money can be saved in the disability sector, just as it can be saved in all other sectors. There is, however, an onus on the Oireachtas and on the Government to find such savings in a way that does not affect the person with the disability. The present Government, its predecessors and the State as a whole have been lacking in this regard. In other words, Members must advance the reform agenda, that is, an agenda which empowers people with disabilities, which directs money to those who actually need it and that reduces and removes the costly bureaucratic challenges that people with disabilities face.

The programme for Government espouses in clear terms this reforming agenda, as I am sure did the manifesto of each political party and of each individual Member of the House. The Dáil is no doubt united in its desire to bring about positive reforms in this area but to be frank, for far too long people with a disability have heard such platitudes in promise after promise and in words not matched by actions. This is not a political point but simply is a reality for many people living with a disability and is something for which everyone who has been involved in political life must accept a degree of responsibility.

In any debate on disability services, it also is important to note that funding and hard cash are not a solution in themselves for disability services in Ireland. That is not to state they are not very important but without proper reforms, such funding is failing to make the impact it could. More crucially, issues regarding the rights of people with disability and their dignity as full citizens of this State require cultural and policy changes, as opposed simply to money. If funding alone was the problem, surely the years of economic boom would have addressed the many challenges that remain for people with a disability in Ireland. I saw this in my constituency of Wicklow, where I established a support and lobby group for families living with autism during the boom years. Although there was no shortage of money, the queues for the access to services still existed, the problem with diagnosis still existed and the lack of educational supports continued. While it is absolutely valid for all Members to point out problems arising from any cutbacks introduced by the present Government or any other, it is important to conduct the debate on disability in the context of being aware and informed that the issue is not simply about funding and that a greater shift must also occur.

I acknowledge some positive developments that have been undertaken by the Minister of State, Deputy Kathleen Lynch, and by the Government to date. For example, the Minister of State's commitment to dusting down and re-engaging with the national disability strategy is most welcome. The programme was launched in 2004 and given both the lack of progress in implementing it to date and the changed times in which we live, a revised and realistic plan for its implementation is most welcome. In particular, the direct involvement of people with disabilities in working on this plan is an extremely positive development, for which the Minister of State deserves much praise. I am glad the Minister of State is taking steps to ensure the service users themselves are involved in discussions on disability policy. For too long, representatives of groups and organisations working in the sector have been accepted as speaking for all people with disabilities. Such people have a voice themselves that must be heard and I thank the Minister of State, Deputy Kathleen Lynch, for bringing that voice to the table. The publication of the new mental capacity Bill, which is expected in this Dáil session, will be widely welcomed. It is deeply insulting that the interactions between vulnerable people and the judicial system still are governed by the appallingly titled Lunacy Act dating back to 1798. All Members are aware that not only is the terminology used by the current legislation highly insulting to those who fall under its remit but it is wholly unfit for purpose. The enactment of this legislation is also one of the key outstanding requirements before the State can ratify the UN Convention on the Rights of Persons with Disabilities. I am sure the Minister will do everything possible to expedite this as it must happen as quickly as possible. There is, however, no point in me focusing on the positives because many challenges exist that I wish to highlight in the time available to me and of which the Minister of State is aware.

Almost 75% of money spent on disabilities is paid directly to service providers instead of to the end-users of the service. This is insulting and I ask Members to consider what other group of people would be told that while money was being allocated to them, they would not be allowed to decide how to spend it and that it would be given to a third party. People with disabilities still are consumers and still are citizens and must be able to choose which services they want to avail of, what training best suits their needs or what residential accommodation they prefer. Giving service users control over the way their money is spent also would ensure the State supports programmes for which there is a demand among people with disabilities and would make a huge difference in this area. Equally important is the need to ensure appropriate standards are followed in all areas of this sector. Deputy Buttimer referred to the 9,000 people with disabilities who live in residential care but the Minister of State is aware that at present, no statutory independent inspection of these services is in place. I acknowledge the Minister of State has prioritised this issue, which is a matter of huge concern to many. The programme for Government includes a specific commitment to put these standards on a statutory footing and to ensure such inspections take place and this cannot happen soon enough.

I wish to make a conceptual contribution to this debate, which is that people must desist from using the broad term, "disability", as something into which one fits and which is one's label in that one is a disabled person or a person with a disability. One must begin to consider the individuals behind this label and, with this in mind, I note statistics show that two thirds of young adults with a disability want to work. The Government must act on this desire and give such people the tools and supports they need to enter the workforce. This needs to be a life-long commitment and requires a two-fold approach. First, one must ensure children with disabilities are able to avail of all the early-interventional services and educational supports they need to fulfil their potential. I do not have the time and this is not the appropriate place to enter the debate on special needs assistants but their role and the criteria behind them must be examined to ensure this resource is being put to work effectively for children with special needs. Second, the additional range of supports that people with disabilities require to enter

[Deputy Simon Harris.]

the workforce must be put in place. I refer to supports such as appropriate training, incentives and job support mechanisms.

In my experience, people with disabilities do not want a social welfare cheque thrown at them. During my short time in this House, however, all the debates appear to have centred on questions such as what level of disability allowance is being paid or what is the level of the domiciliary care allowance. Members must consider how to empower people and must move beyond this. The recent budget demonstrated a lack of understanding on the part of the entire House, as a political institution, in this regard and this must be addressed. Consideration must be given to supporting those with a disability who cannot work. However, as for those with a disability who yearn to work, I note the State is not allowing them or facilitating them to so do. The reality is many people with disabilities are caught in a poverty trap, which cannot be addressed simply by increasing or reducing social welfare levels. In Ireland, people with disabilities are two and a half times more likely than the general population to live in poverty. This makes workplace supports to help people with disabilities access the jobs market all the more important.

I will revert to an issue I raised last week with the Minister for Social Protection regarding domiciliary care allowance. I believe the Minister of State was in the Chamber at the time. While the Minister responded to me with a comprehensive reply, I must reiterate there is a real issue in this regard. Something is going on at official level or otherwise within the Department of Social Protection. Somewhere in some office, someone has decided to make it more difficult for families of children living on the autistic spectrum to access a domiciliary care allowance. Literally hundreds of people have contacted my office since I raise this issue. They are not making it up and are not imagining it. Autism is a neurodevelopmental condition, not a medical one, and it is quite difficult to fit that criterion of the domiciliary care allowance application form. I ask the Minister of State to examine this issue because this level of support for families of young children with autism is of huge importance.

I will conclude by voicing my deep concern that there is a growing hardening towards, and a lack of understanding of, the complex issues faced by people with disabilities and their families. I referred earlier to a recent article about autism. What was outlined therein is not the only indication of the shift in attitudes that has occurred. A survey on people's attitudes to disability which was carried out by the National Disability Authority contains some extremely worrying responses. For example, 20% of respondents indicated that they would object if a child with an intellectual disability was placed in their child's class. The figure in this regard in 2006 was just 8%. We could ask whether this attitude relates to the scarcity of resources and the impact of the recession, and the answer is that it could quite possibly be the case. However, concerns regarding monetary issues have nothing to do with the fact that two out of three people are of the view that those with intellectual disabilities should not be allowed to have children. The latter has nothing to do with cutbacks, SNAs, resources, etc., but is, rather, a cultural attitude which obtains. The numbers in this regard are rising and we must inquire as to what is going on. That is what I mean when I say that this matter relates to much more than funding. There is a need to engage in a cultural debate.

The numbers to which I refer are truly shocking. They highlight the pressing need for the Government to encourage informed debate in respect of disability issues. I hope this debate — to which the Minister of State referred as a sounding board — will not be a one-off event and will instead mark the beginning of an ongoing engagement. I again thank the Chair for the opportunity to contribute.

An Leas-Cheann Comhairle: I call Deputy Maureen O'Sullivan who is sharing time with Deputy Pringle.

Deputy Maureen O'Sullivan: People with disabilities face additional challenges in their lives. Those challenges extend to their families and loved ones. We are contemplating a range of disabilities which include the physical, mental, intellectual, environmental, social and medical. Disability is an umbrella term for impairments, activity limitations and participation restrictions. I agree with Deputy Harris that sometimes when we use terms, they become labels and we then lose sight of the people behind them. We must stress that it is the person at whom we are looking rather than his or her disability. In our civilised, humane society we can rise to meet the challenges to which I refer in order that no one with a disability will be precluded from taking a full and active role in that society. I accept that we must strike a balance in the context of the reality that exists and adopt a common-sense approach.

Reference was made to those environmental barriers which hinder full and effective participation in society. In fairness, great efforts have been made to make transport and venues such as cinemas, theatres and heritage sites more accessible to those with disabilities. The Dáil has also been reasonably proactive in the context of providing access. Former Deputy Seán Connick had a great deal to do with making the House much more disability friendly.

The legislation in this area, namely, the Disability Act 2005, the Citizens Information Act 2007, the Education for Persons with Special Educational Needs Act 2004 and the Towards 2016 strategy try to bring together aspects of the national disability strategy. I accept that there are sectoral plans in this regard which were reviewed in December 2009 but there is not enough publicity or public awareness in respect of this entire area. It appears that the most recent meeting of the stakeholder monitoring group — about which I have heard a great deal — occurred on 18 October 2010. While there has been a change of Government, the issue has not changed. One is obliged to wonder, therefore, how long it takes to deal with matters of this nature. The Minister of State established a new implementation group to deal with the national disability strategy. I welcome the additions to the membership of that group, particularly because individuals sometimes get lost within the overall entity that is the service provider. We must remember that implementation can be extremely slow and that matters can be delayed by bureaucracy.

The Minister of State has included representation from local authorities on the implementation group to which I refer. There is a real need to speed up the process relating to people who acquire disabilities after they acquire local authority housing. I refer, for example, to those who suffer strokes, have accidents or, as is the case with some individuals in my constituency, are obliged to have limbs amputated. These people live in local authority housing, their bathroom facilities might be located on the second or third floor and their stairways may be too narrow to accommodate chair lifts. I know individuals in situations such as that which I have just outlined who have been left waiting for far too long for assistance. As already stated, the process must be speeded up and to a considerable degree.

I wish to place on record the phenomenal work being done by those at St. Michael's House in providing services to people with intellectual disabilities. Despite the moratorium on recruitment, the budget cuts and the reduction in staff numbers — all of which have had a considerable impact — those at St. Michael's House have continued to expand and develop the services provided there. The staff to whom I refer are coping with an increase in the number of people who use their day services and who receive residential services. Enormous credit is due to the staff at this facility in respect of the way in which they continue to deliver high-quality services. The most significant challenge which the staff must face up to relates to the fact that St. Michael's has the largest waiting list for residential care in the country. The statistic they pro-

[Deputy Maureen O'Sullivan.]

vided with regard to the number of parents who have sons and daughters with intellectual disabilities who live at home is frightening. Some 240 of the parents in question are over 70 years of age. The staff at St. Michael's recognise that more than half of these 240 individuals are encountering serious difficulties. Those who run St. Michael's have been phenomenal with regard to the way in which they have managed the cuts to date and in the context of how they continue to respond to the increased demand. The area of mental health is referred to as the Cinderella of the health service. Within that, however, there is another Cinderella which is the area of intellectual disability.

There are three specific matters to which I wish to refer. The first of these relates to the thalidomide survivors. These are people who, through no fault of their own, were left with disabilities. Discussions have taken place with successive Governments in respect of this matter. It is time to stop talking and to give serious consideration to what these people are seeking and what they require in order that their needs will be met in an appropriate fashion.

The second matter relates to a forgotten category of people, namely, post-polio survivors, some of whom I have met. Great strides were made in this country in the context of the elimination of polio. However, the members of the group to which I refer are all much older individuals. There is limited funding available for the Post Polio Support Group Ireland, which is doing great work.

The third matter relates to St. Joseph's School for the Visually Impaired, which is not located in my constituency but with which I am familiar. Some of the visually impaired children who attend this school have multiple disabilities. The school already has the necessary facilities and staff available to it. All that it requires is a minuscule amount of funding to develop a centre of excellence for young people with multiple disabilities.

We are aware that there is a link between disability and inequality and that the former disproportionately affects poorer people. The risk of inequality increases significantly when disability occurs in Third World countries.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Maureen O'Sullivan: How much time is left?

An Leas-Cheann Comhairle: I am afraid I must call Deputy Pringle.

Deputy Maureen O'Sullivan: I apologise. I thought there was more time available.

Deputy Thomas Pringle: I welcome the opportunity to contribute to the debate on the national disability strategy. I have no doubt that the Minister of State is fully committed to her role and I am aware of both her passion for her job and her commitment to help people with disabilities. She knows what needs to be done but I am just afraid that hers might be a lone voice in the context of trying to implement the national disability strategy. My concerns in this regard were highlighted by the proposal in the budget that the allowance for young people with disabilities be cut. These young people are already excluded due to their disabilities and they cannot avail of labour activation measures operated by the Department of Social Protection. It will be very difficult for the Minister of State to challenge a mindset which would facilitate a reduction in a benefit aimed at the most vulnerable.

The 2011 survey on public attitudes to people with disabilities contains some interesting and also worrying findings. Some 44% of individuals believe that people with disabilities are treated fairly in society. However, 61% also believe that these people are not able to participate fully in society because of their disabilities. There certainly seems to be an element of confusion in

this regard. There is a high rate of people — 21% to 24% — who are opposed to children with disabilities being taught in mainstream classrooms. This may reflect concern about the cuts in the number of SNAs that were taking place when the survey was being compiled. However, I am of the view that it may also reflect a deeper problem in society. Between 2006 and 2011, the figure for those who answered that it is society which disables people by creating barriers for them fell from 62% to 57%. In my view, this is an alarming answer to the question posed. The main task we must undertake — which is almost as important as that which relates to the provision of services — is to change societal attitudes to disability. The attitudes which have emerged from the survey to which I refer are the result of the individualisation programme that was pursued during the Celtic tiger years and the neoliberal orthodoxy to the effect that the individual is the key in society and that there is no more community. We need to change that mindset and build a sense of solidarity in all our communities. If we do this we will achieve change and improve the lives of people with disabilities.

Reducing services under the austerity campaign sponsored by the Government and the troika only lessens the status of people with disabilities and underpins the attitudes that are clear in the survey results. Since 2008, disability services funding has been cut by 15%. I have already referred to the proposed cut in disability allowances for young people. Disability support groups have also been informed by the HSE that their funding will be cut by 5% this year. This is despite the fact that a cut of only 2% was announced in the budget.

Another issue to which I wish to refer is that which relates to domiciliary care allowance. In 2010 and 2011, over 80% of applications for this allowance in respect of children with autism spectrum disorder were refused. I am aware of children who cannot speak, who are completely withdrawn and who need constant care from their parents who have been refused the allowance. How does this reflect on our society and the Government?

I want to speak about the Disability Act, Part 2 of which provides for care plans to be provided for all people with disabilities, yet it has been implemented only for children under the age of five years. What message does this send to families and disabled people? Part 2 should be implemented fully without delay.

Part 5 sets a target of 3% for the employment of people with disabilities, which one would think was a very modest aspiration. However, in the review of the Act in 2010 submissions were made by public bodies which argued that the target was self-limiting. In this context, it is interesting that the number of people with disabilities employed in the public sector has declined from 2.9% to 2.7%. Does this reflect a lack of will to try to achieve the target? If it is removed, one can always say one is doing well because there is nothing to aspire to.

As I stated, the Minister of State is committed to her work. Much needs to change in society to improve the lives of people with disabilities who need to be protected from further cuts. The Disability Act should be fully implemented. However, providing protection from further cuts is not enough; the Government must develop services and make them available to all those who need them. Perhaps then we will have a society in which when the questions are asked in a survey, the number who do not want to see a disabled child in their child's class will be zero and the number who believe society limits the ability of people with disabilities will also be zero. A huge amount of work must be done to achieve this. I hope the Minister of State will have the support of her ministerial colleagues, but somehow I doubt it in the current climate.

Deputy Mary Mitchell O'Connor: Having grown up with a brother with a visual and hearing impairment, the treatment of disabled people is an issue of personal interest to me. In the past decade Irish people acquired more cars, houses and money, but in many cases we failed to develop and nurture values that really mattered such as tolerance and empathy. Adults are the

[Deputy Mary Mitchell O'Connor.]

worst culprits, but I am grateful that we are nurturing a younger generation, a majority of whom are more socially aware.

I argued this point recently when I accompanied a disabled but fully functioning adult to a hospital in Galway. During the appointment the doctor addressed all of the dialogue on the diagnosis and medication at me, in the process ignoring the patient, for whom I was embarrassed, but I was more enraged at the ignorance of a highly educated Irish professional. I sincerely ask that medical staff deal with people with disabilities with respect and dignity and that this form part of their medical training. In the interests of fairness, I commend the staff of the Mater Hospital, in particular Professor O'Keeffe, for their professionalism, empathy and medical care in that a patient with a disability has a voice and is listened to.

This is one of the many stories I could recount, but my point is simple. We could devote the entire budget to disability services, but if our attitudes and awareness of the capabilities, strength of character and courage of disabled people do not improve, the money would be wasted as it would be misdirected.

Disabled people face clear disadvantages, as outlined in the ESRI disability and inclusion in Ireland report. Persons with a chronic illness disability aged between 25 and 34 years are four times more likely than others to have no qualifications beyond primary level and only half as likely to reach third level. Those of us involved in the education sector must address this problem. According to the ESRI report, persons with a chronic illness disability are more than twice as likely to be at risk of poverty and to be poor. In 2008 those not at work owing to illness or a disability had a 21.6% risk of poverty compared to a figure of 13.8% nationally. The statistic which stands out most for me relates to housing. The number of disabled people with social housing needs increased in the past decade, rising from 423 in 2002 to 1,155 in 2008. I, therefore, ask that people with a disability be treated with respect and that their voices be heard by politicians, medical staff and society in general.

Deputy Peter Fitzpatrick: The World Health Organization has an interesting and revealing definition of the term “disability”. The word “disabilities” is an umbrella term covering impairments, activity limitations and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in life situations. Thus it is a complex phenomenon, reflecting an interaction between features of a person's body and the society in which he or she lives. When an organisation of the magnitude of the World Health Organization describes disability as a complex phenomenon, it is worth taking note, as such a complex phenomenon warrants due care and detailed consideration. As a result, it is a subject to which the Government gives special consideration. I will explore some of the major issues involved.

The Health Service Executive national service plan for 2012 was drawn up against the backdrop of significant funding challenges and has been designed to reflect the changed priorities of the new Government and the significant programme of reform to be undertaken. The allocation for disability services will reduce in 2012 by 3.7% as a consequence of the impact of efficiency, procurement and targeted pay reduction savings. However, the level of service reduction will be lower than the level of budget reduction as a result of the efficiencies achieved. All service providers will be expected to achieve some efficiency savings, but the level will vary depending on the profile of the service provider, efficiency savings achieved to date and the scope to make further savings. HSE managers will have scope, within the national figure of 3.7%, to vary the level of reduction applying to individual service providers. The aim

of the HSE will be to tailor such reductions in a way which will minimise as much as possible the impact on service users and their families.

Provision has been made for the investment of €1 million in autism services. This is a particularly welcome development as I have witnessed at first hand some of the excellent results achieved. These funds will be used to address the issue of waiting times for specialist therapy services for children diagnosed with autism and for developing early intervention teams. A review of the HSE's national service plan for 2012 will be undertaken, once the full impact of the reduction in the numbers of staff leaving by the end of February is known.

A review of the efficiency and effectiveness of disability services is being undertaken as part of the Government's value for money reviews for 2009 to 2011. This in-depth review of disability services will assess how well services for people with disabilities meet their objectives and support the future planning and development of services. These terms of reference should ensure accurate findings. The scope of the review is to define and describe the objectives of disability services; consider the extent to which existing policies are consistent with the delivery of these objectives; assess whether current policies and investments arising from these policies are sustainable in the changing economic climate; and propose the policy changes, if any, needed to ensure overall objectives are achieved.

The review group is chaired by an independent chairperson, Mr. Laurence Crowley, and considering a draft of the final report. Amendments agreed to by the group will be incorporated in the report and the steering group will hold its final meeting in the near future to sign off on the report. On completion, it is the intention of the Minister of State to look at it in conjunction with the Minister for Health, Deputy Reilly, to ensure proposals on the future of disability services will be brought to the Government for its consideration and publication in due course.

Other aspects which warrant particular attention are the standards and inspections of residential services for people with disabilities. Unfortunately, this aspect was neglected by the previous incumbents of the House, leading to much negative press in recent times. Approximately 9,000 people with disabilities live in residential care settings provided by or on behalf of the State, the majority of whom have an intellectual disability. However, there is no independent inspection system in place for these residential services. The legislative framework for regulating the sector is provided by the Health Act 2007 which envisages a role for the Health Information and Quality Authority in this regard. However, the relevant sections of the Act that allow for mandatory registration and inspection of designated centres for people with disabilities have not been commenced to date.

In anticipation of the expansion of its role to include the regulation of this sector, HIQA has prepared and published standards which outline what is expected of a provider of services and what a person with a disability, his or her family, and the public can expect to receive from residential care services. The National Quality Standards: Residential Services for People with Disabilities clearly sets out what a quality, safe residential service for people with disabilities should be and supports the delivery of person-centred care in this sector. The current programme for Government includes a specific commitment to put those standards on a statutory footing and ensure the services are inspected by HIQA.

As announced by the Minister, Deputy Kathleen Lynch, on 16 June last, discussions began between the Department of Health and HIQA to progress the programme for Government commitment to regulate residential service provision for people with disabilities. Given the complex nature of service provision across this sector, careful consideration is being given to designing the most appropriate regulatory model. That work is ongoing.

[Deputy Peter Fitzpatrick.]

A target date of January 2013 has been provisionally set for the commencement of the new mandatory scheme of registration and inspection of residential services for people with disabilities.

The lack of regulation of this sector is acknowledged as a matter of concern. Unlike previous Governments, this Government is committed to addressing that issue and ensuring that vulnerable people with disabilities in residential services are safeguarded and protected, and that their quality of life is enhanced.

Regarding congregated settings, the HSE published a report in June 2011 entitled *Time to Move on from Congregated Settings — A Strategy for Community Inclusion*. A total of 3,600 people currently reside in congregated settings which are defined as settings in which ten or more people with disabilities live. The report proposes a new model of support in the community for those in congregated settings.

In addition, the report proposes a seven year phased closure of congregated settings with individuals actively supported to live full, inclusive lives at the heart of the family, community and society. A national implementation group, chaired by the HSE, was set up in October 2011 to drive and implement the transitioning of this worthy programme.

It is worth noting that a disability may occur at any stage during a person's lifetime or may be present from birth. It is incumbent upon us to look after those in society who need support, and the measures I have outlined are a firm commitment by this Government to that end.

Deputy Charlie McConalogue: At the outset I wish the Minister of State, Deputy Lynch, as the Minister responsible for disability issues, well in her role in the remaining four years of this Government. She has a number of important roles in that brief. I have debated with her on a few occasions and met her in her role as the Minister with responsibility for mental health. The Minister's brief is an important one for many people who depend on the Government to watch out for them and as an advocate at ministerial level to ensure we continue to progress issues.

The issue of disability is particularly important. The figures indicate that approximately 18.5% of people in our population live with a disability of one type or another, with varying degrees of disablement that other people would not encounter in their daily lives.

It is important that a whole Government approach is taken to deal with the issue of disability to ensure those people who have a disablement of one description or another are properly catered for. This is critical because no one Department can deal with that and ensure we address the inadequacies in our wider society in terms of disabled people. That is the reason the publishing of the national disability strategy in 2004, which covered a wide range of Departments, was so important. Much work emanated from that report. It served as a guidance document for the Government of the day, and subsequent Governments, on the way particular issues for disabled people could be addressed.

I am conscious that we are now almost a year into this Government's five year term, if it lasts that long. A year is a short time but I am disappointed that we have not as yet seen a coherent and comprehensive approach taken across the different Departments on the way disability issues can be tackled and progress made. That was highlighted in the most recent budget last December by the Government's approach when it came to funding allocations and addressing the issue of disability benefit payments.

I accept the point Deputy Harris made earlier when he said it is not simply about funding. That is true. It is about wider attitudes among the public and, importantly, attitudes at Government and at organisational level in terms of the way we approach the issue. However, the way the issue of disability benefit payments was handled reflected poorly on the Government in

terms of its overall disability strategy. It proposed at the time to cut the disability allowance for those under the age of 18 but for those from 18 to 21 years it was proposed to cut it from €188 to €100 and, for those from 22 to 24, from €188 to €144. The rates for those under the age of 25 cared for by a qualified adult were also facing reductions while the domiciliary care allowance, which was paid to the family of a disabled child under the age of 16, would be extended until their 18th birthday. We are aware of the concern that caused in society for people who are disabled and, subsequently, the Government decided to pause those cuts. As far as I am aware, that remains the position.

I am not saying it was the Minister with responsibility for this area who made the decision to make those cuts. A great deal of consultation was involved in deciding to do that. It was the brief of the Minister for Social Protection and her budget line which was affected but the handling of it and the approach taken was a poor reflection of the Government's grasp in terms of ensuring it is working to a wider plan regarding disability services and protecting the payments and living standards of those who require those payments but also in terms of wider policy development issues.

I note the recent National Survey of Public Attitudes to Disability in Ireland indicated that 20% of respondents believe people with disabilities receive equal opportunities in terms of employment. That is a slightly increased figure but it is still only 20%, which is an indication of where society sees the opportunities available to people who are disabled. Three out of ten respondents believed the State provided adequate or enough benefits for people with a disability. That survey shows that the public is aware there are serious issues and inadequacies remaining in the services in terms of the opportunities we provide to people who are disabled.

Seán Gallagher, in the recent presidential election, highlighted the issue of disability and spoke about his own sight impairment issues as he grew up. A phrase he used and repeated on a few occasions was that when someone has a disability of one type or another the focus must be on what they can do and not on what they are unable to do. Our focus as a Parliament, and that of Government and wider society, is to ensure we provide services and structure society and communities in a way that people with disabilities will be able to carry out all those things that are within their capacity to do. It is often due to a lack of services that a person's disability in one area prevents him or her from carrying out many of the things he or she can do. Addressing that must be our objective in what we set about doing. Our failure in this respect was obvious in some small but simple areas. Examples include the way developments were built, pavements were laid down to the simple matter of traffic light crossings. The way such infrastructure was built and developed and its accessibility were not given the consideration required. It was not a cost issue because in many ways with the proper approach and organisation the cost involved would have been the same. By putting the needs of people with various disabilities and thought for their provision at the centre of development and encompassing that in what is done, we could ensure that for the same cost we would have a society, a community and services which would mean everybody could use them. Much progress has been made on this in recent years. We now have a much more ordered and structured approach to ensuring the needs of those with various disabilities are catered for and considered when we go about our daily business.

More action is needed to further the development of the national disability strategy, to ensure that in the current environment it is put to the forefront again and that there is a coherent approach, strategy and implementation plan across Departments. Following the launch of the disability strategy initially in 2004 several initiatives were taken which progressed disability issues at governmental level, including the Education for Persons with Special Needs Act 2004, the Disability Act 2005 and the Citizens Information Act 2007 and sectoral plans were produced across various Departments, including in the Departments of Health and Children,

[Deputy Charlie McConalogue.]

Enterprise, Trade and Employment, social welfare, transport and environment and communications. It is appropriate that we revisit each of those sectoral plans and that updated plans emanate from the new disability strategy implementation group established by the Minister in November, and that they be at the core of everything the Government, organisations and society does across the country.

I wish the Minister of State well with this important brief over the next number of years.

Deputy John Paul Phelan: I am glad to have the opportunity to contribute to this discussion on disability issues. I wish to raise a number of specific issues. Previous speakers referred to the mental capacity legislation which was promised for years by the previous Government and has been promised by this Government since it came to office. It is included on the A list of Bills to be introduced on the legislative programme. I add my voice to that of others who have urged the Government to introduce this legislation as soon as possible. The current legislation in the area predates the foundation of the State and the Act of Union. It is an area where the laws of the land are antiquated and need to be brought into the 21st century. I hope the Government can introduce that legislation as soon as possible.

I welcome the commitment in the programme for Government to examine the funding of disability issues with particular emphasis on providing a cost of needs payment to the disabled person rather than the position that has pertained up to now where block grants were paid to bodies which provide services. It is important and correct that individuals and families would be in a position to decide for themselves what services best suit their situations. I hope that can be implemented as soon as possible.

The area of autism is one that is close to my heart. My nephew is severely autistic and I am conscious of the roles of special needs assistants in classrooms in particular. I have found it puzzling that their role is very much confined to one of caring and addressing the care needs of the child in question. The role should be broader than that. The Minister of State might outline her position on the role of special needs assistants within our the education system.

I wish to raise the issue of domiciliary care allowance and the position that has pertained in recent months where many recipients have had entitlement to it removed in an arbitrary fashion in some cases. I and I am sure many other Deputies have been presented with cases by people who previously had this allowance who have had it withdrawn. There does not seem to be any logic to some decisions that have been made. There have been some abuses of the domiciliary care allowance scheme in that some people who should not have been receiving it were receiving it. It is using a sledge hammer to crack a nut to require a significant number of people, who I believe qualify for the allowance and should be in receipt of it, to have to appeal a decision to refuse them an allowance they had up to now. Furthermore, the appeals process can take up to 12 months. Other ancillary benefits such as the carer's allowance come in conjunction with the domiciliary care allowance. It is unacceptable that people in those positions are being forced to fight for their rights in an appeals process where there is a logjam and where it may take up to 12 months to complete when ultimately, in many cases, they are entitled to this payment. I have come across several such cases.

I know the difficulty that my brother and his wife have had over many years in trying to receive adequate care and educational provision for their son and the pressure that has been put on them and on other families I know in my area. It is unacceptable that in many cases people who are already stressed to the hilt in trying to get basic educational provision for their children have had their domiciliary care allowance removed. In terms of trying to remove the abuses that exist in the system, we should not end up making victims out of people who are already under pressure, suffering and who have already struggled to get basic rights to which

they are genuinely entitled. Some practices in regard to applications for the domiciliary care allowance that have been presented to me in my constituency are unacceptable. I hope there will be much more flexibility and understanding and also a much more evidence-based approach. I am familiar with three cases in Kilkenny in which domiciliary care allowance was withdrawn from families, despite the fact that the requirement for care had been certified by local GPs. That is not acceptable. If a decision is to be made, it must be made on evidence. However, I do not see in many of these cases that there is sufficient evidence to justify removing the allowance from families that have been in receipt of it. I hope an approach that is more flexible but also realistic and evidence-based can be adopted for the future. The appeals mechanisms for various benefits are already in a logjam and waiting times for appeals are far too long. To lob in extra claims for domiciliary care allowance, many of which will be granted, to what is already a delayed process is completely unacceptable.

Deputy Finian McGrath: I welcome the Minister of State and wish her well in her new portfolio and all the best for the future. The disability sector is an important one and all Members of the Oireachtas, not just the Minister of State, have a role to play in this regard.

I thank the Ceann Comhairle for giving me the opportunity to speak in this debate on the national disability strategy. When talking about disability strategies and other disability issues, we should always listen to and involve as much as possible all people with a disability, particularly when trying to achieve solutions. All discussion should be founded on the rights of, and respect for, those with a disability. Let us drop the condescending talk and claptrap around this issue. One either believes in an inclusive society or one does not. If the Minister cuts or destroys disability services, he cannot look a person in the eye and say he supports inclusion. That needs to be said, and I say it as the parent of a daughter with a disability. We do not do waffle in our house; it is about respect and equality.

It is not all bad news. There are plenty of examples of good practice in disability services, to which I will return. However, I feel strongly that the Government needs to raise its game on the national disability strategy. We have some great services, with great people working in them. As a parent, I have experienced them and some are top-class, at times against the odds. We should not be afraid to say that in this debate. There are people in disability services who are doing an excellent job, very professionally and to an international standard. What the Government and we as Members of the Oireachtas need to do is to support them in a stronger way.

With regard to inclusiveness, I experienced recently an example of good practice when I was invited to a debate in the Central Remedial Clinic in Clontarf for the radio show “Saturday with Charlie Bird”. I was expecting the usual panel of politicians and a few token representatives but, much to my surprise and delight when I arrived, all of the panel were people with disabilities; 90% of the audience were also people with disabilities or their family members. There were only two or three politicians in the room. When we are talking about policies and strategies, let us hear the people with disabilities themselves.

Even today we have heard that many parents are concerned about the cutting of domiciliary care allowance. That is not acceptable. We need to ensure people who are losing their payments are looked after. Also, those parents whose cases are being reviewed, particularly when the reviews last for longer than 12 months, lose their payments while waiting. This causes a lot of grief for families and leads to much unnecessary negativity. I urge the Minister of State to consider the issues raised and support parents and people with disabilities.

Something that has come up in the last couple of days which is related to this debate is autism. I do not know whether the Minister of State saw the article published recently by Dr.

[Deputy Finian McGrath.]

Tony Humphreys on this subject. It was absolutely disgraceful and very damaging for the many families containing adults or children with autism. I will quote one section from the article:

After all, the deepest need of every child is to be unconditionally loved and the absence of it results in children shutting down emotionally themselves because to continue to spontaneously reach out for love would be far too painful.

Children's wellbeing mostly depends on emotional security — a daily diet of nurture, love, affection, patience, warmth, tenderness, kindness and calm responses to their expressed welfare and emergency feelings. To say that these children have a genetic and/or neurobiological disorder called autism . . . only adds further to their misery and condemns them to a relationship history where their every thought and action is interpreted as arising from their autism.

Let us nail the myth. Autism is a recognised disability and I hope the Minister will take that position strongly. One person who commented on the article said:

Printing unscientific and evidence-lacking articles is a very dangerous thing. Free speech aside, we all know what happened when Andrew Wakefield wrote about his supposed linkage of autism and the MMR vaccine. Years later with measles outbreaks on the rise, people are still refusing to vaccinate their kids.

I raise this issue because of the great offence this article has caused to many parents of children with autism. There was one reaction which summed up people's feelings very well. One mother, Mary, said:

As a mother of an autistic child I find this extremely offensive. I have 3 children one with autism 2 without. I by no means loved her any less than the other 2. I love all my children equally. The only people qualified enough to make such drastic remarks are those who live with autism in their homes everyday. If anything I give her twice the attention because she needs it. My other kids can occupy themselves but she can't because she needs constant care and attention. He should be struck off ... To all those parents out there who have read this drivel: take no notice, all autistic parents know the real truth [and] this article sure as hell isn't it.

I am representing the views of many parents of autistic parents and challenge Tony Humphreys. I often wonder whether people really understand what it is like to have a child with autism. Do they understand the childminding problems when they are young? Do they understand how hard it is for a parent to leave the child if he or she needs to get out of the house for an hour to go for a pint, or even if the telephone rings, because an external noise might trigger a violent reaction and the house might be damaged or destroyed when he or she returns? That is the reality for people who live with disabilities and should also be very much part of the debate.

With regard to the national disability strategy, Departments are required under the Disability Act 2005 to prepare sectoral plans showing that they will address key disability issues. After a period for consultation, the final sectoral plans must be brought to the Oireachtas. The six Departments referenced in the Act — I know the names have changed since — are the Departments of Communications, Marine and Natural Resources, Enterprise, Trade and Employment, Environment and Local Government, Health and Children, Social and Family Affairs and Transport.

These are the particular issues on which I would like to zone in. Earlier it was said there were many people in residential care settings that required inspection. I support my colleagues who have said we need an independent inspectorate to ensure the safety and rights of these

children and adults are protected. I have major concerns in this regard. We have had the debate on child abuse, but when it comes to the other part of that debate, on people with intellectual disabilities in institutional care, sometimes there is a great silence. Much of the truth about child abuse among those children has not been revealed. I ask the Minister to be vigilant on that issue because it is something that might be below the radar.

“Mainstreaming” is a current buzzword and a key tenet of the Government’s policy towards people with disabilities. The National Disability Authority considers that it is timely, in the context of the national disability strategy and the lack of progress in delivering on mainstreaming to date, that we examine this issue closely.

A number of my colleagues mentioned the mental capacity Bill which is being discussed at the Oireachtas Joint Committee on Justice and Equality. We will have hearings with groups such as Inclusion Ireland in the next couple of weeks. We have started to deal with this Bill and that work will continue. Members of both Government and Opposition parties will listen closely to the excellent submissions on the agenda.

The previous national disability strategy was endorsed in the social partnership agreement Towards 2016. The key elements of that strategy were as follows: the Disability Act 2005, the Citizens Information Act 2007, the Education for Persons with Special Educational Needs Act 2004 and a multi-annual investment programme of €900 million. The Towards 2016 strategic document pulled together the vision, mission and strategic objectives of the national disability strategy. We have the vision and we have the people in the disability sector. We also have many competent people with disabilities who should be brought into the organisations and the decision making process. Some of them are fantastic people who have made a massive contribution to this country in the past number of years.

There is also the issue of employment for people with disabilities. The 3% target for employment of people with disabilities is provided for in Part 5 of the Disability Act 2005. This is common sense. When I was a councillor in Dublin City Council in 1999, before this was a buzz word, the council was way above that 3% target in hiring staff. There were hundreds of staff with disabilities working in Dublin City Council, when it had between 6,000 and 7,000 staff. The council moved in this way of its own accord. By the time I was elected to the Dáil in 2002, the council was at 4.7% or 4.8%. The point is that there are people with ideas and people in the public sector who will bring these people into their organisations. People might have a physical disability but they have other fantastic and amazing skills.

In fairness, too, in the private sector there are small businesses and shops, including Senator Feargal Quinn, who have done a great deal to include people with disabilities in their staff. My daughter has worked in shops, garages and hairdressing salons. They get a great buzz from working a couple of hours per week. It is very inclusive and is part of inclusion politics.

I wish the Minister of State well with her job, as it is a very important job. My only advice to her is that she should listen to the parents and the people with disabilities. I realise she must also listen to the politicians and the Minister for Finance, which will be a pain over the next four or five years. However, when she is implementing her policies and examining strategies and so forth, she should put the parents and the people with disabilities at the top of her political agenda.

Message from Select Committee

Acting Chairman (Deputy Joanna Tuffy): The Select Sub-committee on Health has completed its consideration of the Criminal Justice (Female Genital Mutilation) Bill 2011 and has made amendments thereto.

Topical Issue Matters

Acting Chairman (Deputy Joanna Tuffy): 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 Caoimhghín Ó Caoláin — the work to rule by psychiatric nurses at the children and adolescent mental health inpatient unit, Merlin Park, Galway; (2) Deputy Mary Mitchell O'Connor — the need to allow persons access to part of their pension savings; (3) Deputy Michael McNamara — the northern distributor road in Limerick; (4) Deputy Kevin Humphreys — the delays in processing applications for carer's allowance; (5) Deputy Marcella Corcoran Kennedy — the need to prevent human trafficking into this country and, in particular, the need to identify and assist those trafficked for prostitution; (6) Deputy Seamus Healy — the reason that advertisements have been placed in local newspapers seeking to lease property in Clonmel, Mullingar and Cavan for use by the Reserve Defence Force; (7) Deputy Pearse Doherty — the impact of changes in boundaries for school transport in respect of post-primary students particularly in rural areas; (8) Deputy Derek Keating — the need to maintain adequate funding for drugs task forces; (9) Deputy Joan Collins — the need to reverse the cuts in funding to Cherryfield Resource Centre, Dublin 12; (10) Deputy Michael McCarthy — the need to connect MAN that are currently dormant in the west Cork area; (11) Deputy Éamon Ó Cuív — the need to ensure adequate resources are provided to community employment schemes run by the Galway Centre for Independent Living; (12) Deputy Michelle Mulherin — the decision of the single electricity market committee to grandfather curtailment levels applied to wind farm output; (13) Deputy Seán Ó Fearghaíl — the need to review the decision to close the Irish Embassy in the Vatican; (14) Deputy John Lyons — marriage equality in the context of the upcoming constitutional convention; (15) Deputies Mattie McGrath and Michael Healy-Rae — the need for banks to lend to businesses; (16) Deputy Thomas P. Broughan — the operation and funding of the anti-litter and anti-graffiti awareness grant scheme; (17) Deputy James Bannon — the need to reconsider section 33 in Chapter 11 of Part 10 of the Taxes Consolidation Act 1997; (18) Deputy Aodhán Ó Ríordáin — the need to find an appropriate site for the Dublin city central library; (19) Deputy Dessie Ellis — the imposition of fare increases by public transport companies; (20) Deputy Mick Wallace — the reduction in the provision of guidance counselling at Gorey community school, County Wexford; and (21) Deputies Richard Boyd Barrett and John Halligan — the Providence Resources application for a foreshore licence in Dublin Bay.

The matters raised by Deputies Seán Ó Fearghaíl, Mary Mitchell O'Connor, Pearse Doherty and Michael McCarthy have been selected for discussion.

Topical Issue Debate

Diplomatic Representation

Deputy Seán Ó Fearghaíl: I thank the Ceann Comhairle's office for facilitating me today. There was some confusion on this issue yesterday. I welcome the Minister of State, Deputy Kathleen Lynch, who will reply and I commend her on doing a superb job in her brief. She is clearly one of the most outstandingly hard working Ministers of State, but she will forgive me for saying that I am a little disappointed there is no Minister from the Department of Foreign Affairs and Trade here to address this issue.

On 3 November last, the Tánaiste announced his decision to close the embassies in Iran, East Timor and the Vatican. The amount to be saved by the closure of the Embassy in the Vatican is €455,000. Fianna Fáil has been clear from the outset in its opposition to this closure,

citing our important and historical links with the Vatican, its position as an important listening post for international affairs and the fact that it is the centre of the Catholic religious faith. The Vatican Embassy represents one of Ireland's oldest diplomatic ties, with a diplomatic representation to the Holy See having been established in 1929 when the Vatican City state as it currently exists was founded. The Vatican Embassy is being closed at a time when other notable countries such as Russia, the United Kingdom and Australia are building up their diplomatic links with the Holy See.

The Tánaiste and Minister for Foreign Affairs and Trade denied that the decision to close the embassy was a consequence of recent strained diplomatic relations. He stated, "The key consideration was obviously where we could make savings. I was anxious to retain resident missions in countries where there is a clear economic or trade interest." The foreign policy being pursued by the Government, therefore, appears to be solely founded on the basis of economic advantage rather than the broader diplomatic goals founded on shared values. There is a certain irony in that because yesterday there was an interesting debate in the foreign affairs committee about Ireland's proposal to seek election to the United Nations Human Rights Council.

Catholicism remains the majority religion in Ireland and despite the scandals that have beset it, the values espoused by the church and the policies it pursues have a direct impact on the State. The Tánaiste said all of this and more as recently as last July when he outlined the reason for the continuation of our embassy. He said the main purpose of our embassy to the Holy See was twofold. The first was "to maintain a permanent point of contact with the headquarters of the Roman Catholic Church, which continues to be the stated religious denomination of a substantial majority of Irish citizens and whose actions and policies have a direct impact and influence on Irish society." The second was "to maintain ongoing relations with a significant global political entity which has diplomatic relations with 179 states." He pointed out that the Holy See has one of the largest diplomatic corps in the world, "making the Vatican an important listening post and crossroads on a range of global social, political and international issues of interest to Ireland, including human rights, development, disarmament and conflict resolution."

It now appears the Fine Gael Members on the other side of the House finally realise the error of their ways. There appears to be a diversity of opinion within the Government, if media reports are to be believed. It is reported that at a recent Fine Gael Parliamentary Party meeting the Taoiseach reassured his backbenchers that the decision to close the Vatican Embassy would be reviewed. The Taoiseach went so far as to point out his close personal relations with the Catholic Church. During the heated meeting, according to media reports, the comments were endorsed by the Minister of State, Deputy Lucinda Creighton, among others. It has been reported that 30 members of the parliamentary party spoke in favour of the motion put down by Deputy Tony McLoughlin calling for the decision to be reviewed. Furthermore, I have also read that Deputy Colm Keaveney of the Labour Party, who attended the Stand Up lobby meeting in Buswells Hotel, told people at that meeting that we could afford the embassy.

It appeared that consensus had finally been reached and a review would be put in place to ensure that the re-opening of the embassy would be put back on the agenda. However, according to last weekend's *Sunday Independent* somebody forgot to tell the Tánaiste and Minister for Foreign Affairs and Trade about the deliberations of the Fine Gael Party. He issued an unequivocal denial that there would be any change in the policy, stating that it was a Government decision and no decision would be reversed. Clearly, there is a breakdown of communications on this important issue. It is important for the country that there is cohesion between the Government parties as they deal with the manifest crisis that faces us.

[Deputy Seán Ó Fearghaíl.]

Our party is strongly committed to the re-opening of the embassy. We believe the members of the Fine Gael Party who spoke forcefully about this at their parliamentary party meeting were reflecting the genuine views of a great number of Irish people. We call on the Tánaiste and the Fine Gael backbenchers, who had the courage of their convictions to stand up to be counted on this issue, to move now to redress the wrong that was done in closing this embassy and to re-open it.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I apologise that I am not the Tánaiste, in more ways than one. My personal experience of the Embassy in the Vatican was very positive. It was extraordinarily efficient and the staff were very courteous. They did their best to fulfil any request that was made. That should be put on the record.

I apologise that the script of my reply is not yet available. It will be provided to the Deputy.

The decision of the Government to close the Embassy of Ireland to the Holy See, as well as Ireland's Embassy in Tehran and our mission in East Timor, was taken following a review of overseas missions carried out by the Department of Foreign Affairs and Trade which gave particular attention to the economic return from bilateral missions. While the review identified the negative repercussions of closing any overseas mission it was not possible to avoid some cutbacks in our mission network, given the pressing need to reduce Government expenditure across the board.

It is important to make clear that we have not cut off diplomatic relations with the Holy See. We have simply decided that in the present circumstances our ambassador will operate on a non-residential basis. This decision to change our representation to the Holy See to non-resident status was driven by economic factors derived from our need to cut public expenditure and to focus the modest resources of our diplomatic service on economic recovery.

The total cost saving in a full year is estimated to be, as the Deputy has already stated, €845,000, of which €400,000 will come from the closure of the resident Embassy to the Holy See and €445,000 from savings on rental arising from the transfer of the Embassy to Italy to the State-owned Villa Spada. The wind-down of the resident Embassy to the Holy See and the transfer of the embassy have been completed.

In addition to the immediate financial saving, the nature of the responsibilities of the Embassy to the Holy See, particularly the fact that it is not involved in consular work or trade promotion, makes it more suitable than most embassies to be covered by non-resident accreditation. No one pretends this is an ideal arrangement but it is the most cost effective in the current budgetary situation.

Notwithstanding the differences that arose between successive Irish Governments and the Holy See in recent years, the decision to close the embassy was not taken in response to these differences. If the Government had wanted to make such a statement it would have done so far more clearly and at the time.

The Government's decision to nominate the Secretary General of the Department of Foreign Affairs and Trade, Mr. David Cooney, as our non-resident ambassador means he will be ideally placed to inform the Government of any potential issues with the Vatican, thereby helping to head off difficulties in the future. The Holy See has agreed Mr. Cooney's nomination and it is expected that he will present his credentials to Pope Benedict in May. Mr. Cooney has travelled to Rome twice since his nomination for meetings with Vatican officials and will represent the State at the Consistory of Cardinals on Saturday 18 February. On his previous visit he attended the ordination of the incoming Nuncio, Archbishop Charles Brown, by Pope Benedict and conveyed to Archbishop Brown the best wishes of the President, Government and people of

Ireland. The Government looks forward to working closely with Archbishop Brown, who arrived in Ireland last week, in his roles as Apostolic Nuncio and Dean of the Diplomatic Corps. I understand he is to present his credentials to President Higgins on 16 February.

The Government will continue to review our diplomatic network, including, as the financial situation improves, the possibility of reopening a resident Embassy to the Holy See on a more modest and cost effective basis.

I hope this answer satisfies the Deputy.

Deputy Seán Ó Fearghaíl: The Minister of State would be surprised if I were satisfied.

Deputy Kathleen Lynch: I would not.

Deputy Seán Ó Fearghaíl: However, I thank her for her response. I applaud her welcome of the appointment of Archbishop Brown and acknowledge the value of the appointment of someone of the calibre of Mr. David Cooney, albeit as non-resident ambassador.

That said, the Minister of State has not addressed the essence of my concern at the lack of cohesion in Government on this matter. The Taoiseach made it clear that this is something that should be reviewed. Implicit in what he said was that there would be an early and imminent review. That position was directly contradicted by the Tánaiste last weekend.

An allied issue is the possible visit of the Pope to Ireland to correspond with the Eucharistic Congress planned for later this year, 80 years from when it was last convened here. The congress will be of enormous significance to people of the Catholic faith. It will also be of major economic benefit. I cannot understand why the Taoiseach, or the Tánaiste, cannot issue an unambiguous invitation to the Pope to come to Ireland. We were delighted to welcome President Obama, Queen Elizabeth and the Dalai Lama, but the Taoiseach has side-stepped every question put to him as to whether he would extend a clear and unambiguous invitation to the Pope. He said the Pope would be welcome. We know he would, but why would the Taoiseach not invite him. Is he captured by the comments he made in the aftermath of the publication of the Cloyne report? Is he captured by those remarks, or why will he not issue a direct invitation?

Deputy Kathleen Lynch: As a Deputy who has more prolonged experience of coalition government, Deputy Ó Fearghaíl understands that when there are two parties in government Ministers do not always tic tac with one another when decisions are made in their Departments. I do not know what went on in the Fine Gael Party. I have enough to do to keep track of what goes on in the Labour Party. I merely read political commentary in the newspaper, and that commentary is not always correct.

The Taoiseach has made it clear that if the Pope were to indicate that he wanted to visit Ireland not alone would he be made most welcome but would be given all the respect and courtesy a man of his position would require. When Pope John Paul II visited Ireland I do not know if he came on foot of an invitation from the Government. He may have been invited by the Cardinal and the Irish bishops. I do not know the protocol of these matters. If the Pope wished to visit Ireland he would be made most welcome and would be treated with all the deference he deserves.

I hope this answers the Deputy's question.

Pension Funds

Deputy Mary Mitchell O'Connor: My purpose in raising this matter is to argue the need to allow a certain cohort of people to unlock part of their pension funds. This would allow for a

[Deputy Mary Mitchell O'Connor.]

more humane and flexible system, reflecting the reality of life for many people who are under financial duress.

I draw the Minister of State's attention to three core areas. They are additional voluntary contributions, AVCs, private pension schemes and Section 19 of the Finance Act 2011. It is important that widespread early draw-down of defined benefit and defined contribution schemes be avoided. However, there are, currently significant funds in additional voluntary contributions and other personal pension schemes that are suitable for early draw-down. According to IBEC, it has been estimated that funds in additional voluntary schemes amount to roughly €4 billion. Many of the people who paid into such schemes were in a very privileged position during the boom and, wisely, chose to save some of their bonus payments and additional income. Now, many of these people have high personal debt and are struggling to meet financial commitments.

In January 2011, more than 40,000 borrowers were in arrears of three months or more, and another estimated 40,000 home owners were at risk of arrears. A report published in 2011 cites the significant effects on people's physical and mental health of stress, worry and inability to plan for, or control, their future. By allowing access to such funds the Government would provide an essential lifeline to many families.

I draw attention to the substantial wealth stock in personal pension schemes. IBEC estimates money in these funds to be in the region of €15 billion. Many of the people who contributed to them over the past decade were self-employed small business owners. Many are in negative equity or in serious financial trouble. These groups should be allowed a once-off draw-down of a limited amount from accrued funds to be accessed now and to remove the link to retirement.

I draw the Minister of State's attention to section 19 of the Finance Act.

It essentially forces individuals with an average pension fund of €200,000 to €250,000 either to purchase an annuity, contrary to the whole concept of ARFs, or lock the majority of the fund away until they reach the ripe old age of 75 years. Basically, it increased the guaranteed income requirement from one times the State old age pension to 1.5 times the pension, that is, €12,000 to €18,000 per annum and increased the amount of the pension to be locked away from €63,500 to €119,800. Therefore, on retirement with a fund of €200,000, 25% will be taken tax free. Of the €150,000 that remains, €120,000 will be locked away for a further ten years, with no access to the pensioner, who will somehow survive on a fund of €30,000.

I ask the Minister of State to consider the drawdown of the AVC contributions, a partial once-off drawdown of the private pension scheme and section 19 of the Finance Act.

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

I thank the Deputy for raising this very important issue. I am taking the matter on behalf of the Minister for Social Protection.

Pensions are a long-term investment aimed at ensuring people have an adequate income in retirement. Government policy supports this aspiration through generous tax reliefs and we are currently reforming the pension system to ensure its future sustainability.

Early withdrawals of pension savings are not permitted or desirable for several reasons. The principal reason is that funds, and the associated tax relief on contributions, are designed to support people in later life to ensure they have an adequate income. This requires pensions to be long-term vehicles based on the principle that savings will be locked away until retirement.

Allowing access to pension savings before retirement or pension age would be a significant change to pension policy and the basis of pension savings in Ireland. At the request of the

Economic Management Council, the issue has been considered in detail by an inter-departmental *ad hoc* group, chaired by the Department of Social Protection. The group concluded that the principle of pension savings being locked away until pension age should be maintained, and it reported this to the EMC. The interdepartmental group on mortgage arrears also examined the issue of early access to pensions and did not recommend such an approach.

The idea of allowing people to access their pension savings early to pay off mortgage debt or to increase their spending power may seem attractive, particularly at the moment. However, the resulting reduction in pension savings could have significant negative consequences in the long term and in particular it fails to address the group who may be most affected by personal debt or mortgage arrears. Younger people are unlikely to have significant pension savings and where their pension scheme has incurred losses, as many have over the past number of years, early withdrawal of funds would mean very poor value for money. There is no guarantee the funds could be repaid or that people could make up these losses. Where people are close to retirement, an early withdrawal of funds could significantly diminish the pension they receive as they may not have time before retirement age to fill the gap left by such a withdrawal.

Only 51% of people in employment aged 20 to 69 have pension coverage. This relatively low rate of pension coverage is a concern. The programme for Government includes a commitment to reforming the pension system progressively to achieve universal coverage, with particular focus on lower-paid workers. Therefore, a national employment pensions scheme based on an automatic enrolment approach is being developed. Allowing people access to their pension savings before pension age would run totally counter to the policy of encouraging more people to save more for their retirement.

There are no proposals at the moment to amend the legislation to provide for early access to pension funds.

Deputy Mary Mitchell O'Connor: I thank the Minister of State but I would still ask him to look at this. The Irish Brokers Association gave a presentation yesterday to the Joint Committee on Jobs, Social Protection and Education and argued very strongly for the case of pension funds being released on a once off basis. It also argued that the Government should take a 20% tax and to put all of that money back into our economy.

I also mentioned AVCs, additional voluntary contributions, which are over and above pensions that were saved. Many people bought AVCs during the boom when they were paid bonuses and so on. I also ask the Minister to look at section 19 of the Finance Act. I got a tax consultant to look at it and she felt it is a very unfair part of the Act. I think a review of that section would help many distressed mortgage holders and many people in business who are in trouble. It would also provide a huge boost to our economy if that money was to come back in. I know it has not happened, but the Irish Brokers Association pointed out that it has happened in California, so I ask the Minister of State to look at that model.

Deputy John Perry: The EMC concluded that principal pension savings that are locked away should be maintained and it reported this to the Government. The interdepartmental group on mortgage arrears also examined this. There is a temptation to open this up and I can see the benefits in the short term. However, this was given a major examination by the EMC.

The implications of section 19 of the Finance Act can be raised with the Minister for Finance. It is a big concern that only 51% in employment aged between 20 and 69 have pension coverage, so clearly there are many people under pressure who would not have the facility of a pension. That is the concern of the Government. Bringing a universal concept to that area would be a very wise investment for later years.

[Deputy John Perry.]

From the reply given by the Minister, Deputy Burton, no consideration is being given at the moment to the Deputy's proposals. However, the Deputy can raise them with the Minister for Social Protection and the Minister for Finance and I have no doubt they will reply to her.

School Transport

Deputy Pearse Doherty: This is an issue that I and my party have been raising for quite a while, since it was announced in the 2011 budget by the Fianna Fáil Government of the time. The rule that will kick in from September 2012 means the catchment boundary areas, which determined eligibility for school transport for post-primary pupils, will cease and all post-primary students will be required to attend their nearest post-primary education centre, having regard to ethos and language. On the face of it, one would think there is nothing wrong with that because they should be going to their school. It does not make sense passing other schools and diverting students to schools that are further away. That sounds fine on paper, but when we look at the impact of this on the ground, it is a very different story.

In the last few weeks, people have started to focus on the fact that this cut, which was announced two years ago, will take effect in September. My office in Donegal and the local Sinn Féin councillor, Cora Harvey, have been inundated with people coming to us with issues in respect of these new criteria. A number of post-primary schools in the county will be affected by this, particularly in the region of Stranorlar. Finn Valley College and St. Columba's school would have been within the catchment area of Castlefin, Doneyloop, Lifford and Liscooly but will no longer be and the students will now be asked to attend the school in Raphoe. A total of 22 students in Castlefin will go to Stranorlar and the same applies to ten students in Ballylast, four students in Donaghmore and Liscooly, two students in The Alt, as well as others in Lifford. Up to 40 students who traditionally would have gone to the schools in Stranorlar will be told they are no longer eligible for school transport, unless they decide to attend a different school.

Existing students will still be provided with transport from these areas. The child from Castlefin who is in first or fourth year will still be transported to school in Ballybofey, but the new student in first year will be told he or she has to travel to Raphoe. This is just one example and the position in other parts of the county is similar, including Creeslough, Milford and Pobalscoil Cloich Cheannfhaola. Many parents are very annoyed because next September some children in a family will be travelling to one school while the first year student will be travelling to another. Families are being split and bus pick-up points changed, with the result that parents will have to drive their children a long distance to pick-up points. The bus routes follow different timetables which has resulted in confusion and difficulties.

I am unsure as to how this represents a saving and ask if the lead-in time for the new arrangements is sufficient. I also ask the Minister to review the scheme and describe the impact of the change on schools in Stranorlar and parents and pupils.

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock): I thank the Deputy for raising this matter. He has spoken about a specific area in County Donegal. The broader school transport scheme is a significant operation managed by Bus Éireann on behalf of the Department. It transports 113,000 children, including more than 8,000 with special needs, and 4,000 vehicles are used daily. It has been in operation for more than 40 years.

For the purposes of replying to the Deputy, the definition of school transport catchment boundaries has been the subject of many submissions and representations to the Department during the years. It is widely considered by many that the current catchment boundary areas do not reflect changed demographics. Changes to the post-primary school transport scheme were announced in budget 2011. One of these changes which will take effect from the com-

mencement of the 2012-13 school year means that the use of the catchment area system as a means of determining eligibility will cease for all pupils entering a post-primary school as first entrants. The point made by the Deputy is that this creates the potential to split families.

By way of providing assistance and acknowledging County Donegal as a peripheral location, I suggest the Deputy either make direct representations to the Minister of State, Deputy Cannon, who has responsibility for school transport or contact the school transport section of the Department. I acknowledge there will be anomalies under the scheme.

On the budgetary provision, there are no two ways about it, a budgetary saving will be made, but if it can be done in a way that tries to apply the principles of common sense and weed out anomalies so as to avoid the splitting of family members and if a special case can be made for the region to which the Deputy refers, my respectful suggestion to him is to make representations to the Minister.

Deputy Pearse Doherty: I welcome the invitation to make representations on behalf of the schools in question to the Department and the Minister of State and I will avail of the opportunity to do so.

The Minister of State referred to special circumstances in County Donegal. Ballybofey is situated close to the Border. I was very critical of the old catchment boundary system which was archaic and needed to be reviewed. However, the new system contains a number of anomalies which need to be rooted out. If the Department and the Minister were flexible, a common-sense solution could be found. It is in no one's benefit to have family members split. While the argument could be made that the aim of the lead-in time was to allow parents to move children from one school to another, it is not possible or sensible to do this midstream in the case of a family with a junior and senior cycle student.

I refer to the impact of the scheme on the administration of schools. Some schools still do not know whether the 40 children will come to them because the children still have the option of not availing of the school transport scheme arrangements. The information on staffing needs was required to be submitted to the Department by last March, but schools are still unsure of the numbers of children who plan to attend. There is a lot of anger among parents. I will make representations to the Minister of State, Deputy Cannon, who has direct responsibility for the school transport scheme to have it adapted.

Deputy Sean Sherlock: A recent survey showed that 82% of pupils attended their nearest post-primary school. I agree that there can be anomalies in the system which have been well documented by the Deputy. I will speak to the Minister of State, Deputy Cannon, about the matter. I also advise the Deputy to make representations to the school transport section of the Department.

Telecommunications Services

Deputy Michael McCarthy: In case the Acting Chairman thinks my matter has something to do with the number of bachelors in west Cork, Dunmanway, Kinsale or Skibbereen, MAN is short for metropolitan area network. I thank the Acting Chairman for giving me the opportunity to raise this matter regarding fibre optic infrastructure and the creation of jobs and the provision of investment in rural Ireland.

The metropolitan area network, MAN, is high-end infrastructure. There is a perception that rural Ireland is being attacked in an effort to make savings. I refer to the excellent initiatives, not least taken by the Minister of State, Deputy Lucinda Creighton, to include primary schools in the European project and want to see us build on existing infrastructure. There are three metropolitan area networks, MANs, lying dormant in west Cork over the past seven years.

[Deputy Michael McCarthy.]

They are connected in Skibbereen, Kinsale and Dunmanway. To date, they remain to be connected to the relevant service providers. All of the MANs are managed and operated by elnet who were appointed by the Department following a procurement process to make the networks available to the telecommunications sector.

Each of the three networks holds within it the vast potential to create hundreds of jobs, if not more, and to equip local businesses in the areas I have outlined, Kinsale, Dunmanway and Skibbereen. I refer to equipping those businesses with high broadband capacity and unlimited speed. The economic benefits of having metropolitan area networks in a rural town are wide ranging and self-explanatory. Every town, regardless of whether it is in an urban or rural setting needs a broadband-literate population and business community to further develop itself economically. A modern and effective communications network is essential and is the bedrock of any business or thriving rural economy and community. Everyone benefits from that, from the large corporations to educational providers and Government institutions among others. Broadband delivered on a fibre optic cable is an essential requirement for all of that.

In addition to high capacity and unlimited speed, the MANs are separate from other networks and thus provide an alternative and increase competition. Each connected network is routed to access the major industrial and commercial area and provides the essential infrastructure heavy broadband users need to have the services they require delivered to their door. In addition, a metropolitan area network can increase workplace flexibility for smaller businesses, as it can accommodate people who are increasingly beginning to blur the lines between home and work boundaries. By enabling greater broadband capability, daily administration tasks could be performed at home thus helping to relieve traffic congestion and allow for flexible child care arrangements. Despite the unemployment crisis those are obviously still issues for people who are affected by them. The failure to date to connect any of those networks to the relevant services required to make each one go live is a disappointment for the towns concerned.

The infrastructure is in place. It is about connectivity. We are not starting from a blank canvas. A former Deputy from my constituency, the former Minister for Agriculture and Food, Mr. Joe Walsh, secured funding for the provision of a fibre optic network to the technology park in Clonakilty approximately 11 years ago. There are approximately 1,000 jobs in the park, which is due to the vision of the former Minister, Mr. Joe Walsh. I acknowledge that. The work has stood the test of time throughout the economic crisis with regard to what investment in rural broadband can do for sustainable jobs in a rural setting.

Business people from all over west Cork say that when one goes to State agencies such as Enterprise Ireland or the IDA for grant assistance the first question asked is whether there is an appropriate fibre optic infrastructure in the local area. The answer is self-explanatory. I await the Minister's reply with great anticipation. I will comment further following the reply.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I thank Deputy Michael McCarthy for giving me the opportunity to respond on this important matter.

Deputy McCarthy will be aware that the electronic communications market here is a fully liberalised market and regulated by the independent regulator, the Commission for Communications Regulation, ComReg. The provision and quality of electronic communications services, including broadband, is a matter for private sector service providers, regulated and licensed by ComReg. The State is not a service provider in the telecoms market and tends to intervene only in cases of demonstrated market failure. Under one such intervention, the Government's regional broadband programme, there were a total of 11 MANs built in County Cork covering

15 towns, including the four towns that are Deputy McCarthy's immediate concern, Skibbereen, Bantry, Dunmanway and Kinsale.

The MANs are operated and managed on behalf of the State by a managed services entity, MSE, elnet, a Limerick based company. Three of the MANs in west Cork were handed over to elnet in 2010. The Kinsale MAN will be completed this year and handed over to elnet on completion. I have been advised by elnet that the Bantry MAN is now active and that the MAN in Dunmanway is expected to be live in the next month or so. While the Skibbereen MAN is available for use, it does not have connections. Elnet is in active discussions with local business representatives with the aim of stimulating demand for MAN-based services.

The demand for services in a MAN town is the primary factor for elnet to consider when deciding to connect a MAN to a backhaul service. To commit to the significant cost of a backhaul connection, elnet must be confident that there is sufficient demand on the MAN to justify the costs. Businesses that wish to connect to a MAN can do so by contacting elnet, who will then meet with the business to discuss the type of services required.

In addition to the MANs programme, the national broadband scheme, NBS, is another example of targeted State intervention in the telecoms market. The NBS network is now complete and services have been available in all 1,028 designated electoral divisions since October 2010. I am pleased to say that all premises located within the 96 designated electoral divisions in County Cork can now avail of NBS services.

I envisage that greater use will be made of the MANs in the coming years to provide bigger broadband to more businesses and citizens. I should highlight that it is important to understand the long-term nature of the MANs investment. The MANs significantly enhance the productive capacity of the local economies in which they were built. While the networks will be available for generations to come, and facilitate digital-based business of the future, they may not be used immediately, but they are available and are already playing a part in helping this country to meet its targets under the European Union's Digital Agenda for Europe. I would welcome any initiatives that lead to greater use of the MANs in Cork and nationally.

The Government accepts that the widespread availability of high-speed broadband is a key requirement in delivering future economic and social development. With basic broadband services available across the country, the challenge now is to accelerate the roll-out of high speed services.

I chair the next generation broadband task force. The task force is currently considering how best to facilitate the roll-out of next generation broadband throughout the country, which reflects a commitment under the NewERA proposals in the programme for Government. The task force will conclude its deliberations shortly. It is my intention to consider the findings, conclusions and recommendations of the report of the task force and to move quickly thereafter to put in place the optimal policy environment for the delivery of high-speed broadband and thereby assist in delivering on the commitment in the programme for Government.

The Acting Chairman, Deputy Tuffy, was present on Monday when I had the pleasure of announcing the roll-out of high-speed industrial strength broadband to every second-level school. On this occasion it did not include Cork South-West but it will next time around. The first 200 schools will be connected up along the north-west coast in 2012.

Deputy Michael McCarthy: I acknowledge the sentiments in the reply. One of the proposals put to me locally is that one can establish a resilient circle connecting the metropolitan area networks from the Bishopstown roundabout going to Dunmanway, Bantry, Skibbereen, Kinsale and back into Carrigaline and make it part of the Cork city metropolitan area network because that has global connectivity. We are all well aware of the constraints on Government but this

[Deputy Michael McCarthy.]

is one of the Departments that can take the lead in terms of providing the infrastructure necessary to encourage the expansion of jobs and the creation of jobs. Progress has been made in Kinsale in recent times, which I welcome. With no pun intended, I urge departmental officials to accelerate their involvement with the officials in Cork County Council who are tasked with handling the delivery of the networks in towns across Cork.

There is a strong appetite for networks in Skibbereen. Putting the onus on the potential user of the service is all very well, but a Department-led initiative is required if the networks are to be connected. It is one way to stop the perception of an attack on rural Ireland, a notion that I reject. Through this process, we can provide infrastructure to create the conditions that are necessary for job creation.

When one considers Departments, spending and budgets, the Departments of Health, Education and Skills and Social Protection come to mind, but the Minister's Department can take the lead in job creation.

Deputy Pat Rabbitte: I am familiar with Deputy McCarthy's opinions on this critical connectivity issue because he has canvassed my position on it several times. He is right, not only in terms of the importance of job creation, but in terms of the better provision of services locally.

Regarding the Deputy's particular point about Skibbereen, there is a difference between the multi-fibre optic cable around the town being dormant, yet lit, and being accessed by local businesses. I would happily facilitate the Deputy if his wish is for local business people to meet and discuss with elnet how they might make optimum use of the existing service.

People have criticised the previous Government for the major expenditure of approximately €170 million on providing metropolitan area networks, MANs, around the country, given that half of them are still not lit, but I am not one of the critics. The expenditure was a valuable addition to necessary infrastructure. Even if it takes time for the capacity of the MANs to be exploited by local businesses, it will still be valuable.

The decision to roll out industrial strength broadband to second level schools is one of the most important decisions the Government will make. The impact on teaching and learning is remarkable and energising. In terms of the future digital economy and the knowledge society, we could not take a more valuable step towards equipping our young people for the future or, through the use of digital enterprises, providing the kind of employment the Deputy is advocating.

Ceisteanna — Questions

Priority Questions

Departmental Expenditure

1. **Deputy Michael Moynihan** asked the Minister for Agriculture; Food and the Marine if he will outline any underspend from his 2011 budget allocation in 2011; and if he will make a statement on the matter. [7539/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): If the House will permit, and while this portfolio is often dominated by agriculture, I wish to mention the extraordinary response to what has been an unfolding tragedy in Union Hall during the past month or so. There was some success yesterday in the finding of another body.

The response of the fishing community, in particular the Deasy family in Union Hall, the Coast Guard, the Garda, the Royal National Lifeboat Institution, RNLI, Civil Defence and the hundreds of volunteers who have participated in an extraordinary outpouring of support and organisation following the tragic events that saw the *Tit Bonhomme* crash into Adam's Rock and sink is an inspiration to many people. We are thinking of the families that have lost loved ones and recovered bodies and we hope that, during the coming days, we will be able to bring some peace to the family of Said Mohammed, whose body has still not been found.

An Leas-Cheann Comhairle: Does Deputy Moynihan wish to contribute? We can start the clock afterwards.

Deputy Michael Moynihan: If I may.

Deputy Simon Coveney: I would appreciate that, as a number of Deputies probably know some of the people concerned.

Deputy Michael Moynihan: I thank the Leas-Cheann Comhairle for this opportunity. We extend our deepest sympathies to the families of the fishermen. We must thank the people of Union Hall for their good will and camaraderie, in that they built a community almost instantaneously, and commend them on showing the best of Irishness.

Our deepest sympathies go to the families of the fishermen who were lost in the tragedy of four weeks ago. Fishing is a precarious livelihood. We would like to be associated with the Minister's words of sympathy, as well as his words of gratitude for those who gathered around, including the State's services and the community as a whole.

Deputy Michael Colreavy: On behalf of Sinn Féin, I echo the Minister's words regarding this tragedy and extend our solidarity with all of those who have lost loved ones. It was striking that, out of the darkness of this awful tragedy, we saw a beautiful beacon of community spirit and co-operation. The care, concern and efforts of the State agencies and volunteers were striking and lifted the hearts of everyone affected by the tragedy.

Deputy Maureen O'Sullivan: It was Synge's play "Riders to the Sea" that encapsulated the sacrifices made by fishing communities and the number of people they have given to the sea. I appreciate the Minister's comments. West County Cork is a place I know very well. Its community spirit is always present at times such as this.

Deputy Simon Coveney: I appreciate the Leas-Cheann Comhairle's indulgence. Sometimes, it is only in tragedy that we see how fantastic Irish people can be.

There was a gross underspend of €226 million in the Department's budget allocation of €1.647 billion in 2011. The expenditure on the EU-funded single payment amounted to a further €1.316 million above this. The underspend of Exchequer funding arose as a result of the fact that the original programme allocations were not drawn down or because there were savings due to improved efficiencies during the year. The underspend arose despite the fact that every effort was made to make prudent provision for liabilities at the beginning of the year. Subject to administrative checking procedures having been completed, claims being verified and necessary inspections carried out in line with departmental and EU audit requirements, all liabilities were met and the underspend did not arise as a result of a decision by the Department to withhold payments.

I will outline the main areas of underspend. Some €10 million was underspent on the administration budget. Some €18.7 million was underspent in respect of the eradication programme, ERAD, which relates to bovine TB and brucellosis schemes, and other miscellaneous animal

[Deputy Simon Coveney.]

health schemes. Primary among these is BSE, which reflects the ongoing welcome reduction in the incidence of that disease. Some €30.6 million was underspent on the suckler cow welfare scheme. The original plan was to pay the premia due in respect of 2010 and 2011 in 2011. Due to the pattern of claims, however, doing so was not possible. The underspend will fall to be paid in 2012 and there is no reduction in the overall payments to farmers.

Some €23.2 million was underspent in respect of the clearance of EU accounts. This funding is provided to meet the cost of potential disallowances following European Commission audits of EU-funded or co-funded schemes and was not required in 2011. Some €40 million was underspent on the rural environment protection scheme, REPS, and €19.9 million on the agri-environment options scheme, AEOS. This is attributable to the fact that, under EU regulations, full and comprehensive administrative checks, including cross checks with the land parcel identification system, must be completed before any payment is made.

Notwithstanding these requirements, 22,000 REPS 4 farmers were paid in 2011, compared with 14,000 in 2010, and payments under the agri-environment options scheme are well advanced. There was an underspend of €24.2 million under marketing and processing schemes, reflecting the slower than expected capital investment in projects by food companies. An underspend of €20.4 million arose in the targeted agricultural modernisation scheme, TAMS, which was closed temporarily in 2011 and is now reopened. The underspend in this instance arose from the fact that approved projects did not mature in the form of claims for payment.

Additional information not given on the floor of the House.

The balance of savings is attributable to a large number of other headings under the Department's Vote. On the other hand, there was an additional spend of €13 million on the less favoured areas scheme over and above the Vote allocation in 2011. In addition, under public financial procedures, my Department has carried forward the maximum permitted carryover savings, totalling €29.834 million, which have been added to the 2012 budget. These carryover savings are reflected in the 2012 budget allocations announced last December. The figures do not take account of the payments by the Department under the single payment scheme, which amounted to €1,316 million in 2011.

Overall, much of the Department's Vote comprises schemes and measures that are subject to external factors such as demand from beneficiaries, market and economic factors, animal disease incidence and the pace of completion of capital investment and research projects, as well as the need to adhere to important issues of governance and, where relevant, compliance with EU operational rules and requirements. While every effort is made to forecast expenditure as accurately as possible each year, there is, inevitably, some degree of uncertainty in determining the appropriate level of budget to be assigned to various schemes and programmes. The Department is obliged to ensure, in so far as possible, that adequate resources are in place to deal with all manner of eventualities and possible unforeseen occurrences. Full details of the 2011 outturn will be available in the Revised Estimates to be published later this month by the Department of Public Expenditure and Reform and greater detail will subsequently be made available on my Department's website.

Deputy Michael Moynihan: I wish we had time to go through each of the subheads. In regard to REPS and the agri-environment options scheme, there was an underspend of €40 million and €19 million, respectively. Of that total underspend of €59 million, how much is due to be paid in 2012, based on figures for 2011, and how much is an actual saving?

Deputy Simon Coveney: There is no actual saving in terms of reduced payments to farmers. The issue here is the year in which the payments are made. There have been no cuts in the

agri-environment options scheme, and cuts in REPS only come into force this year, following the most recent budget. The payments that have carried over from one year into the next arose primarily because of mapping issues and those payments must be still made to farmers. As I said, we are rolling out the payments quicker than at any time in the past, but that does not mean there is no carryover between years.

My Department is very different from other Departments in that we have to put an Estimate together based on the best case scenario in terms of making all of the payments that could be possibly made in the next 12 months. Sometimes those payments cannot be made because of issues such as auditing, checks, inspections or blockages around mapping, as happened in this case. We will have an opportunity to go through each of the subheads in detail when the Estimates are brought before the Oireachtas committee. I look forward to that opportunity.

Deputy Michael Moynihan: When the Minister reopened the 2011 agri-environment options scheme he was rather sceptical about the money that was available given the underspend of €19 million in 2011. Would it not have been possible for him, on the basis of the figures he had and in the context of the overall savings of some €220 million budgeted for in the Department, to allow for a maximum grant under the agri-environment options scheme of €5,000 rather than €4,000?

Deputy Simon Coveney: There was never a problem with funding the agri-environment options scheme last year, even for a larger scheme. The problem is that the scheme carries over year on year. Last year's budget was never a problem and there was always money available for it. The problem is next year and the year after. I could not put together a scheme to commit €40 million or €50 million, as the previous Government had, without knowing whether there would be funds available for it next year and the year after. As it turns out, that funding is not available, which is why we had to run a less costly scheme.

Deputy Michael Moynihan: Did the Minister say the funding was not in place in 2011?

Deputy Simon Coveney: I said at the time that a scheme was promised for which the funding was not in place. One must have multi-annual funding in place for a multi-annual scheme.

Deputy Michael Moynihan: Funding is done on an annual basis.

Deputy Simon Coveney: Schemes are operated on a multi-annual basis.

Common Agricultural Policy

2. **Deputy Michael Colreavy** asked the Minister for Agriculture; Food and the Marine the measures he will take to ensure regionalisation does not adversely impact on farmers in the more disadvantaged areas of the west and north west; and if he will make a statement on the matter. [7541/12]

Deputy Simon Coveney: I take it the Deputy is referring to the Commission's proposals for the Common Agricultural Policy for the period 2014 to 2020, which include a gradual move away from payments based on historical production towards a system of uniform national or regional payment rates by 2019, and whether they will adversely affect certain parts of the country relative to others. I have repeatedly made known to the Commission my view that its approach to the introduction of flat-rate, area-based payments on a regionalised model will not work for Ireland. We should not break up the country into different regions and apply different payments to those regions on a flat-rate basis unless we have no alternative. Such alternatives are available, as I outlined to the Commissioner when he visited Ireland.

[Deputy Simon Coveney.]

Moving to a flat-rate, area-based payment ignores the fact that direct payments to farmers are calculated on the basis of historical productivity going back to 2002 or 2003. The notion that we should just ignore all of those historical data and simply apply a new regime would mean that more than 50,000 farmers would lose one third of their direct payments, while more than 70,000 others would gain between 70% and 80% on their payments. This would totally ignore the productivity of certain farmers and the lesser productivity of others. That is not how we should proceed. There is no doubt that a new system is required, but we must have a tailored approach, in agreement with the Commission, that will allow for some redistribution of funds within the State but will not result in a massive transfer of funds away from the productive sector to the less productive sector.

Additional information not given on the floor of the House.

The mechanism proposed by the Commission raises serious concerns for Ireland. It would result in very significant transfers from more productive farms to more marginal and less productive land. Analysis carried out by my Department indicates that, under a national flat-rate model, the most productive farmers would lose, on average, about one third of their current payments, while the least productive farmers would see their payments rise by an average of 86%. Alternative redistributions based on a two-region model, or even an eight-region model, would have similar outcomes. These proposals are not compatible with my commitment to sustainable intensification of production, the maintenance of a vibrant rural economy and the achievement of the objectives of the Food Harvest 2020 strategy.

I have been relaying these concerns very strongly at every opportunity in recent months, most recently in the course of discussions with the European Commissioner for Agriculture and Rural Development, Dacian Cioloș, during his visit to Dublin three weeks ago. I pressed for the maximum possible flexibility to be given to member states to design payment models that suit their own farming conditions and to include the possibility of lengthy transition periods. The so-called approximation approach, by which all payments would gradually move towards the average, and which the Commission itself has adopted in the distribution of funds between member states, is one alternative that is currently being examined. I will continue to work intensively with the Commissioner and with my counterparts at the Council of Ministers, to achieve the required flexibility and to arrive at an acceptable solution that does not have the dramatic redistributive effects inherent in the current proposals.

Deputy Michael Colreavy: I thank the Minister for his reply. There are serious concerns in the area I represent, Sligo-Leitrim, with people already pointing out that there are great imbalances between the north west and other parts of the country. The key point here is the incentive for farmers to be as productive as possible. To a certain extent, the particularly disadvantaged areas have brought a benefit to those areas which are less disadvantaged. If regionalisation takes place and if there is scope for the Government to tailor it to suit our particular requirements, will the Minister bring his draft proposals in this regard to the Oireachtas committee before they are signed off in Europe?

Deputy Simon Coveney: We already have some regionalisation in terms of how rural development funds are distributed in that we have a designated disadvantaged area which encompasses more than 100,000, or 75%, of farmers. We agree with regionalisation when it comes to rural development funds because, in that case, one is supporting people who cannot support themselves. However, direct payments are another matter in that they are about supporting sustainable food production.

In regard to draft proposals, I look forward to full, frank and detailed discussions on a range of options which I will potentially bring back to the Commission. As far as I am concerned, there is no place for party politics when it comes to discussions on the Common Agricultural Policy. I genuinely want to hear what Deputies have to say and to thrash out those ideas. I will be open in my approach, as I trust I have been thus far, and I hope the Oireachtas committee will allocate a substantial timeframe to allow detailed discussions. I will certainly take on board the views of Deputies.

Tuberculosis Incidence

3. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture; Food and the Marine the current badger population in Ireland; and if he can provide independent peer reviewed evidence that supports badger culling as a proven successful strategy in the eradication of bovine TB. [7543/12]

Deputy Simon Coveney: There are no accurate statistics available on the current badger population in Ireland. However, based on the results of the four-area project, the best estimate available to my Department is that there are approximately 80,000 to 90,000 badgers in the country.

There is considerable peer-reviewed research showing that the removal of badgers results in a reduction in the incidence of tuberculosis in cattle. In Ireland the first major research project took place in east Offaly between 1989 and 1995. This study demonstrated that, following the removal of badgers, the risk of herd breakdowns in the removal area was significantly reduced, the risk of a TB breakdown in a herd being 14 times higher in the control area compared with the removal area. The next significant study, known as the four-area project, was conducted from 1997 to 2002 in four different areas of the country. This project demonstrated that the total number of herd restrictions in the removal areas during the study period was almost 60% lower than in the pre-study period. A further study showed that targeted badger removal in County Laois between 1989 and 2005 had a significant beneficial impact on the risk of future breakdowns.

The United Kingdom has also conducted significant research into the role of badgers in the spread of TB and the impact of the removal of badgers on the incidence of TB in cattle. The most recent research was conducted by the Independent Scientific Group, which directed the randomised badger culling trial, RCBT. The initial findings of the trial showed a 19% reduction in the incidence of TB in cattle in the removal areas but a 29% increase in the areas surrounding the removal area. However, the effects of the cull continued to be monitored after the cessation of culling and a recent report by the British Department for Environment, Food and Rural Affairs, DEFRA, concluded that, overall, from the beginning of the cull, there was a 28% reduction in confirmed incidences of TB in the cattle herd in the culled areas when compared with the survey-only areas. In addition, confirmed TB herd incidence on the land 2 km outside the culling area was comparable with that in the survey-only areas.

I am satisfied that the badger culling strategy, which is an important element of my Department's bovine TB eradication programme, has contributed to a significant reduction in the incidence of bovine tuberculosis here. Since 2000 the number of reactors has declined from 40,000 to 18,500, the lowest recorded since the commencement of the eradication programme in the 1950s. It is interesting to note that the incidence of TB in Britain, which does not implement a badger removal programme, has increased substantially from 6,000 reactors in 1999 to 33,000 in 2010. I understand, however, that DEFRA intends to implement a pilot badger cull in the autumn.

[Deputy Simon Coveney.]

My Department intends, in the coming years, gradually to replace badger culling with badger vaccination and, with this in mind, we have been funding research in UCD and collaborating with DEFRA on research into a vaccine to control tuberculosis in badgers. Research to date has demonstrated that oral vaccination of badgers in a captive environment with the BCG vaccine generates high levels of protective immunity against challenge with bovine TB. However, field trials are also being undertaken to assess the impact of the vaccine on the incidence of disease in field conditions. If these trials are successful, badger vaccination will be incorporated into the eradication programme. However, it will be some years before the trials are completed and targeted badger removals will continue in the medium term. While no one likes badger culling, we have a responsibility to protect our beef herds, in particular, and our dairy herds. We have historically had a problem with TB. We are making phenomenal progress in reducing the incidence of TB, as reflected in the figures provided earlier. We now have a lower level of TB in Ireland than at any time since the 1950s. The targeted badger culling programme has played a significant and positive role in this. Badger culling only takes place in areas where it is perceived that there is a problem.

It is estimated that there are between 80,000 and 90,000 badgers in the country.

Deputy Maureen O'Sullivan: I thank the Minister for his reply. I acknowledge the problem of bovine TB and do not want to take from that particularly serious issue for Irish farming. However, there is a divergence between the research mentioned by the Minister and research which I received from the Irish Wildlife Trust, namely, independent peer reviewed scientific research which shows that culling of badgers has little or no effect on the eradication of TB and that it increased infection levels. It also states that even if all badgers were removed the same levels of TB would remain.

Is it true that 75 staff are engaged in work on badger culling? Also, is a review of this practice due in the coming months?

Deputy Simon Coveney: It is probably appropriate to compare two different strategies, namely, what is happening in Ireland in terms of TB and what is happening in the UK. The UK has tried to treat badgers for TB rather than cull them. In Great Britain, which does not implement the badger removal programme, incidences of TB have increased substantially from 6,000 reactors in 1999 to 33,000 in 2010. I am not suggesting this is purely because of badgers but there are many studies to show that badgers are a major contributory factor in the spread of TB.

I will continue to review our TB eradication programme. However, what we are currently doing is working. It is hoped we will reach a point whereby TB will be entirely eradicated from herds in Ireland, at which time — perhaps long before then — our approach towards badger removal will be reviewed.

Deputy Maureen O'Sullivan: The use of the snare involves extended periods of suffering for badgers, leaving the young unattended. I do not understand how we, as a humane country, can justify the use of such a cruel instrument. A recent newspaper article reported that people engaged in badger baiting in the North of Ireland had been arrested. We need to ensure much more humane treatment of animals. The Minister and I will have to agree to disagree about whether badger culling is effective in eradicating TB.

Deputy Simon Coveney: I agree with the Deputy on the broader issue of badger baiting and the need for a new approach towards animal welfare. I will soon publish a new animal welfare Bill. I know the Deputy's concern in this matter is genuine and hope she will participate in the

debate on the forthcoming Bill. I have strong views on animal welfare, which will be evident from the new animal welfare Bill. The Deputy and I might perhaps have a more detailed debate on the boarder issues of animal welfare during debate on that Bill.

Departmental Funding

4. **Deputy John Browne** asked the Minister for Agriculture; Food and the Marine if he will acknowledge that the Irish salmon farming industry has made significant improvements in lice management control through large investments in well-boats, good husbandry practices, in single-site generations and the use of treatments which dissolve harmlessly into pure oxygen and water; his views that the report issued in 2010 on his review of the national strategy on pest control highlighted significant improvements in control and management and reductions in sea lice on sea farms; and in view of this overwhelming evidence and continuing improvements, if he will immediately remove the logjam caused by a State agency (details supplied) under a different Department which prevents marine finfish farmers from accessing capital grant aid to which they are entitled. [7540/12]

Deputy Simon Coveney: Financial supports to the aquaculture sector, as part of the Irish National Seafood Programme 2007-2013, are currently provided by BIM.

In the course of the public and statutory consultation process of the strategic environmental assessment of that programme, concerns were raised by the Central and Regional Fisheries Boards, now Inland Fisheries Ireland, and the Department of Communications, Energy and Natural Resources regarding the potential negative impact on migratory wild salmonids from sea lice emanating from salmon farms.

The Minister at the time agreed with the Minister for Communications, Energy and Natural Resources that until such time as the sea lice issue was satisfactorily resolved, no financial assistance would be given to marine salmon aquaculture licence holders during the course of that programme, on a precautionary basis.

A policy document entitled, A Strategy for Improved Pest Control on Irish Salmon Farms, was developed by my Department in 2008, in consultation with the Marine Institute and BIM. The strategy included several recommendations to provide for enhanced sea lice control, including the establishment of a national implementation group to oversee the implementation of the Strategy and its recommendations. This group was established in December 2008 and included representatives of the aquaculture industry and experts from BIM, the Marine Institute and my Department. The purpose of the implementation group was to progress a programme of work and plans for setting up, on a trial basis, real-time single bay management pilot programmes to implement the management cell approach, as outlined in the 2008 strategy. An intensive consultation was undertaken with the industry on the proposed programme, which led to the setting up of two pilot trial areas tackling high lice levels detected during the course of the Marine Institute-run national sea lice monitoring programme.

The implementation group's report was published by my Department in December 2010. The report concluded that over the course of its work, the vast majority of salmon aquaculture sites maintained sea lice levels below treatment trigger levels and, in all instances when notices to treat were issued, effective treatment plans were put into practice. The pest control arrangements put in place by the implementation group continue to operate effectively and Ireland's management of sea-lice infestation on salmon farms is now the most comprehensive and transparent in operation in any of the salmon producing countries. I understand that the European

[Deputy Simon Coveney.]

Commission has also indicated that it regards the protocols implemented by Ireland for the control of sea lice as representing best practice internationally.

I am currently reviewing the constraint on grant aiding the salmon farming sector and in that regard I propose to fully consult with the Minister for Communications, Energy and Natural Resources.

Departmental Agencies

5. **Deputy Clare Daly** asked the Minister for Agriculture; Food and the Marine the costs associated with the plans to move the Teagasc facility to Ashtown from Kinsealy, County Dublin; and if he will ensure that these moves are halted in view of the fact that the site is unsuitable and too small. [7006/12]

Deputy Simon Coveney: This is an operational matter for the Teagasc authority. Teagasc has statutory responsibility for the delivery of education, advisory and research services to the agriculture sector. It is a matter for Teagasc and its board to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day-to-day operations of Teagasc. Accordingly, the future of the Kinsealy Research Centre is an operational matter for the Teagasc authority. It would not be appropriate to interfere in decisions made by the Teagasc authority in regard to the centre.

I am aware that the Teagasc authority approved a major change programme in 2009 to reorganise and refocus the organisation to meet the significant challenges that lie ahead. This required Teagasc to implement a credible rationalisation plan to enable the organisation adapt to medium-term budgetary constraints. The programme provides for rationalisation measures across the organisation, including the advisory office network, research lands, staff reductions and prioritisation of programme activities.

As part of this programme, the Teagasc authority concluded that the Kinsealy Research Centre is no longer strategically essential to its activities and that it should be closed with staff and activities relocating in the main to the Ashtown Research Centre.

It is the view of the Teagasc authority that it cannot maintain four sites in the greater Dublin area in close proximity to one other and that they are not being used to capacity at present. Teagasc evaluated all four sites relative to one other. It considered the potential savings on overheads and whether programmes currently carried on at the four sites could be streamlined. Following this assessment, it reluctantly concluded the Kinsealy centre should close. The decision was not taken lightly but was driven by the need to review services and rationalise where feasible.

An Leas-Cheann Comhairle: I must interrupt the Minister. The rest of the reply will appear in the Official Report.

Deputy Simon Coveney: It is important to note that Teagasc has committed to spending approximately €4.8 million on the Ashtown site to facilitate the move from Kinsealy.

Additional information not given on the floor of the House.

Teagasc has developed excellent facilities in Ashtown following significant investment in recent years and relocation provides an excellent opportunity to optimise the usage of this valuable centre. Teagasc has carefully assessed the potential investment attributable to relocat-

ing from Kinsealy. I understand an investment programme costing an estimated €4.8 million is currently being finalised to provide appropriate facilities at Ashtown to facilitate the movement of activities from Kinsealy over a planned, phased basis. This relates to once-off relocation costs and is constantly being reviewed by Teagasc to reduce actual costs and achieve savings where feasible. In any event, the actual costs will depend on the outcome of competitive tendering processes.

Deputy Clare Daly: While I thank the Minister, there are a couple of problems with that response. It is not acceptable to have a statement to the effect that it is not appropriate for the Minister for Agriculture, Food and the Marine to interfere in this area. I do not count it as interference when the State body responsible for horticultural development in the State makes decisions that are, at best, questionable. Moreover, that body already has been brought before, and is at present before, the Committee of Public Accounts because of this very move, which as the Minister has noted involves the expenditure of just short of €5 million of taxpayers' money for a new facility in Ashtown of a far less superior status than the existing facility in Kinsealy. Is the Minister aware the students still will be sent to Kinsealy for training purposes because there is not enough land at Ashtown? Is he aware that more land must be acquired at the latter site because it is not big enough to meet the present needs, including the rent of other premises, even though Kinsealy has 100 acres of the best horticultural land in the State? Does he consider that to be a worthy use of taxpayers' money?

Deputy Simon Coveney: I must take my briefing from Teagasc on this issue. I can understand the importance of Kinsealy, particularly from a horticultural research perspective, but my understanding is the planned move to Ashtown and the consequential investment will be able to maintain the standard of service that already exists. It is possible to rationalise and to move four centres into three, particularly when they are in close proximity to one another. I have received a detailed briefing from Teagasc in this regard on its proposals to maintain services, while simultaneously rationalising. This is not just about Teagasc services in Kinsealy, as it has managed to rationalise all over the country. It must prioritise how it spends money both this year and into the future to ensure it derives the maximum benefit from the resources available to it. That is what this move is about.

Deputy Clare Daly: How could this be rationalisation if Teagasc is obliged to spend more money to acquire lands when such lands already exist at the Kinsealy facility? Everything it needs already is located there. Can the Minister comment on the fact that a further €2.5 million will be spent by Teagasc on doing up classrooms for the Office of Public Works in the Botanic Gardens to train students, when such facilities already exist in Kinsealy? If, as I firmly believe, what I am saying is true, does the Minister consider that, in the public interest and in the exercise of oversight of taxpayers' money, he has a role in calling in Teagasc and calling it to account somewhat?

Deputy Simon Coveney: There is a role for me to ensure that Teagasc spends its budget properly and gets value for money. I have spoken to the director of Teagasc many times on a series of matters, including how it prioritises and where it spends money and how it envisages its strategic role in respect of developing the agrifood industry. I note it is doing a great deal of good work in this regard. Consequently, I have a role from a policy perspective. Teagasc is a hugely important part of the agrifood story in Ireland from the point of view of horticulture, crops, animal husbandry and research on all areas from developing cheeses to pesticides. However, this is part of a broader rationalisation programme that involves reducing the number

[Deputy Simon Coveney.]

of sites from which Teagasc operates and which also involves some expenditure to ensure it can continue to operate at a high level from a research and development perspective. It should be seen from that perspective, rather than pointing to specific expenditure and ignoring the savings that are made as a result of the move from Kinsealy over a longer period.

Other Questions

Farm Inspections

6. **Deputy Dara Calleary** asked the Minister for Agriculture; Food and the Marine if he will outline in tabular form providing county breakdown of all the cross compliance and GAEC penalties, as well as the land eligibility penalties applied on farmers for 2009, 2010 and 2011, with a detailed breakdown between each of the different cross compliance Statutory Management Requirements and each of the GAEC issues as well as the land eligibility issues the number of farmers penalised in each county under each heading; and the amount of penalties applied or moneys deducted under each heading. [7232/12]

Deputy Simon Coveney: My Department, in the context of delivering the direct payments schemes, is required to carry out annual inspections covering land eligibility and cross-compliance to ensure compliance with EU regulatory requirements. The value of these schemes to Irish farmers is €1.8 billion annually. It therefore is incumbent on my Department to ensure the regulatory control environment is implemented comprehensively to avoid EU disallowances.

Eligibility checks must be carried out on 5% of applicants. These checks are carried out to verify the actual area claimed in the application form corresponds to the area farmed by the farmer and to ensure that any ineligible land or features are deducted. Up to two thirds of these inspections are carried out without a farm visit, as the information is verified using the technique of remote sensing via satellite. The rate of inspections for cross-compliance is 1% of applicants, to whom the statutory management requirements, SMRs, and good agricultural condition, GAEC, apply. However 3% of farmers must be inspected under the bovine identification and registration requirements, while 3% of sheep or goat farmers must be inspected covering 5% of the flock. The penalty for non-compliance with the SMRs and GAEC is normally 3% but this can be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the non-compliance. Where the non-compliance is deemed intentional, the reduction is normally 20% but this may be reduced to 15% or increased to 100%, depending on the extent, severity and permanence of the non-compliance found. The regulations allow for a tolerance to be applied where the non-compliance is regarded as minor in nature and where remedial action is taken.

An Leas-Cheann Comhairle: Again I must interrupt the Minister.

Deputy Simon Coveney: As for the specific question, in the time available it has not been possible to compile a full range of data as requested by the Deputy. However this is being compiled and when it is available, as it is for 2009 and 2010 at present, the details will be forwarded to the Deputy.

Additional information not given on the floor of the House.

It is a regulatory requirement that land 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. In so far as possible, my Department tries to integrate some of the eligibility and cross-compliance inspections with a view to minimising the number of farm visits. However, since all eligibility inspections must be carried out before payment, these inspections are prioritised. Approximately 11,900 farmers were inspected under the 2011 schemes including those inspected using remote sensing.

In the time available it has not been possible to compile the full range of data requested by the Deputy. The information sought will be forwarded to the Deputy as soon as it is compiled.

Under EU regulations, as well as the requirement to carry out annual cross-compliance inspections and apply penalties for non-compliance, member states also are required to take on board the results of inspections carried out by other bodies as part of the legislation underpinning the individual SMRs. This is known as cross-reporting. Any non-compliances detected also are subject to cross-compliance penalties. Under these arrangements, for example, the Department of the Environment, Community and Local Government would be expected to cross-report any non-compliance detected by local authorities in the course of their inspections under the good agricultural practice, GAP, regulations.

In 2010, in an effort to minimise duplication of farm inspections between the two Departments, my Department agreed to carry out approximately 1,600 nitrates inspections under the GAP regulations on behalf of the then Department of the Environment, Heritage and Local Government. This arrangement was retained in 2011 and also will apply in 2012. In total, cross-compliance and GAEC inspections resulted in the higher monetary value of penalties applied in 2010 of €1.88 million, compared with €800,000 in 2009. This represents a penalty rate of 0.1% to protect direct payments of €1.8 billion annually.

Deputy Michael Moynihan: I thank the Minister for his reply. As the Minister is aware, the issue of cross-compliance, inspections and so forth resonates deeply with the agricultural community, which sometimes considers itself to be dealt with unfairly. Statements have been made to the effect that the selections are random. However, I have been approached by farmers, who undoubtedly also have been in contact with the Minister, who have been inspected under REPS, cross-compliance and the single farm payment year after year. Some farmers who have been involved in REPS for the past ten years have stated they have been subject to inspection almost every year. Is there a category within the Department that zones in on a particular group of farmers or an individual farmer for any reason? In addition, Members are regularly told by the farming community that cross-compliance checks are much stricter here than in other countries. It would be important at least to conduct an analysis of how such cross-compliance checks are carried out in other member states, as well as in Ireland. Perhaps such analysis could then be brought before the Oireachtas.

Deputy Simon Coveney: First, I need to know if people are being inspected repeatedly because according to my information, only a relatively small percentage of farmers are meant to be inspected each year. If people are of the view that they have been targeted for four years out of five, for example, that would be strange and I would like to know about it and find out why it is the case. Perhaps the Deputy might forward the relevant details to me.

[Deputy Simon Coveney.]

On whether we are implementing the rules on cross-compliance in inspections in a more aggressive way than is the case in other European countries, the requirements in this regard are laid down by the Commission and enforced by it through an audit process. In the coming days officials from the Commission will be auditing the AEOS and REPS payments for last year in order to discover whether we have carried out the required inspections and completed the necessary paperwork. The Commission also does this in the case of other countries. It is often stated Ireland is much stricter than other member states when it comes to inspections and cross-compliance. Our inspections are driven by the requirements laid down by the Commission and the audits it carries out. If we do not meet the requirements to which I refer, we will be fined. We would lose out as a result because my Department would be obliged to pay such fines and would not be able to spend the amounts of money involved on farmers or the food industry. We carry out inspections in order to minimise the number of problems that might arise during the audit process. The financial cost relating to such problems can often be substantial. We will be obliged to pay in the region of €12 million to the Commission this year in respect of previous non-compliance issues, overpayments, etc., which were revealed in audits. It is not the case that the Government has decided to take a tough approach in dealing with farmers, rather we are playing by the rules because if we do not do so, everybody, including farmers, will be obliged to pay the cost when issues arise from the audits to which I refer.

Agri-Environmental Options Scheme

7. **Deputy Jonathan O'Brien** asked the Minister for Agriculture; Food and the Marine if he has finalised arrangements to the agri environmental options scheme 2012; and if he will make a statement on the matter. [7072/12]

Deputy Simon Coveney: This question relates to the agri-environmental options scheme, AEOS, for this year. Rather than providing the Deputy with a long dissertation on the REPS and the AEOS, I will outline the facts as I see them.

At budget time I stated I would like to introduce a new AEOS but that it would be targeted at a specific group of farmers. I have repeatedly stated those who are farming in special areas of conservation, SACs, or in areas in which restrictions apply as a result of environmental considerations such as those relating to ecosystems which must, from the perspective of EU law, be protected should receive some recognition. We cannot afford to provide an AEOS for everyone who exited the REPS in the latter half of last year or who is due to exit it this year. I want to put in place a much more targeted AEOS which will not be as expensive and which will target Natura scheme areas and SACs in order that financial recognition will be provided for farmers who are restricted in what they can do in obtaining a commercial return from their farms. This will require the putting in place of additional mechanisms to evaluate whether the type of farming engaged in is sustainable and in sympathy with the environment. We will try to keep the scheme as simple as possible in order that it will be easy for farmers to implement and for us to monitor. As soon as I have details of the scheme, I will pass them on to Deputies.

Deputy Michael Colreavy: I look forward to receiving the information to which the Minister refers. Regardless of the industry in which they are involved, farmers need to know what will be the level of their income in order that they can plan for the year ahead. The longer we leave those involved in the farming community without this knowledge, the more difficult it will be for them to prepare for the scheme. Is the Minister in a position to indicate when the proposals relating to the scheme will be ready?

Deputy Simon Coveney: My officials have been working on them this week and draft proposals may be ready as early as next week. However, that is not to state they will be agreed at that point. Let us be clear about the process which must be gone through. I will be obliged to obtain approval from the Department of Finance to introduce a new AEOS. That will not be straightforward because it is difficult to get that Department to agree to any proposals for new schemes that will cost the Exchequer money. In order to get the proposal through, I will be obliged to identify savings elsewhere. It must be remembered that, potentially, the ceiling on my Department's expenditure for next year may be lowered again. I suspect we will be considering opening a limited AEOS prior to the summer, with a view to the first payments being made early next year. The scheme will have to be contemplated within the framework of next year's rather than this year's budget.

The discussion on this matter is only in the preliminary stages. This is because I have not yet approved a proposed scheme and obtained approval from the Departments of Finance and Public Expenditure and Reform to proceed with such a scheme. When I obtain that approval, I will be happy to bring details of the scheme to the attention of the Joint Committee on Communications, Natural Resources and Agriculture or give them directly to the party spokespersons on agriculture.

Common Agricultural Policy

8. **Deputy Michael McGrath** asked the Minister for Agriculture; Food and the Marine his views that progress was made on the key issue for Irish farmers in the common agriculture policy post 2013 discussions with Commissioner Ciolos during his recent visit; if so, in what areas; and if he will make a statement on the matter. [7252/12]

Deputy Simon Coveney: When I saw this question had been tabled in the name of Deputy Michael McGrath, I thought he had become interested in agriculture. No such luck, however,

Deputy Michael Moynihan: The flood lands of the Minister's territory in Cork South-Central might be invaded if that were the case.

Deputy Simon Coveney: Exactly. I am glad the question was tabled because we had a very useful visit from Commissioner Ciolos a number of weeks ago. Deputies Michael Moynihan and Michael Colreavy made a number of extremely relevant points to the Commissioner during the Joint Committee on Communications, Natural Resources and Agriculture's meeting with him. I had an opportunity to spend approximately three hours with the Commissioner during which time we discussed various matters, both on and off the record. I took the opportunity to outline to him Ireland's main concerns about this matter, the first of which is the need to ensure the budget proposed by the Commission for the CAP should remain intact as we move towards making a decision on the multi-annual financial framework, that is, the EU budget. There are still countries which would like the CAP budget to be cut significantly. We must ensure, at a senior Government level, that this does not happen.

Ireland also has concerns on the reference year issue. Many farmers are also concerned about this matter which is having an impact on the land rental market, in particular. It will continue to have such an impact between now and 2014 if clarity is not forthcoming. The Commissioner now understands this issue, but he continues to maintain many other countries do not appear to have a difficulty with it. He wants to be as concise as possible in determining a reference year. We are going to work together to try to arrive at a solution which will give certainty to the rental market before the end of the year.

[Deputy Simon Coveney.]

I outlined to the Commissioner our concerns about greening. There should not be a separate greening payment. We should build on the cross-compliance structures already in place rather than introducing an entirely new layer of bureaucracy, form-filling and inspections in respect of a separate top-up payment. However, the Commissioner is wedded to the idea of introducing a separate greening payment and that was the mechanism he used to obtain agreement from the Commission in maintaining the budget for the CAP. He obtained that agreement by stating direct payments would effectively be cut by 30% and that a 30% top-up payment directly related to the greening of the CAP would be provided.

The distribution of single farm or direct payments within Ireland is the key issue for us. We discussed this matter in the context of an earlier question. We need to achieve a result in this matter because the last thing we want is for the Irish Presidency to be obliged to focus on significant problems this country might have with the CAP proposals rather than on trying to achieve consensus among member states. We will work intensively with the Commission to try to arrive at a compromise solution which will assist us in achieving our goals.

Deputy Michael Moynihan: The negotiations that will take place between now and this time next year in finalising the CAP deal will determine a great deal in the context of the future of agriculture in this country. For Ireland, a wide variety of issues must be resolved, not to mention those which must be dealt with in the context of the CAP. The Minister understands quite well the reference date has already caused distortion in the rental market. I am encouraged by the comments he made on having something in place by the end of the year on the rental markets, but farmers have jumped ahead and I hope they are not making management decisions that will be detrimental to them. I encourage the Minister to be forthright and upfront with the main stakeholders on whatever proposal the Department will put in place. From what I understand and hear at the farm gate, the use of 2014 as the reference year is having a serious impact.

With regard to greening, the less bureaucracy we have the better because for far too long complaints have been made about the amount of bureaucracy which has built up around the single farm payment and European moneys. We must make a concerted effort to minimise bureaucracy in so far as possible. Emerging markets are coming into play and there is an opportunity for farmers to farm rather than complying with regulation after regulation.

I do not think the use of 2011 as a reference year is making any difference and I encourage the Minister to ensure a proposal is brought forward with regard to 2014. We should ensure the minimum amount of bureaucracy is in place after these CAP negotiations.

Deputy Simon Coveney: We are at one on this issue but it is important to state the big issue for us is the redistribution of direct payments. We also require clarity on rural development funds. We still do not know how this funding will be distributed between the member states. Let us be clear that 2014 issue needs to be resolved but it is not the big issue. The big issue for us is to ensure the €1.3 billion of direct payments that come to Ireland will be distributed among our 130,000 farmers to the maximum effect possible in terms of building, expanding and growing our industry and supporting farm families. This is the key issue and the Commissioner understands this. Of the three hours I spent with him, I spent two hours speaking about this issue.

The other issues are very important and we will try to address them. I do not want to pretend any of these issues will be easily resolved because they will not. Any solution we find must be acceptable to a majority of the 26 other member states which will also be impacted by the changes we may propose in terms of flexibility.

Having said all of this, it is possible to steer our way through what will be a difficult negotiation process. As long as we use the opportunities that exist, especially as Ireland approaches its Presidency during which the deal is likely to be finalised, Irish interests can be protected.

Disadvantaged Areas Scheme

9. **Deputy Dessie Ellis** asked the Minister for Agriculture; Food and the Marine the way he proposes to deal with applications for single farm payments from farmers in particularly disadvantaged areas whose stocking density was on, or slightly above minimum density pertaining to the current scheme; and if he will make a statement on the matter. [7069/12]

Deputy Simon Coveney: This question is slightly confusing in terms of how it is worded, but I believe I know what it is getting at and I would like to bring clarity to the changes we have made to disadvantaged areas payments. It is important to say I had repeatedly stated to farmers in disadvantaged areas in the build-up to the budget that we would need to make savings from the schemes because we could not make enough savings through efficiencies in the Department. Even though the costs of running the Department and its agencies has been reduced by €18 million from last year to this year, we still had to make savings in schemes such as REPS and the disadvantaged areas scheme.

With regard to the disadvantaged areas scheme, I wanted to protect people who are farming with reasonable numbers of stock on the land. I did not want to take any money from them and in my view we have managed to achieve this. We have not touched the rate or the area of 34 hectares for which the rate can be applied. The majority of farmers in disadvantaged areas will continue to farm as they did and will continue to receive the same support they did in the past.

We changed the eligibility criteria for the disadvantaged areas scheme. This means people's stocking rate needs to be reasonable and we consulted farm organisations on this. I did not pick the figures out of thin air. We stated that instead of having to have one sheep per hectare, one must have two sheep per hectare. Anyone who knows farming will know this is still an incredibly low stocking rate. Instead of having to keep stock for three months of the year, one must keep it for six months of the year. We cannot have people buying stock for a very short period of time and putting animals on the hillside for three months just to draw down a payment.

One area of confusion arose which this question is getting at. We stated that farmers with their main holding outside of a disadvantaged area who either purchase or lease land in a disadvantaged area and draw down a payment on it will receive only a percentage of their entitlement corresponding to the percentage of the overall landholding in a disadvantaged area. However, if farmers whose main holding is in a disadvantaged area rent land outside of a disadvantaged area, they do not lose any of their payments. Farming organisations were very concerned about this issue. I do not want to discourage farmers in disadvantaged areas from trying to improve their holdings by renting or buying land in non-disadvantaged areas. These farmers' payments will not be negatively affected and it is important to clarify this.

Deputy Michael Colreavy: I understand the intent behind the minimum stocking density and the extension of the retention period. This gets to the core of what is a genuine farmer. It will cost some genuine farmers to get to the minimum stocking density outlined by the Minister. Will the Minister consider having a phased introduction of the minimum stocking levels? He mentioned an appeal system will be put in place in order that no genuine farmer would be ineligible for the scheme. Those of us familiar with appeal systems in the Department of Social

[Deputy Michael Colreavy.]

Protection do not like the phrase “appeal system” because there is a nine or ten month delay in hearing appeals there.

Deputy Simon Coveney: To be clear, any farmers who must have a low stocking rate because they farm in a commonage area and therefore must abide by a commonage framework programme which requires them to have a low stocking rate are exempt from any cuts and their payments will be maintained.

This is about what happened last year, as last year is the reference year for stocking rates. If one was below the threshold last year, one’s payment will be removed unless one appeals and gets it back. This is not about telling farmers that if they do not increase their stocking rate, they will not receive a payment, because farmers would simply increase their stocking rates. This is about making a calculation of the farmers who actively farmed last year and measuring it on the basis of stocking density and the length of time they kept those animals and whether they were horses, cattle or sheep. Landowners taking on horses for three months of the year to draw down a payment will lose their payment. We can no longer afford this luxury.

If there was a genuine reason in 2011 that people had a low stocking rate, such as a death in the family, a son or daughter taking over the farm and stocking rates being reduced to wean him or her in, or an illness or disease outbreak in the herd, we want to hear about it and such genuine cases will get their payments back. This is what I mean by an appeal system. Some of people who simply maintain land to get a disadvantaged areas payment and do the bare minimum with regard to keeping stock for the minimum amount of time will lose their payments and this is the right approach when we have a reduced amount of money to spend. We must prioritise active and real farmers.

Milk Quota

10. **Deputy Billy Kelleher** asked the Minister for Agriculture; Food and the Marine the discussions he has held under the Danish EU Council Presidency in relation to milk quotas; and if he will make a statement on the matter. [7245/12]

Deputy Simon Coveney: I suspect this question has come from Deputy Moynihan because he rightly asks it, or some version of it, during every Question Time on agriculture. It concerns the milk soft landing.

I have had informal meetings with the new Danish Presidency. There is a new Danish Minister following elections some months before Denmark took the Presidency. Ireland and Denmark are very much at one on this issue but the discussions on milk, as they are developing in the Council, are a little worrying. Some countries are now suggesting we should not do away with milk quotas in 2015, that the period should be extended and so on at the same time as other countries like Ireland and Denmark are saying we are not putting in place a soft landing that is working and that we should give more flexibility in regard to quota management pre-2015.

This is an opportunity for me to say to dairy farmers that they should stay within quota this year. By the end of December of last year we were 0.08% under our quota and if the same pattern of the first three months of last year were repeated in the first three months of this year we will be significantly over quota by the end of the quota year, which will mean that Ireland will get a super levy fine. We must avoid that. Farmers behaved responsibly in the autumn in terms of early drying off, one milking per day, culling cows in herds and so on. We must continue to be sensible in the way we manage our milk output between now and the end

of the quota year to ensure we avoid super levy fines because there will not be a political solution to this issue in the next two or three months.

Deputy Michael Moynihan: I am deeply concerned about this issue. I have raised it at all stages in the past six or seven months. The Europe wide milk quota is ultimately what we will require. I would be concerned if there are to be discussions on not abolishing the quotas in 2015 because many farmers have invested heavily in that and are gearing up towards it. It is important that in whatever framework there is the possibility of a butterfat adjustment. What is the position on that? How many countries support it?

The Danes are like us in terms of milk production but we must build a coalition of partners in Europe. My position for the past eight or nine months is that a Europe wide milk quota must be put in place because we continuously talk on the economic side about export led growth. The Minister is well aware that if the production of milk that ceased at dairy farm level in the past three or four months had continued in full production there would have been markets for that product. We must instill that notion across Europe because they are talking about the austerity packages and gaining exports and so on but we have a product. That does not make sense.

Deputy Simon Coveney: I would love to have a Europe wide milk quota. It would mean we could increase Europe's output of milk by 4% or 5% because that was the amount it was under quota last year but we must get real. We cannot even get agreement on a butterfat adjustment never mind a radical rethink in terms of the way we manage quota across the European Union. I agree with the Deputy on that but it is important not to mislead farmers in terms of what is and is not possible. France and Germany are fundamentally opposed to any change in milk quota management because they hold the view that if the reins are released at all there will be an immediate increase in supply which will impact on prices. They are paranoid about that, as are some of their farmers' unions.

It is important to state also that even though some countries are raising concerns about milk quotas ending in 2015 the big countries, including France and Germany, and the vast majority of other countries, have bought into that happening and, like Ireland, are preparing for it. That will happen in 2015 but I would make the point that even though Ireland, Denmark, the Netherlands, Luxembourg, Cyprus and two or three other countries want more flexibility around butterfat adjustments and an increase of more than 1% in quota allocation for countries pre-2015 — that 1% increase each year is the only flexibility we have currently — there are countries that are fundamentally opposed to that.

We have put together informally a coalition of the willing but it is not yet big enough to force change. The Council will not change this because it has an agreed milk health check, which Ireland signed up to in 2009. That is not working but if this is to change we will need a qualified majority in Council to push through that change. We could not do any more to try to achieve that but we will not get there by the end of this quota year unless there is some dramatic change that I am not expecting in the coming months.

Pigmeat Sector

11. **Deputy Kevin Humphreys** asked the Minister for Agriculture; Food and the Marine the value of the Irish pork industry in 2011; the percentage of that product that was free range or organic; his views regarding the marketing of pig meat as free range or organic that has not been raised in such a manner; and if he will make a statement on the matter. [7062/12]

16. **Deputy Pearse Doherty** asked the Minister for Agriculture; Food and the Marine if he plans to enforce proper regulation on free-range Irish pig farming; and if he will make a statement on the matter. [7074/12]

Deputy Simon Coveney: I propose to take Questions Nos. 11 and 16 together.

Ireland is more than 150% self-sufficient in pigmeat with the result that export values reached almost €400 million last year, an increase of 18% compared to 2010. The industry supports more than 7,000 jobs in farming, milling, processing and ancillary services. It is the third largest component of Irish agriculture after dairy and beef. The sector reaches into rural communities the length and breadth of the country, especially in Cavan and Cork.

The UK remains the largest single export market while the value of exports to international markets grew significantly during 2011. Pigmeat remains the most consumed meat worldwide and the substantial trade surplus in pigmeat in Ireland and the EU leaves us well placed to avail of developing opportunities in international markets, with China being particularly attractive in this respect.

For the information of the House, I met a representative of a very large pig and pork company from China recently and he told me that China slaughters 650 million pigs a year. That will give Members an idea of the scale of the markets we are trying to get into.

The importance of the domestic market to Irish pig producers must also be acknowledged. More than half our output is consumed domestically, which is unusual for agricultural products, and consumption increased by 7% during 2011.

Food Harvest 2020 targets a 50% growth in the value of output over the next nine years and factors such as improvements in sow productivity and growing the size of the national herd will help to meet this target. While organic production has become more popular in recent years, it remains very much a niche market for the production of pigmeat. The vast majority of Irish pigmeat is produced through traditional methods with approximately 380 commercial herds supplying the bulk of the output. There are approximately 70 organic pig producers and these are relatively small scale operators.

Organic production and labelling of organic products is controlled by European and national regulations. The EU legislation allows member states to use private inspection bodies to carry out the inspection and licensing system of organic operators. There are currently five approved organic control bodies — Organic Trust Ltd, the Irish Organic Farmers' and Growers' Association, IOFGA, the Institute of Marketology, IMO, Global Trust Certification Ltd, GTC, and the Biodynamic Agricultural Association of the UK, BDAA.

The labelling of free range pigmeat is not covered by any legislation unlike organic produce. There are a very small number of pig producers currently styling themselves as free range. As we are running out of time I would like to take some questions.

Deputy Kevin Humphreys: I thank the Minister. I am neither from Cavan nor Cork but there is a real interest in free range farming. A number of farming communities have gone into that niche with little or no regulation, and there are no rules laid down on labelling. It is a huge industry. Free range farming of pigs is an important element, and it could be a growing element in a niche market. Agriculture is important whether one is an urban or rural dweller but it is sometimes stated in this House that only a rural viewpoint is given on it. Given its importance to the economy, urban Deputies have a keen interest in that developing market.

We need to lay down regulations to safeguard the livelihoods of farmers who have become involved in free range production. It would help them to expand and grow that niche market. We have a world reputation for grass-fed cattle and beef. The high quality of our cheeses are recognised worldwide. If an opportunity is provided for this farming sector to grow, the value of products generated will be increased and the sector will generate many needed jobs in rural areas.

Deputy Simon Coveney: That is a fair point. With the development of the artisan food sector in Ireland, we are finding new ways of adding value to product that can target different types of premium markets. In the past we were very much a commodity food producer. We produced milk to produce cheese or milk powder but now we produce milk to produce both products and, on top of that, we produce sports nutrition drinks ingredients and infant formula, products at the high end of the value added sector, and we are doing the same with beef. We are the only country in the world that can measure the carbon footprint of our beef herds. Some 5,000 farms a week are currently being measured and their carbon footprint being taken by Bord Bia. We have 26,000 beef farms in Ireland and they now have the capacity to label their beef with a carbon footprint label. We are learning how to add value to what is a very special product coming out of Ireland and to measure that and provide the science and data that can convince consumers that they should spend more on it. This is a sector that perhaps we should be considering as well. We have no definition in legislation for free range pork products or pigs, unlike in the poultry sector in terms of eggs. I will talk to the Department about this area. It is an one that Bord Bia is examining in terms of its quality assurance scheme as it applies to pig production. It is examining ways in which it can incorporate not only organic pork but free range pork products as part of that label. I can send the Deputy more on it when I get it from Bord Bia.

An Leas-Cheann Comhairle: I will call Deputy Humphreys again but I call Deputy Colreavy as another question is being taken with Question No. 11.

Deputy Michael Colreavy: I understand Question No. 16 is being taken with Question No. 11.

An Leas-Cheann Comhairle: Yes.

Deputy Simon Coveney: Yes.

Deputy Michael Colreavy: I thank the Minister for that clarification. He is probably too young to remember a television series called “Glenroe”. There was a chap in it, Dinny Byrne, played by the late great Joe Lynch, Lord rest him.

Deputy Simon Coveney: I am not that young.

Deputy Kevin Humphreys: The Minister should take the compliment when he gets it.

Deputy Michael Colreavy: Dinny had a nice little scam going on. He used to buy eggs in a shop and then put dirt on them and sell them as free range eggs. It is a long time since Dinny Byrne and his like were selling the alleged free range eggs. It is unfair to free range pig producers and organic producers that sausages and other pork products are being sold as free range when, as the Minister said, there is no legal definition for such free range produce. It is unfair to the consumer and to the genuine producers. I am glad the Minister will examine this area.

An Leas-Cheann Comhairle: I take it the Deputy is not asking a question and that he is happy enough to make that point. Does Deputy Humphreys have another question?

Deputy Kevin Humphreys: I thank the Minister for his answer but I do not believe that the quality assurance scheme will work out that well. We need to lay down standards to let that market grow. In the case of pork products pitched at the high end of the market, there is an opportunity to create jobs in rural communities and grow the economy. I take on board what the Minister has said but I would deeply appreciate if he would push this matter a little further. If people want to get into that top end market, they need clear standards and to be able to label their produce similar to the way producers can label their produce as free range. That would help those small number of producers who are mainly based in the Cork area. It would assist in allowing them to grow their income and to grow that end of the industry. I thank the Minister again for his response.

An Leas-Cheann Comhairle: I take it the Deputy has no further question and he is happy with the response he got. That concludes Question Time.

Written Answers follow Adjournment.

The Dáil adjourned at 5.45 p.m. until 2 p.m. on Tuesday, 14 February 2012.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Grant Payments

12. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of farmers who will lose out under the new stocking rate criteria; the number of farmers who will lose out on a county basis on the proportionate payment between land in disadvantaged areas and land out of disadvantaged areas; and the number of farmers who will lose out as a result of horses not being taken into account in the stocking rate calculation. [7257/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): 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.

Faced with the task of achieving significant savings in the annual budget for the Disadvantaged Areas Scheme, I chose to take the opportunity to make the Scheme more targeted, rather than simply apply an across the board cuts to all participants. Any analysis of the Scheme must take into account the impact of the various enterprises on the local economy. As is clearly evident, the main benefits arise from (i) beef rearing, (ii) dairying and (iii) sheep breeding enterprises. There are an increasing number of applicants under the Scheme, who have discontinued livestock (cattle or sheep) farming, but who continue to benefit from aid under the Scheme by grazing some horses on their land. It is proposed that horses and donkeys will no longer be eligible for the stocking density calculation on the basis that these applicants' contribution to the rural economy is minimal. However, equine (horse) breeding enterprises will continue to be eligible on the basis of the contribution they make to the local economy. The precise definition of an equine breeding enterprise is being formulated.

[Deputy Simon Coveney.]

With the intention of targeting those farmers who are farming exclusively in Disadvantaged Areas, it is proposed that farmers, whose holdings consists of land situated both in Disadvantaged Areas and non-Disadvantaged Areas are in a better positioned from a farming viewpoint than those farming exclusively in Disadvantaged Areas. Therefore, it is proposed that where some of an applicant's land declared is Disadvantaged land and his or her main holding is in a non disadvantaged area, a digressive rate of aid under the Scheme will be payable. This digressive payment does not affect applicants whose main holding is in a disadvantaged area. This proposal is regarded as fair in that the greater proportion of Less Favoured Areas land in the holding, the greater the level of payment.

I am, however, particularly mindful that any proposed changes in scheme qualifying criteria, regardless of how focused and targeted their aim, will result in anomalies, because of which I have already indicated that specific provision will be made for those farmers, as described by the Deputy, who may find that their stocking rates are less than now required. Specifically, I have directed that a formal procedure be put in place to cater for all who consider that their inability to meet the proposed revised scheme requirements is due to force majeure/exceptional circumstances. Those affected will be invited to outline such details to my Department, each case then being considered on its merits. Again with specific regard to the proposed stocking provisions, where individuals can show that their inability to meet the revised requirements are due to their participation in a recognised environmental programme, for example, the necessary allowance will be made. Consideration will also be given to new entrants to farming.

It will be appreciated, therefore, for the reasons outlined, it is not possible, at this stage, to break the Scheme changes down on a county by county basis, nor on a sectoral basis.

Deputies will be aware that 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.

Electronic Tagging

13. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine his plans to introduce a streamlined, simplified and inexpensive system for sheep tagging and movement tracking; and if he will make a statement on the matter. [7066/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As part of the revision to the National Sheep Identification System (NSIS) consequent, on the introduction of electronic identification of sheep in 2010, across the E.U, my Department has already introduced a new system for sheep tagging. Before introducing this new system my Department consulted widely with the industry. The purpose of these discussions was, within the regulation, to implement a system that best suited Irish conditions.

I can tell the Deputy that as a result of these consultations it was decided to apply the so called slaughter derogation. The result of this decision is that all lambs going for slaughter before 12 months of age are permanently exempted from EID. This decision means that the vast majority of Irish sheep can still continue to be tagged with a single conventional tag and the mandatory application of electronic tagging has been confined to a relatively small proportion of the national flock, namely, breeding sheep born since 2010 and sheep being exported live.

My advice to farmers in relation to tagging is that where lambs are going directly to the slaughterhouse from the holding of origin, a single conventional slaughter tag will, as before, continue to suffice. However, where farmers are selling lambs through a mart there is a definite advantage in tagging them with an EID tag set or bolus set when leaving the holding of origin. Animals so identified require no further tagging to comply with EU or NSIS rules and can be slaughtered, retained for breeding or exported and traceability is fully maintained.

On the question of cost, there are a variety of NSIS approved tags types available from a number of approved suppliers which allows farmers to shop around for the cheapest and most appropriate tags for their own particular requirements.

With regard to sheep movement, these are recorded on my Departments Sheep Movement Database which is contained within the Animal Identification and Movement (AIM) System. In order to keep movement recording as simple as possible while meeting the EU requirements for traceability, the system records sheep movements on a 'lot' basis rather than an individual animal basis. The vast majority of movements are notified on behalf of keepers by the factories, marts, abattoirs etc. that are dealing with the sheep and the only movements that farmers are required to notify the Department of are sheep purchased directly from another farm.

I should add that my Department has again held recent consultations with stakeholders regarding the current design of the NSIS and continues to liaise regarding further possible improvements to the system that may be required in the light of experience.

Departmental Agencies

14. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine if, in regard to any potential sale of all or part of Coillte, he can assure Dáil Éireann that each of the following factors are being explicitly considered by him in advance of any decision on the former, the potential role that Coillte can play in mitigating the effects of the State's carbon emissions, the potential for private interests to become involved in the Irish carbon capture market, the potential loss of public amenity countryside and forestry-related tourism, the issue of harvesting rights; if he will list all other such factors; and if he will make a statement on the matter. [7200/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I wish to advise the House that no decision has been taken by the Government in relation to the potential sale of Coillte. As I have advised the House on a number of occasions, I consider that it is essential to maximise the information available to the Government in order to make an informed decision which will not compromise the State's core asset, which is the land Coillte manages on behalf of its shareholders, amounting to some 7% of our land mass.

To assist in its examination of options for the possible disposal of State assets, the Government requested the Department of Public Expenditure and Reform, in consultation with relevant line Departments and NewERA, to consider a number of possible State assets for disposal. In addition, they will advise the Government in relation to the appropriate valuations to be placed on the assets in question, the most appropriate method of disposal, likely timeframe and economic impact of any such disposal, in order to inform any decisions that the Government may wish to make in this regard. Coillte has been included in that valuation exercise.

In addition to the economic aspects, the issues which the Deputy has raised are also important considerations. My Department is considering the role that Coillte's forests, both pre-1990 (under Article 3.4 of the Kyoto Protocol) and post 1990 afforestation (Article 3.3), play in climate change mitigation. The potential for private interests to become involved in carbon-capture in forestry will be influenced by the upcoming proposed Regulation on Land

[Deputy Simon Coveney.]

Use, land-use change and forestry (LULUCF) which is being prepared by the European Commission following the conclusions reached on the matter at the Durban climate change conference. The role of Irish forestry as a carbon sink is an important current and future factor.

I am conscious that Coillte, as part of its management of some 442,000 hectares of the national forest estate, plays a significant role in the provision of forest recreational activities, Coillte's forests provide a range of recreational opportunities for the general public continuing a long tradition of open access to state owned forests. The company currently manages 10 Forest Parks and over 150 recreation sites throughout Ireland and has done significant work developing recreational facilities, with assistance for other state bodies such as Fáilte Ireland.

Such recreational facilities are very valuable resources in their own right as tourism attractions in the various regions. One of the conclusions of a joint study, undertaken by Coillte and the Irish Sports Council in 2004/2005, was that economic activity generated in local communities by visits to the forest is worth some €270 million per annum. Both in terms of their importance to citizens for ongoing recreation and to visitors during their stay in Ireland, as I have previously advised the House, any sale will take account of public access to recreational land.

In relation to the issue of harvesting rights, as I mentioned last October, one of the ideas under consideration is that a crop, or asset, could be sold through harvesting rights for the next 30 or 50 years, depending on how much value the State wishes to maximise. At the end of the process, the land would revert to the State, with a requirement in place for reafforestation. While the sale of harvesting rights is an option, I want to reiterate that no decision has been made on the sale of Coillte as a company or in terms of forest assets. The large-scale of Coillte land is not an option.

Other factors to be considered include strategic issues relating the forestry sector overall, implications for employment, carbon rights and the protection of the People's Millennium Forests, some of which are located in the Coillte forest estate. I wish to assure the Deputy, and the House, that, given the wide range of issues involved, the consideration of the possible sale of Coillte or its separate assets will be detailed and comprehensive and that no decisions on asset sales have been taken by the Government to date.

Common Agricultural Policy

15. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the steps he is taking to construct an alliance at member state level to support Ireland's case for reform of common agricultural policy; and if he will make a statement on the matter. [7007/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Since I took up office in March of last year, I have made it a priority to build up alliances with my counterparts in like-minded Member States in order to garner support for my position on the proposed reform of the CAP. Last year I had formal bilateral meetings with the EU Agriculture Commissioner and with my German, French, UK, Spanish, Estonian, Finnish and Danish Ministerial colleagues. I also took the opportunity to meet with my Ministerial colleagues from the other Member States and the EU Commission at the EU Council of Agriculture Ministers meetings held each month in Brussels or Luxemburg and at the Informal Ministerial Councils held in Hungary and Poland. In November of last year I addressed a meeting of the Agricultural Committee of the European Parliament and last month I had the pleasure of hosting a second visit to Ireland of the EU Agriculture Commissioner.

Over the coming months I plan to intensify these contacts. I have meetings scheduled later this month with a number of members of the Agriculture Committee of the European Parlia-

ment and with Irish MEPs. Next month I will host a visit to Ireland by the Finnish Minister for Agriculture.

As negotiations develop, and, particularly in the run-up to the Irish Presidency of the EU in the first half of 2013, I will continue to engage actively with Ministerial colleagues from other Member States, the Commissioner and Members of the European Parliament. My intention is to maintain and develop alliances with like-minded Member States to secure the best possible outcome for Ireland in the CAP reform negotiations.

I should add that my contacts at Ministerial level are supplemented by a parallel process of detailed engagement at official level by my Department with counterparts from the Commission, European Parliament and other Member States.

Question No. 16 answered with Question No. 11.

Proposed Legislation

17. **Deputy Seán Crowe** asked the Minister for Agriculture, Food and the Marine if he will introduce a new fisheries Bill to decriminalise those involved in the fishing industry; and if he will make a statement on the matter. [7081/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Programme for Government committed to replacing the criminal sanctions system for minor fisheries offences with administrative sanction system to bring Ireland into line with other European jurisdictions.

I sought the advice of the Attorney General on the matter. The Attorney General has responded with a detailed advice on the issue which I am currently examining. The advice highlights the difficulties in relation to the Constitution and in relation to the laws of the European Community relevant to the question of implementing a system of administrative sanctions for fisheries.

There are many significant differences between the legal systems in Ireland and that of other EU Member States. Ireland's constitutional and legal position provides certain basic rights which must be respected within our system of justice.

Furthermore, European Union legislation requires that penalties for fisheries offences must be "*effective, proportionate and dissuasive*". That is, they must act as a deterrent and they must also ensure that there is no benefit gained by infringing the rules.

Given the nature of the penalties involved, there is a general requirement under the Constitution that alleged breaches of fisheries control regulations must be tried in a court of law. I am continuing to actively examine the issue in the context of the Attorney General's advice in relation to the Programme for Government commitment.

At EU level, a new fisheries control framework was introduced in 2009 which came into force at the beginning of 2010, following fisheries control failures identified by the EU Court of Auditors across the EU. This new framework including the application of electronic reporting of catches by all large and medium sized vessels, a new penalty points system, a payback system for overfished quotas and provisions to allow for the suspension of Community assistance in the event of non-compliance by Member States with the agreed control provisions. The new control system is designed to promote a level playing field. I am fully supportive of all measures that promotes effective controls across the EU and that promotes a culture of compliance within the Irish and EU Fishing industry. The future of our industry is totally dependant on healthy fish stocks and fishing must be carried out on a sustainable basis in accordance with the rules in place across the EU.

18. **Deputy Aengus Ó Snodaigh** asked the Minister for Agriculture, Food and the Marine if he will allow for the deregulation of small fishing boats and classify them as artisan fishing boats; and if he will make a statement on the matter. [7085/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Article 6 of Council Regulation No. 1224/2009, establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, provides that a fishing vessel may only be used for commercial fishing if it has a valid fishing licence. This EU legal requirement is reflected in our national fishing boat licensing system and I have no discretion in the matter.

The registration of all commercial fishing vessels serves important functions. It is an essential element of our control systems for ensuring that we comply with the Common Fisheries Policy and with EU environmental law.

It is an essential element of our systems for managing access to quota species and to certain non quota species which are the subject of management plans to ensure the long term sustainability of particular stocks.

It is also worth noting that financial assistance under the European Fisheries Fund for improving hygiene, product quality, energy efficiency, gear selectivity and safety on board is only available to licensed fishing boats.

Milk Quota

19. **Deputy Jonathan O'Brien** asked the Minister for Agriculture, Food and the Marine his views on whether milk prices will drop in 2012; when quotas finish will dairy farmers be producing milk under cost once again; and if he will make a statement on the matter. [7071/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Market forces have a major influence on the price paid to farmers for milk, as world market prices for dairy products determine the returns received by dairy processors which are reflected in the price paid to farmers. While 2011 was a very successful year for the dairy industry, with an average milk price paid to farmers of 34 cent per litre, the milk price paid to dairy suppliers is ultimately a commercial matter between the dairy farmer and his/her processor.

However, dairy markets appear to be relatively stable at the start of 2012, and the short term outlook is quite positive. Due to the volatility of international markets there will always be fluctuations in dairy prices, but it is important to remember that the medium term prospects for dairy markets are good. Growth in global population and wealth is forecast to stimulate strong levels of demand for dairy products. These positive medium-term forecasts are what the Food Harvest 2020 report seeks to exploit in setting out the strategic vision for the agrifood and fishing sector. From a dairying perspective, the ending of milk quotas in 2015 represents an exceptional opportunity to increase our milk output, and Food Harvest 2020 has targeted a 50% increase in milk production in the next decade. This target is ambitious but I also believe it is realistic, because the dairy sector has the capability to expand at producer and at processor level, and to exploit the significant potential in expanding international markets.

In relation to on-farm production, it is important for producers to focus on profit rather than milk price, and therefore to focus on increasing efficiency and reducing cost. My Department provides €6 million per annum through the Dairy Efficiency Scheme to encourage the adoption of technology and best practice at farm level. This scheme will help to equip farmers with the knowledge and skills necessary to maximise their output, reduce their costs of production and increase margins.

Harbours and Piers

20. **Deputy Michael Colreavy** asked the Minister for Agriculture, Food and the Marine his plans to address the problem of the build up of mud and silt in the harbour at Dunmore East, County Waterford, which is preventing larger vessels from entering the harbour; and if he will make a statement on the matter. [7063/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Dunmore East Fishery Harbour Centre is one of the six designated Fishery Harbour Centres, which are owned, managed and maintained by my Department.

I am aware of the difficulties that the build up of mud and silt at Dunmore East Fishery Harbour Centre causes for the various vessels using the harbour. Dredging costs are always significant and my Department did commission a feasibility study in relation to the dredging of the harbour in 2009. The study was undertaken by RPS Engineering Consultants, and in their report they addressed both the proposed dredging methods and related costs.

The report has indicated that 80% of the harbour sediment contains Tributyltin (TBT). Unfortunately the costs associated with the disposal of dredge spoil containing TBT is significantly higher than for uncontaminated material.

The options examined for dredging the harbour and disposing of the dredge spoil material in an appropriate manner are estimated to cost in the region of €6 million. This is a significant outlay in the current context of the national finances and competing exchequer demands. My officials are actively engaged in examining alternative and more economical solutions for dredging and disposal of dredge spoil containing TBT. On completion of their examination I will assess the proposals in the context of available exchequer funding and other national priorities.

Food Industry

21. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Food and the Marine the reason pasture-fed beef is being sold as a cheap commodity; and if he will make a statement on the matter. [7084/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Irish beef industry has had remarkable success in the last decade in transforming its focus from commodity markets to high value EU markets. In fact some 96% of Irish beef exports go to EU markets.

In 2011, beef exports were worth around €1.8 billion to the economy and it is estimated that 96% of total Irish beef exports in volume terms were within the EU where they were destined for an expanding portfolio of high-value retail and food service businesses.

Reflecting the export orientation of the beef industry and consistent with this Government's emphasis on export growth as a path to economic recovery, the marketing strategy for Irish beef is focused on improving and enlarging its position in export markets. Bord Bia's promotional strategy is one of differentiation and premiumisation thereby assisting the industry to target the best paying customers in order to secure the best possible returns across Europe. One measure of the efficacy of this strategy is that high-value channels now account for 62% of export volumes, an increase of 26%, or 52,000 tonnes, since 2007. Stronger shipments to Germany and the Netherlands in 2011 can be attributed to a large degree to the positioning of Irish beef as a premium product in those countries. Indeed, the profile of Irish branded beef products in those markets provides irrefutable evidence of the benefits of this strategy for the industry and the country generally.

[Deputy Simon Coveney.]

Industry efforts to develop premium beef brands add product value through innovation which when combined with the promotional work of Bord Bia in highlighting the natural, grass-fed attributes of Ireland's beef production system have resulted in steady gains in target markets. Underpinning the brand reputation of Irish beef is the Bord Bia Beef Quality Assurance Scheme which has 32,000 certified members who collectively account for over 70% of domestic production. In partnership with The Carbon Trust and Teagasc, Bord Bia has secured accreditation for its beef carbon footprint model. This is now part of the Beef and Lamb Quality Assurance Scheme making it the first such scheme to include environmental criteria. Complementing these activities are the financial supports provided by my Department to fund the work of Teagasc and the Irish Cattle Breeding Federation in enhancing producer competitiveness, efficiency and profitability.

Departmental Agencies

22. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine the reason Teagasc is spending millions on classrooms in the Botanic Gardens, when such facilities already exist in Kinsealy, Dublin, and all the practical work has to be undertaken in that area. [7005/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): This is an operational matter for Teagasc. Under the Agriculture, (Research, Training and Advice) Act, 1988 Teagasc has statutory responsibility for the delivery of education, advisory and research services to the agriculture sector. Teagasc develops its programmes, services and activities in conjunction with its clients and partners overseen by an Authority that is representative of the main stakeholder groups in the agrifood sector. It is a matter for Teagasc and its Board to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities.

The College of Amenity Horticulture is based at the National Botanic Gardens and it trains students for employment in the amenity horticulture industry through the provision of courses at Certificate and Degree levels in Amenity Horticulture, Greenkeeping and Floristry. The College currently provides training for 380 full and part-time students. I understand Teagasc is investing €2.5m to upgrade educational facilities in the Botanic Gardens because the existing building facilities are below standard to conduct the courses currently undertaken there and to address quality issues relating to student welfare etc. The planned investment involves refurbishing the existing educational facility and the building of new classroom facilities. I understand that the decision to invest at the Botanic Gardens site predates any decision to move operations from Kinsealy.

Job Creation

23. **Deputy Pádraig Mac Lochlainn** asked the Minister for Agriculture, Food and the Marine if he will realign fishing quotas to provide more jobs in the sector; and if he will make a statement on the matter. [7079/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My statutory role in relation to the allocation of fishing quotas is contained in Sections of 12 and 13 of the Sea Fisheries and Maritime Jurisdiction Act 2006 which requires me to act for the for the proper and effective management and conservation and rational exploitation of the State fishing quotas and opportunities. I consider that the industry itself is best placed to advise me on the management of fish quotas, including in terms of providing jobs in the sector. When making

decisions in relation to developing policy concerning the allocation of quota, I go to considerable lengths to ensure that those likely to be affected by the decisions are fully consulted.

In relation to the monthly allocation of whitefish stocks, my Department officials and the representative producer organisations in the industry, both fishermen and onshore processors, meet each month to make recommendations to me in relation to the quota to be allocated in the coming month.

When making decision on the policy governing the allocation of pelagic stocks, such as mackerel and herring, an extensive consultation process is undertaken. These consultations provide the opportunity for those involved in the industry, to highlight their concerns and make recommendations concerning the policy. This is the process which was used to determine the polyvalent mackerel policy, the boarfish policy and the revised herring policy which is nearing conclusion.

Disadvantaged Areas Scheme

24. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the steps he is taking to support agricultural development in less favoured areas; and if he will make a statement on the matter. [7008/12]

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 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.

Faced with the task of achieving significant savings in the annual budget for the Disadvantaged Areas Scheme, I chose to take the opportunity to make the Scheme more targeted, rather than simply apply an across the board cuts to all participants. By focusing the proposed changes 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, these savings will be achieved without the need to reduce the existing rates of aid. Furthermore, there will also be no reduction in the maximum area payable — 34 hectares.

I am, however, particularly mindful that any proposed changes in scheme qualifying criteria, regardless of how focused and targeted their aim, will result in anomalies, because of which I have already indicated that specific provision will be made for those farmers, as described by the Deputy, who may find that their stocking rates are less than now required. Specifically, I have directed that a formal procedure be put in place to cater for all who consider that their inability to meet the proposed revised scheme requirements is due to force majeure/exceptional circumstances. Those affected will be invited to outline such details to my Department, each case then being considered on its merits. Again with specific regard to the proposed stocking provisions, where individuals can show that their inability to meet the revised requirements are

[Deputy Simon Coveney.]

due to their participation in a recognised environmental programme, for example, the necessary allowance will be made. Consideration will also be given to new entrants to farming.

I would again stress that, in proposing the changes in question, the intention is to better focus the Scheme, which is to the benefit of the majority of those farming in areas with recognised constraints, while at the same time attempting to cater for those genuinely prevented from achieving the revised minimums.

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.

Pigmeat Sector

25. **Deputy Kevin Humphreys** asked the Minister for Agriculture, Food and the Marine his plans to seek the introduction of a quality assurance scheme for free range pork produced here; if he has considered or performed any studies on the potential market for free range and organic pork products here and abroad; his views that it is a potential growth industry for Irish food producers; and if he will make a statement on the matter. [7061/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Given that EU marketing standards legislation does not include pigmeat it is not possible to classify pigmeat production as being free-range or organic in the same way as poultry and egg production are categorised.

Furthermore, as free-range pig production is not defined in legislation there are no objective criteria by which my Department can accurately measure the numbers involved.

The Bord Bia Quality Mark was introduced in 1989 with the pigmeat sector in response to consumer demand for information on where their food comes from and how it has been produced. Bord Bia regularly reviews and updates their Quality Assurance schemes with the most recent for pigmeat being in 2006 when the *Pig Quality Assurance Standard* for producers and processors was published.

Notwithstanding the difficulties in classifying pig production systems as free-range, Bord Bia are considering a proposal to add free-range or outdoor production to the Pig Quality Assurance Scheme (PQAS). This follows some interest being expressed by a small number of outdoor pig producers in joining the scheme. The Bord Bia Pig Technical Advisory Committee, which includes a member of the Free Range Pig Breeders Assoc, is currently working on agreeing a definition of free-range/outdoor production for inclusion in the PQAS.

The Development Strategy for the Irish Pig Industry, prepared by Teagasc in 2008 acknowledged the small scale nature of both free range and outdoor pig production. This report also highlighted the difficulties particularly with regard to sourcing organic feed ingredients, management and animal health issues, together with problems achieving expected premium prices. These factors, together with a number of other issues highlighted, would appear to militate against any significant expansion in either of these production methods.

On the question of organic production generally, my Department works closely with the organic control bodies and is managing the Organic Farming Action Plan 2008-2012. This plan has four main objectives, namely to increase production in line with market trends, increase the knowledge base, develop the organic market at home and abroad, and encourage the development of public procurement opportunities for organic products. During 2011, ten

priority actions were identified and extracted from the original plan. The lead responsibilities in relation to the various actions were largely divided between Teagasc, Bord Bia and the Department.

The Government's recognition of the potential of the Organic Sector is reflected in the Food Harvest 2020 Report, which maps out policy for the next ten years. Within this report, the most compelling picture that emerges of the decade ahead is one of opportunity. This report highlights the opportunity for the Irish agrifood industry to grow and prosper sustainably through the delivery of high-quality, safe and naturally based produce.

To achieve growth, the key strategy of the Food Harvest 2020 Report involves prioritisation of environmental protection, capitalising on our natural advantages and resources, conserving biodiversity and aligning sustainability across the food chain. The Irish organic sector is a forerunner in this regard and is therefore in a prime position to achieve further growth in the years ahead.

There are export opportunities, particularly in the area of beef and lamb, with demand especially strong in Germany and the United Kingdom. However, in respect of horticulture, difficulties remain in supplying even the home market, particularly in crops such as potatoes. At present some 70% of organic fruit and vegetables are imported. There is considerable potential for expansion of the sector in many areas. Pigmeat however, remains problematic with less opportunity for expansion in either organic or free range production.

Fisheries Protection

26. **Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine the way he plans to police the licensing of mussel farming; and if he will make a statement on the matter. [7078/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Mussel farming is regulated in accordance with the provisions of the Fisheries (Amendment) Act 1997.

Key features of the process are examination of each application by key scientific and technical advisors to my Department, Environmental Impact Assessment pre-screening, written consultation with statutory and non-statutory consultees and a period of general public consultation. In addition, following Ministerial determination in respect of the application, the process provides for an appeal by any party to the independent Aquaculture Licensing Appeals Board.

Matters considered in reaching a licensing determination include potential impacts on safety and navigation; suitability of waters; other beneficial users; likely effects on the economy; statutory status of the area; ecological impacts on wild fisheries, natural habitats, flora and fauna. In the case of areas designated as Special Areas of Conservation and/or Special Protection Areas for birds there is an additional process of Appropriate Assessment in respect of flora, fauna and birds to ensure compliance with EU and national legislation governing these areas.

Once a licence is granted, the licensed site is subject to ongoing inspections by my Department's Engineers and the Marine Institute in accordance with their technical and scientific roles.

Tax Code

27. **Deputy Brian Stanley** asked the Minister for Agriculture, Food and the Marine his plans to increase financial support for start-up farmers; and if he will make a statement on the matter. [7068/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In addition to the range of measures already available number of new measures are being implemented to assist younger farmers as part of a budget 2012. These include:

1. A new stock relief incentive to encourage farm partnerships. An enhanced 50% stock relief will be available for all registered farm partnerships, and a 100% stock relief will be available for certain young trained farmers forming such partnerships. Subject to EU State Aid approval, this new incentive will be available until December 2015.

2. Reducing the stamp duty rate on agricultural land from 6% to 2%. A half rate (1%) will be applicable to transfers to close relatives until the end of 2014. This change will substantially reduce the stamp duty payable on transfers of farm land by gift or by sale. It should stimulate a stagnant land market — currently only 0.5% of total agricultural land is offered for sale annually. It will also promote inter-generational transfer, with the cost of lifetime transfer to transferees who do not qualify for the young trained farmer stamp duty relief reduced considerably.

3. Restructuring of the retirement relief on Capital Gains Tax to incentivise the earlier transfer of farm assets to the next generation, and to encourage the sale of land by those farmers with no successors. These changes will apply from 2014 onwards, thereby allowing time for older farmers to plan for transfer. These changes will aid land mobility and improve the age profile of Irish farmers.

4. The VAT rate applied to open farms will be 9% rather than the new standard rate of 23%. This will be of significant benefit to such farms, which offer an important opportunity for farm diversification. It brings the treatment of open farms into line with the VAT rate applied to museums and other cultural attractions.

5. A Capital Gains Tax incentive for property purchased before the end of 2013 should also stimulate the land market. A property bought during this period and held for at least seven years will be relieved from Capital Gains Tax.

6. Consistent with the commitment in the Programme for Government on carbon tax, farmers will be allowed a double income tax deduction in respect of the increased costs arising from the change in carbon tax (the carbon tax is to increase from €15 per tonne to €20 per tonne).

7. An amendment to the VAT refund order for farm construction will allow farmers to claim a refund on wind turbines purchased from 1 January 2012.

The tax changes in Budget 2012 encourage partnership formation and incentivise inter-generational land transfer. I believe they will be of real benefit to farmers and the economy generally.

There are also proposals at a European level to give additional payments to younger farmers, which will greatly help them to start up or increase their production.

Forestry Sector

28. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine if, in view of the numbers of annual visitors to Donadea Forest Park, County Kildare, approximately 140,000, and the importance of the park to the local community and visitors from the greater Dublin area, he proposes any mechanism to preserve the distinct character, biodiversity, walking trails and visitor amenities of the park to ensure continued public use in the event of the

sale of all or part of Coillte; if this forms part of a national plan for all such forest parks and woodlands; and if he will make a statement on the matter. [7199/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am aware of the recreational importance of Donadea Forest Park and the work which has been undertaken there over the last number of years such as the upgrading of the facilities, the development of Walks and the erection of the 9/11 Memorial.

I wish to reiterate that no decision has been taken by the Government in relation to the potential sale of all or part of Coillte. The consideration of a number of options in relation to the possible disposal of State assets is currently being undertaken by the Department of Public Expenditure and Reform, in consultation with relevant line Departments and NewERA. In any event any decision on the future of Coillte will not involve the sale of land.

I am also conscious that Coillte's forests throughout the country provide a range of recreational opportunities for the general public continuing a long tradition of open access to state owned forests. While the development of a mechanism in relation to Donadea Forest Park specifically or the formulation of a national plan to safeguard such access would be somewhat premature at this stage, I wish to advise the Deputy that any potential disposal of Coillte assets will address the issue of public access to recreational land.

Disadvantaged Areas Scheme

29. **Deputy Luke 'Ming' Flanagan** asked the Minister for Agriculture, Food and the Marine his views that the use of last years stocking rates as criteria for eligibility for entry to this years disadvantage areas scheme, DAS, is inequitable and a deliberate attempt to eradicate so called non-productive farmers; his further views that a farmers circumstances can change and that their stocking density may have been low in the previous year for many reasons and to use previous stocking density is not necessarily a reflection of their current rate of stocking; his views that the spirit of the DAS is to assist farmers in disadvantaged areas and not to reduce the number of farmers on the land as this new criteria will inevitable do; and if he will make a statement on the matter. [7009/12]

31. **Deputy Luke 'Ming' Flanagan** asked the Minister for Agriculture, Food and the Marine the reason he has removed horses from the criteria for disadvantaged area scheme; his views that this will impact the smaller farmer disproportionately and also that in the longer term the exclusion of horses from DAS assessment will reduce the size of the national horse herd and weaken our position as a renowned horse breeding nation; and if he will make a statement on the matter. [7010/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 29 and 31 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 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

[Deputy Simon Coveney.]

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.

Faced with the task of achieving significant savings in the annual budget for the Disadvantaged Areas Scheme, I chose to take the opportunity to make the Scheme more targeted, rather than simply apply an across the board cuts to all participants. By focusing the proposed changes 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, these savings will be achieved without the need to reduce the existing rates of aid. Furthermore, there will also be no reduction in the maximum area payable — 34 hectares.

There are an increasing number of applicants under the Scheme, who have discontinued livestock (cattle or sheep) farming, but who continue to benefit from aid under the Scheme by grazing some horses on their land. It is proposed that horses and donkeys will no longer be eligible for the stocking density calculation on the basis that these applicants' contribution to the rural economy is minimal. However, equine (horse) breeding enterprises will continue to be eligible on the basis of the contribution they make to the local economy. The precise definition of an equine breeding enterprise is being formulated.

I am, however, particularly mindful that any proposed changes in scheme qualifying criteria, regardless of how focused and targeted their aim, will result in anomalies, because of which I have already indicated that specific provision will be made for those farmers, as described by the Deputy, who may find that their stocking rates are less than now required. Specifically, I have directed that a formal procedure be put in place to cater for all who consider that their inability to meet the proposed revised scheme requirements is due to force majeure/exceptional circumstances. Those affected will be invited to outline such details to my Department, each case then being considered on its merits. Again with specific regard to the proposed stocking provisions, where individuals can show that their inability to meet the revised requirements are due to their participation in a recognised environmental programme, for example, the necessary allowance will be made. Consideration will also be given to new entrants to farming.

I would again stress that, in proposing the changes in question, the intention is to better focus the Scheme, which is to the benefit of the majority of those farming in areas with recognised constraints, while at the same time attempting to cater for those genuinely prevented from achieving the revised minimums.

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.

Tax Code

30. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine his plans to alleviate the burden of those involved in agriculture due to high fuel prices; and if he will make a statement on the matter. [7075/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The price of fuel and other input costs for farmers have risen in recent times. However, feed prices are likely to fall during 2012. Fuel prices are dependent on many factors, including exchange rates and international crises outside of Ireland's control.

A double income tax deduction in respect of the increased cost from the change in carbon tax means that the effective difference in the excise duty paid by farmers on agricultural diesel compared to that on auto diesel remains largely unchanged. The excise duty on green diesel is significantly less than that on ordinary diesel and it is also subject to a lower rate of VAT. This is consistent with the commitment in the Programme for Government and will ensure that farmers' costs are kept to a minimum.

Question No. 31 answered with Question No. 29.

Credit Availability

32. **Deputy Brian Stanley** asked the Minister for Agriculture, Food and the Marine his plans to use his office to impress on the Department of Finance the need to ensure the bank credit facilities are made readily available to young farmers; and if he will make a statement on the matter. [7067/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My officials are in regular contact with farm bodies, various national banks and the Banking Federation concerning the availability of credit to farmers. I am aware that, like many other sectors, farmers are finding it difficult to get credit due to the strict assessments introduced as a result of the global financial crisis. However, despite concerns a relatively small number of cases from the Agrifood sector have come before the Credit Review Office. My officials have recently assisted one of the farm organizations in explaining the work of the Credit Review Office.

Central Bank data also shows that agriculture is one of the sub-sectors receiving the most new lending in the period Q1-Q3 2011. A Micro-Finance Start-up fund currently being developed by the Department of Jobs, Enterprise and Innovation is also being monitored to ensure that opportunities for the Agrifood sector under it are fully utilised.

I will continue to meet with relevant parties, including the Irish Banking Federation, on a regular basis to discuss all credit-related issues.

Disadvantaged Areas Scheme

33. **Deputy Dessie Ellis** asked the Minister for Agriculture, Food and the Marine if he will confirm that disadvantaged area conditions will continue to apply to farmers whose main business is in disadvantaged areas but who also have land rented or owned in non-disadvantaged areas; and if he will make a statement on the matter. [7070/12]

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 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.

With the intention of targeting those farmers who are farming exclusively in Disadvantaged Areas, it is proposed that farmers, whose holdings consists of land situated both in Disadvan-

[Deputy Simon Coveney.]

tagged Areas and non-Disadvantaged Areas are in a better position from a farming viewpoint than those farming exclusively in Disadvantaged Areas. Therefore, it is proposed that where some of an applicant's land declared is Disadvantaged land and his or her main holding is in a non disadvantaged area a digressive rate of aid under the Scheme will be payable. This digressive payment does not affect applicants whose main holding is in a disadvantaged area. This proposal is regarded as fair in that the greater proportion of Less Favoured Areas land in the holding the greater the level of payment.

It is also proposed to exclude land situated more than 80 kilometres from a farmer's holding from aid under the Scheme. This exclusion will be confined to applicants, whose main holding is situated in a non-Disadvantaged Area, and who declares land situated more than 80 kilometres from the main holding. It is contended that the local impact of the farming of those lands situated in the Disadvantaged Areas is marginal.

I would again stress that, in proposing the changes in question, the intention is to better focus the Scheme, which is to the benefit of the majority of those farming in areas with recognised constraints, while at the same time attempting to cater for those genuinely prevented from achieving the revised minimums. That 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.

Food Industry

34. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine his plans to alleviate the damage caused by the MERCOSUR deal to the beef industry; and if he will make a statement on the matter. [7073/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): With regard to the current EU/MERCOSUR bilateral trade negotiations, no market access offers have been made to date and none are likely to be exchanged before the summer.

I am, nonetheless, acutely aware of the vulnerability of the beef industry arising from any MERCOSUR deal. I have repeatedly expressed Ireland's serious reservations at European level about the negotiations with MERCOSUR, particularly concerning the adverse impact a deal would have on the market for Irish beef. In doing so, I have carefully highlighted the importance of the beef sector to Ireland where 90% of our production is exported, almost all of it to other EU countries.

Ireland has been at the forefront in raising these issues at European level. Our position has been clearly and consistently enunciated in the Agriculture Council, in COREPER and at several meetings of the Trade Policy Committee. Moreover, my Department has been very active in pursuing the issue of mitigating measures in relation to the beef sector with the Commission. Ireland has also highlighted the sustainability arguments. We have written to the Commission several times both at Ministerial and official level. A series of papers (six in all) have been presented, following consultation with industry, detailing mitigating measures and comparing the relative efficiency of beef production systems in Ireland and Brazil. These submissions have been followed up by seven meetings at official and Ministerial level. The Commission has indicated that it is receptive to Irish suggestions on mitigation but has not yet indicated how precisely it will incorporate these views in its negotiating stance.

Ireland also applied for and was accepted as a member of the MERCOSUR Potsdam Group which advises the Commission on Sanitary and Phyto-sanitary (SPS) matters and in that capacity attended negotiations on the SPS chapter.

I am of the view that any agreement must not undermine the continued viability of a particular economic sector in individual Member States. Because of the potentially grave and long-term implications for the European agrifood sector, the EU must take special account of its critical interests in this area. Having regard to the economic importance of the sector to the EU as well as its contribution to food security, sustainability and the delivery of the EU 2020 strategy, I will continue to engage with the Commission and to build strategic alliances with like-minded colleagues in order to ensure that Ireland's voice is heard and heeded at the negotiating table. In short, I will take advantage of every opportunity in discussions with our European partners to articulate and advance Ireland's case on this important matter.

35. Deputy Bernard J. Durkan asked the Minister for Agriculture, Food and the Marine his plans for the continued and or further expansion of the beef and dairy herds with a view to maximisation of benefit for the food production sector and the economy in general thereby facilitating increased employment in the sector and in the associated services such as processing, transport and value added production; the extent to which he can foresee the competitiveness of the industry on European and world markets; and if he will make a statement on the matter. [7197/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Food Harvest 2020 report, which was developed in collaboration with a broad spectrum of stakeholders, lays down ambitious plans for the development of the agrifood sectors, including the dairy and beef sectors. I am personally chairing a High Level Implementation Group to ensure that all of the stakeholders in these very important sectors are fully committed to achieving the ambitious targets the industry has set for itself.

In relation to the dairy sector in Ireland, the ending of the Milk Quota regime from April 2015, provides a significant opportunity for the sector to capitalise on the competitive advantage conferred by its grass based production model, against the background of strengthening European and world markets for dairy products.

International dairy markets have recovered fully from the 2009 price collapse and analysts consider the short term outlook to be positive. This increased market buoyancy is good for Ireland, as we export over 80% of our dairy production and the value of our exports have increased dramatically over the last three years. The tangible effect of this recovery can be seen in the average milk price paid to Irish farmers which has increased from 24 cents per litre in 2009 to 34 cents a litre in 2011 and in an increase in exports of 17%, bringing the value of dairy exports in 2011 to almost €2.7 billion. In order to ensure that Ireland can continue to exploit this expanding European and World demand for dairy products my Department identified the steps necessary to reach the headline dairy target set out in Harvest 2020 of increasing milk production in Ireland by 50% by the end of the current decade. A Dairy Expansion Activation Group established within my Department produced a Road Map setting out 55 actions required to achieve this target. My Department is monitoring progress in the implementation of these actions. From the perspective of my Department and its agencies, key elements include the continuing work of Teagasc in the area of production research, advice and training at farm level, and its continuing work with industry, for example in the area of food research and product development, the provision of €6 million per annum for a Dairy Efficiency Programme to encourage improved efficiency and profitability at farm level, the provision of almost €9 million in 2012 to fund investment in dairy equipment at farm level, and of course the

[Deputy Simon Coveney.]

continuing work to develop new market opportunities in emerging markets for the dairy and other sectors.

Food Harvest 2020 targets a 20% increase in the value of output in the beef sector in the period to 2020. The Beef 2020 Activation Group, which concluded its work in 2011, laid down a more ambitious target of 40%. There has been a significant change in the dynamics of beef markets in recent times which has led to an increase of 15% in the value of beef exports in 2011 to more than €1.8 billion. A relatively tight supply situation is expected to help maintain European cattle prices during 2012. Given the likely supply/demand dynamics in the EU beef market in 2012, the challenge for the Irish beef industry is to ensure that it positions itself to maintain this momentum against the background of a difficult economic environment in Europe and elsewhere.

I am committed to the development of a strong beef sector in Ireland. In 2012, my Department will continue to operate the Suckler Cow Scheme which has been allocated €25 million of Exchequer funding. This is an important measure in the development of quality stock in the national herd. Also, I have secured funding of €5 million for a Beef Technology Adoption Programme, which I hope to be in a position to announce shortly, and of course my Department and its agencies are working hard with industry and with Irish embassies across the globe to ensure that quality Irish beef has access to as many international markets as possible. In this context, my Department will continue to provide critically important funding to support the work of Teagasc, Bord Bia and the Irish Cattle Breeding Federation.

In conclusion, I am extremely optimistic about the potential dairy and beef sectors. I will be working assiduously, in collaboration with all of the stakeholders in the sectors, including through the negotiation of the best possible deal for Irish farmers in the context of the post-2013 CAP, to ensure that these vitally important sectors reach their full potential in the period to 2020 and beyond.

Tax Code

36. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will set up a system whereby farmers could establish a separate bank account for their profits and could pay tax on these profits as they are drawn down in order to provide more financial stability for farmers, as is the system in Australia; and if he will make a statement on the matter. [7076/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Questions relating to taxation are a matter for the Minister for Finance. However tax legislation currently provides a scheme of taxation, known as income averaging, for certain farmers. Under this scheme, eligible farmers can elect to be charged income tax on the average of their farming profits over a three year period, rather than on the basis of their assessed profits over each separate 12-month period.

The scheme allows participating farmers who experience fluctuations in their trading profits to average those profits over three years, thus reducing the effects of those fluctuations on their taxation position.

The Common Agricultural Policy also provides a degree of income stability to Irish farmers, through the system of direct payments, that would not be available in Australia.

Fisheries Protection

37. **Deputy Seán Crowe** asked the Minister for Agriculture, Food and the Marine the action

being taken to police Dutch super trawlers fishing in Irish waters; and if he will make a statement on the matter. [7082/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Operational issues in relation to sea fisheries control are a matter for the Sea Fisheries Protection Authority (SFPA). I have asked the SFPA to respond directly to the Deputy.

Fishing Industry Development

38. **Deputy Pádraig Mac Lochlainn** asked the Minister for Agriculture, Food and the Marine his plans to encourage those who fish the Irish quota to land their fish in this State; and if he will make a statement on the matter. [7080/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As a member of the EU, Ireland is obliged to ensure that national laws do not restrict the freedom of establishment of economic operators, including persons or companies, to carry on an economic activity in one or more Member States. The Treaties also establish the right to freedom of movement of goods between Member States. Derogations may be granted but are subject to strict tests regarding their purpose (such as the protection of human health and life) and cannot be based solely on a restriction on trade between Member States.

On this basis, to oblige fishermen to land catch from Irish waters in Irish ports would not be in accordance with the provisions of the Treaties. Contravention would run the risk of a successful challenge by operators or others in the EU Courts. The principles of freedom of establishment and freedom of movement of goods are at the core of the operation of the EU internal market, the main destination for Irish seafood exports. Accordingly, mandatory obligations are not feasible.

These are the concerns I have in relation to the introduction of any form of privatisation of national quotas (Individual Transferable Fishing Concessions) as has been proposed by the EU Commission in the Common Fisheries Policy Reform. The principles of freedom of establishment and freedom of movement of goods would preclude, I believe, the successful application of conditions to land into Ireland in respect of Irish quotas purchased by international companies. I am very concerned that this policy proposal from the EU Commission would pose a high risk of Ireland's coastal communities losing the benefit of our national quotas in terms of economic activity and employment.

I promote initiatives that encourage vessel owners, both Irish and non-Irish, to land into Irish ports. BIM has taken a strong lead in working with industry to increase landings into Ireland and value added processing. Most recently BIM held an intensive networking seminar on 25th January where key seafood companies in Ireland met to discuss how to achieve scale in the Irish seafood sector. BIM's Seafood Development Centre (SDC) has been open for two years now and in that time has brought market-led seafood innovation and new product development to the forefront in the Irish seafood industry. The SDC is working with over 330 large, small, and innovative start up companies to develop Ireland into an international seafood leader. New product sales developed by the Centre are estimated at roughly €10 million per annum to date and growing. The Centre is also leading graduate placement and sustainable innovation through training programmes. BIM will continue to work closely with the seafood sector to promote initiatives that will strengthen the seafood sector in Ireland and deliver on the substantial potential of this sector.

My overarching goal for Ireland's Fishing industry, is for a sustainable, profitable and self reliant industry that protects and enhances the social and economic fabric of rural coastal

[Deputy Simon Coveney.]

communities dependent on the seafood sector, while balancing these objectives with the need to deliver a sustainable and eco-centred fisheries landscape for future generations.

39. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he can envisage the growth and or redevelopment of the fishing industry with particular reference to the need for adequate income for fishing dependent families; the extent to which the fishing industry here remains or expects to be competitive in the European context; if sufficient emphasis has been placed on the need to process the catch to final or added value stages here; the extent to which processing facilities have been upgraded; the degree to which specific coastal areas deemed to have suffered a reduction in activity arising from conservation or other measures have been identified for specific or particular supports in this regard; and if he will make a statement on the matter. [7198/12]

200. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the total number of jobs generated by the fishing industry in this country at all levels; the extent to which this might be increased or expanded in the future in view of the ongoing economic situation; and if he will make a statement on the matter. [7463/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 39 and 200 together.

I am committed to continuing the path set out in Food Harvest 2020 for the development of the seafood sector in Ireland into 2012. Food Harvest 2020 identifies the potential of the seafood industry to increase employment from the present level of 11,000 to 14,000 full time equivalent jobs by 2020, mostly in peripheral coastal communities. It also identifies the potential to increase turnover in the sector from €700 million to €1 billion by 2020. These opportunities for the growth of our seafood industry will be driven by an expected growth in world population, particularly in Asia, and a consequent increased demand for seafood.

I am pursuing three key strategies to grow the Irish seafood industry and realise the potential identified in Food Harvest. These are — growing our aquaculture production, adding value to our product and improving the scaling and competitiveness of our processing sector.

Access to raw material supply will be a key issue in the increasingly global marketplace. All indicators suggest that in the medium to long-term, wild caught fish quotas will not increase to any great degree, limiting access to raw material. Growing our aquaculture industry will be essential in increasing the raw material supply to fuel the expansion of our processing sector. Irish Organic Salmon is considered of exceptional quality on the global market, but we are not producing enough product to meet the demand. In order to increase production, create employment and raise revenue BIM is promoting the development of three deep sea salmon farms. It is expected that each farm will be capable of producing up to 15,000 tonnes of Irish organic farmed salmon annually, valued at €102 million. My Department is also working with BIM and the Marine Institute to overcome the present constraints on aquaculture development in our inshore waters, by systematically conducting the environmental assessments required under the EU Habitats Directive. The first three bays were assessed in 2011 and this process is continuing and gathering pace.

As the global demand for seafood continues to rise, there is an opportunity for Ireland to position itself as a producer of premium, sustainable seafood with a clean green branded image. In tandem with Bord Bia promotional activities, Irish seafood can develop a unique and differentiating brand in the internal market place. BIM has targeted the creation of a additional €50 million in value added sales by 2013 through a number of actions. For example, by encouraging the European fishing fleet to partner with Irish processors, value can be added to raw material

here rather than shipping direct to the continent. This will provide logistical advantages to both parties. Also, BIM's Seafood Processing Investment Scheme supports value-added investments in the sector. In 2011, investment in seafood processing amounted to €7 million, including State grant aid of €1.7 million. The 21 projects supported are projected to generate 191 jobs and increased sales of €38 million by 2014.

BIM's Seafood Development Centre (SDC) has been open for two years now and in that time has brought market-led seafood innovation and new product development to the forefront in the Irish seafood industry. The SDC is working with over 330 large, small, and innovative start up companies to develop Ireland into an international seafood leader. New product sales developed by the Centre are estimated at roughly €10 million per annum to date and growing. The Centre is also leading graduate placement and sustainable innovation through training programmes.

In relation to scaling and competitiveness, there are 40 key Irish processing companies handling nearly 80% of seafood for the export and domestic markets. The companies range in size from €5 million to €50 million in turnover. There are a further 70 smaller companies operating at under €1 million in turnover. In contrast, the turnover of a typical European competitor is in the order of €20million. The lack of scale in the Irish sector leads to higher production costs, lower investment in strategic areas of planning, business development, marketing and product innovation, all adversely affecting profitability. The peripheral location of the Irish seafood industry can, for companies relying on group logistics, result in a time to market from order to delivery of between 4 and 6 days, compared to 24 to 48 hours for a competitor based on mainland Europe. The effect of this is reflected in the average net profitability of Irish seafood processing companies which stands at 0.94% compared to that of European competitors which is typically between 4%-6%. Last month, BIM convened a workshop of senior managers of Irish seafood processing companies to consider these competitive disadvantages and to encourage the industry to work together to overcome them. I understand the workshop was well attended and very well received by all involved.

Ireland's coastal areas reflect many of the central challenges facing the fisheries and aquaculture sectors both nationally and in the wider EU. To aid coastal communities face these challenges it is proposed under the Seafood Development OP 2007-2013 to form 6 Fisheries Local Action Groups (FLAGS) in 2012. These FLAG's will operate in a bottom up approach, with the fishing communities having a major input into developing local strategies to tackle socio-economic problems in these areas while endeavouring to maintain economic prosperity and jobs in peripheral coastal communities. Grant aid of €1.6 million, co-financed by the European Fisheries Fund, will be made available to the FLAG's to develop and implement their local strategies up to the end of 2015, leveraging an additional €0.7 million of private investment. This area of support is given a much greater emphasis under draft proposals for the new European Maritime and Fisheries Fund, to operate from 2014, and the level of future investment is likely to reflect this.

International Agreements

40. Deputy Thomas P. Broughan asked the Tánaiste and Minister for Foreign Affairs and Trade if he is taking any initiatives at EU and UN level to advance an arms trade treaty; and if he will make a statement on the matter. [7284/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My officials will be participating fully in the forthcoming meeting of the Preparatory Committee from 13-17 February and in the Diplomatic Conference from 2-27 July where I hope agreement can be reached on an Arms Trade Treaty (ATT). Our objective in these meetings will be to secure

[Deputy Eamon Gilmore.]

the most robust legally-binding and comprehensive treaty with universal application possible. Ireland strongly supports the process of developing strict controls on arms and works to promote the objective of strengthening arms controls globally. We have been active from a very early stage in supporting work towards an ATT, including through co-sponsorship in 2008 of a UN Resolution establishing an Open-Ended Working Group (OEWG) to consider the elements that might be included in an ATT. Ireland has participated fully in the EU Working Group on the ATT and we will continue to work with the EU and with other like-minded countries to agree an instrument establishing common international standards for the import, export and transfer of conventional arms that takes full account of human rights obligations and international humanitarian law.

41. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding Ireland's possible ratification of the Antarctic Treaty; if he has had discussions with the Department of the Environment, Community and Local Government or if his officials have had any discussions regarding this treaty; and if he will make a statement on the matter. [7345/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The matter of Ireland's possible accession to the Antarctic Treaty is under continuing consideration in those Government Departments which have responsibility for the areas covered by the Antarctic Treaties. The previous Government tasked relevant Ministers with conducting preparatory work on Ireland's possible accession to the Treaty. In this regard, a process of inter-departmental consultation, chaired by my Department and including the participation of the Department of the Environment, Community and Local Government and the other Departments concerned, is continuing.

As a complement to the inter-departmental preparatory work, a seminar on the Antarctic Treaty System was hosted by my Department in co-operation with the Norwegian Embassy in Dublin, on 25 May 2011. The seminar was attended by relevant Government Departments and also benefited from the participation of the Shackleton Society. The seminar was addressed by Norwegian experts in this area, who shared Norway's experience as a founder member of the Antarctic Treaty System.

The preparatory work being undertaken includes an assessment of the legislative implications of accession to the Antarctic Treaty System (ATS) and it is apparent that these may be significant. Depending on the scale of the legislative undertaking that would be required, the resulting costs could be substantial, in terms of draws on Departments' resources in preparing the necessary legislation, as well as the cost of maintaining any standing national structures, such as licensing systems, consequent on accession to the ATS.

It is intended that further inter-departmental work will focus on identifying the optimum means, having regard to potential costs as well as best international practice, by which Ireland might ratify the Antarctic Treaty, should the Government so decide in due course.

Departmental Bodies

42. **Deputy Éamon Ó Cuív** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7528/12]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Since February 2011, the Export Trade Council and the Standing Committee on Holocaust Edu-

cation, Research and Remembrance have been established in my Department. The Export Trade Council which subsumes the previous Foreign Trade Council held its first meeting on 29th September 2011. The objective of the Council is to strengthen cooperation and coordination across all key Departments and State Agencies involved in promotion and development of trade and exports as well as overseeing the progressive implementation of the recommendations set out in the Government's Trade Strategy and Action Plan, Trading and Investing in a Smart Economy.

In line with the commitment in the Programme for Government, the private sector is represented on the Export Trade Council. All Council members serve on a voluntary basis and without remuneration. Private sector participants include representatives of IBEC and the Irish Exporters Association as well as a number of individuals from private sector companies with a track record in the export sector.

In January 2012, I approved the formation of a Standing Committee on Holocaust Education, Research and Remembrance. The purpose of the Committee is to provide a mechanism to help coordinate Holocaust education, research and remembrance activities in Ireland, and Ireland's engagement with the International Task Force on Holocaust Education, Remembrance and Research, an organisation Ireland joined in December 2011. The Standing Committee on Holocaust Education, Research and Remembrance consists of representatives from the Department of Foreign Affairs and Trade, the Department of Education and Skills, the Office for the Promotion of Migrant Integration of the Department of Justice and Equality, Holocaust Education Trust Ireland, the Irish Jewish Museum, and academia.

The term of office of members of the Committee is two years. Members of the Committee are not remunerated for participation in the Committee.

State Banking Sector

43. **Deputy Maureen O'Sullivan** asked the Minister for Finance the number of chief executive officers who have availed of redundancy since the State started funding the banks; the length of each of their tenures as CEO; and the total cost of their redundancy packages. [7279/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the respective covered institutions that no Chief Executive Officers' position at these institutions have been made redundant since September 2008. Details on the terms of the departure of certain incumbent Chief Executive Officers at the covered institutions have been fully disclosed in the published respective Annual Reports of the institutions concerned.

Tax Reliefs

44. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is in receipt of the proper tax allowances; if the person is or was entitled to any tax credits; if the person is entitled to any tax rebate; and if he will make a statement on the matter. [7305/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that based on the information available the taxpayer currently has the tax credits to which she is entitled. As a new certificate of tax credits issued on the 4th February 2012 she will receive a refund, through her payroll, of any tax overpaid in 2012 to that date. Her liability for 2011 will be reviewed and any refund due will issue shortly.

Tax Code

45. **Deputy Patrick O'Donovan** asked the Minister for Finance the progress the Revenue

[Deputy Patrick O'Donovan.]

Commissioners have made in dealing with correspondence (details supplied); and if he will make a statement on the matter. [7319/12]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that officers in the Cork South West Revenue District are in ongoing correspondence with the person concerned in respect of a number of matters he has raised. Revenue appreciates the importance of the issues raised and is addressing them. It is of course impossible for Revenue to report back to the person on any enquiries they may deem necessary, or on the outcome of such enquiries for reasons of taxpayer confidentiality. This has been explained to the person concerned.

Banking Sector Regulation

46. **Deputy Finian McGrath** asked the Minister for Finance the position regarding the European Central Bank and mortgage repayments in respect of persons (details supplied) on welfare. [7351/12]

Minister for Finance (Deputy Michael Noonan): I assume the Deputy's concern is about mortgage lenders not passing on European Central Bank interest rate cuts. Neither the Central Bank nor I have any responsibility for the variable mortgage interest rates charged by mortgage providers. I have no power to compel mortgage providers to pass on European Central Bank interest rate cuts. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure.

Tax Code

47. **Deputy Eoghan Murphy** asked the Minister for Finance if he will consider the possibility of introducing a tax free weekend in either August or September of each year to be applied solely to personal computers and related products to assist students in purchasing the necessary equipment for the coming academic year. [7355/12]

Minister for Finance (Deputy Michael Noonan): VAT is governed by the EU VAT Directive, with which Irish VAT law must comply. The VAT Directive provides that the supply of goods and services by taxable persons is subject to VAT, unless specifically exempted under its terms. The terms of the Directive do not provide for the non-application of VAT to supplies for specific periods and as such it is not possible to provide for a scheme of the kind proposed.

Banking Sector Remuneration

48. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 81 of 19 January 2012, his plans to publish the findings to date of the review referred to therein; when he expects the review to be completed; his plans to publish the review once it has been completed; and if he will make a statement on the matter. [7364/12]

Minister for Finance (Deputy Michael Noonan): I have indicated to the Deputy, in response to his previous questions on the subject (ref. 3222/12 of 19 January 2012 in particular referred to above) the position on the remuneration review. I would not consider it appropriate to publish incomplete interim data at this stage as suggested.

I am currently examining how best to progress the review and am considering utilising outside expertise not currently available to my Department to promote the efficacy of the findings and outcomes of the exercise.

As I have said previously, I fully recognise that there is a real public interest in the levels of remuneration at the covered institutions and have committed to placing the details underpinning the review into the public domain.

Tax Collection

49. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is entitled to a rebate in regard to stated savings; and if he will make a statement on the matter. [7396/12]

Minister for Finance (Deputy Michael Noonan): I have been informed by the Revenue Commissioners that any person over the age of 65 whose total income (including the gross deposit interest) is less than the relevant exemption limit can claim a repayment of Deposit Interest Retention Tax (DIRT) paid by submitting a Form 54D. The relevant exemption limits for 2008, 2009 and 2010 were €20,000 for a single person and €40,000 for a married couple; for 2011 and 2012, the exemption limits are €18,000 for a single individual and €36,000 for couples in a marriage or in a civil partnership. Forms 54D for years 2008, 2009, 2010 and 2011 have been sent directly to the individual concerned to facilitate a claim for any refund due. Finance Act 2007 introduced new arrangements that allow any interest earned on money on deposit credited to a savings account in a financial institution to be paid without deduction of DIRT, where the following conditions are satisfied:

- Either the individual or her/his spouse or civil partner (if appropriate) is aged 65 or over when making the declaration; and
- His/her/their total income for the year will be below the relevant annual exemption limit.

If the taxpayer meets these conditions, an application can be made directly to the financial institution to have the interest paid without deduction of DIRT.

The application is made on Form DE1. A copy of this form has been sent directly to the taxpayer for completion and submission to the financial institution.

50. **Deputy Jack Wall** asked the Minister for Finance if proper taxation is being deducted in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7398/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that based on the information available the taxpayer currently has the tax credits to which he is entitled. He is in receipt of a Department of Social Protection State Contributory Pension (DSP) in addition to a pension from his previous employer. The tax credits and rate bands available against the latter pension have been restricted to collect the tax due on his DSP pension.

Banking Sector Regulation

51. **Deputy Michael McGrath** asked the Minister for Finance when the bank stress tests for 2012 are expected to commence; when he anticipates that they will be completed; and if he will make a statement on the matter. [7419/12]

Minister for Finance (Deputy Michael Noonan): The application of the stress tests of Irish Banks is not a function of the Department of Finance but the Central Bank has informed me

[Deputy Michael Noonan.]

that it is preparing for the 2012 Financial Measures Programme, including the application of an updated bank solvency stress test. The Irish PCAR stress test shall be run in the second half of 2012, in order to align with any EU-wide bank solvency stress test being applied by the European Banking Authority, but the Irish PCAR results shall be published by no later than 30 November 2012. The Central Bank is conducting much of the preparation for this stress test in the first half of 2012, including a review of deleveraging activities, liquidity metrics, arrears resolution strategies and detailed credit portfolio reviews.

International Agreements

52. **Deputy Michael McGrath** asked the Minister for Finance the role the new permanent rescue facility, the European Stability Mechanism, has in providing funding to countries to recapitalise banks; and if he will make a statement on the matter. [7420/12]

Minister for Finance (Deputy Michael Noonan): The European Stability Mechanism (ESM) treaty was signed by euro area member states on 2 February 2012. Its purpose will be to provide financial assistance to its members that are experiencing or being threatened by financing problems. The ESM will take over the tasks currently fulfilled by the European Financial Stability Facility (EFSF) and the European Financial Stabilisation Mechanism (EFSM). Aside from loans to beneficiaries, it will provide precautionary financial assistance and loans to member states for recapitalisations of financial institutions. The decision to grant financial assistance will be made by the Board of Governors of the ESM, following assessment by the European Central Bank (ECB) and European Commission, and under strict economic conditionality. The terms and conditions upon which financial assistance for recapitalisation shall be granted will be specified in a financial assistance facility agreement.

53. **Deputy Michael McGrath** asked the Minister for Finance his views on when Ireland signed up to the reinforced Stability and Growth Pact, known as the six pack; if he will set out details of the way the fiscal measures contained therein affect Ireland; when the six pack became effective in Irish law; and if he will make a statement on the matter. [7421/12]

Minister for Finance (Deputy Michael Noonan): The 2008 financial crisis and the ensuing turmoil in sovereign debt markets highlighted the need to introduce reforms designed to address the weaknesses that had become evident in the European Union's economic governance. In September 2010 the EU Commission published six pieces of draft legislation designed to enshrine many of these reforms in the form of an economic governance package comprising six legislative measures known as the Six-Pack. Having gone through the normal consideration processes, the Six-Pack was adopted by the ECOFIN Council and approved by the European Parliament in September 2011.

The five Regulations (two amending and three new) in the Six-Pack subsequently entered into force on 13 December 2011, when they became part of the national law of every Member State in the EU. The sixth element of the Six-Pack is the Directive on requirements for budgetary frameworks of the Member States. Article 15 of this Directive requires that "Member States shall bring into force the provisions necessary to comply with this Directive by 31 December 2013".

The Six-Pack measures apply to all 27 EU Member States or to the euro area 17 as appropriate.

The Six-Pack provides for:

- *Stronger preventive action through a reinforced Stability and Growth Pact (SGP) and deeper fiscal coordination:* Member States are required to make significant progress towards medium-term budgetary objectives (MTO) for their budgetary balances. Under the Six-Pack, expenditure benchmarks will now be used alongside the structural budget balance to assess adjustments towards the MTO. An interest-bearing deposit of 0.2% of GDP will be imposed on non-compliant euro-area countries.
- *Stronger corrective action through a reinforced SGP:* The launch of an Excessive Deficit Procedure (EDP) can now result from government debt developments as well as from government deficit. Member States with debt in excess of 60% of GDP should reduce their debt in line with a numerical benchmark. Progressive financial sanctions kick in at an earlier stage of the EDP. A non-interest interest-bearing deposit of 0.2% of GDP may be requested from a euro-area country which is placed in EDP on the basis of its deficit or its debt. Failure of a euro-area country to comply with recommendations for corrective action will result in a fine.
- *Minimum requirements for national budgetary frameworks:* Member States are to ensure that their fiscal frameworks are in line with minimum quality standards and cover all administrative levels. National fiscal planning should adopt a multi-annual perspective, so as to attain the MTO. Numerical fiscal rules should be introduced that promote compliance with the Treaty reference values for deficit and debt.
- *Preventing and correcting macroeconomic and competitiveness imbalances:* Over the past decade, Member States have made economic choices which have lead to competitiveness divergences and macroeconomic imbalances within the EU. A new surveillance mechanism will aim to prevent and correct such divergences. It will rely on an alert system that uses a scoreboard of indicators and in-depth country studies, strict rules in the form of a new Excessive Imbalance Procedure (EIP) and better enforcement in the form of financial sanctions for Member States which do not follow up on recommendations.

Also under the Six-Pack enforcement is strengthened by the expanded use of ‘reverse qualified majority’ voting. Under this voting system, a Commission recommendation or proposal to the Council is considered adopted unless a qualified majority of Member States vote against it.

The Six-Pack measures represent the most comprehensive reinforcement of economic governance in the EU and the euro area since the launch of Economic and Monetary Union. It marks a concrete and decisive step towards ensuring fiscal discipline, helping to stabilise the EU economy and preventing a new crisis in the EU.

It is the Government’s view that all of the measures contained in the Six-Pack — including those with relevance to fiscal matters — provide a sound basis for helping all EU Member States to work together for a return to financial and economic stability and towards achieving the core objective of sustainable growth and jobs. Ireland is committed to observing all of the requirements under the Six-Pack.

National Debt

54. **Deputy Michael McGrath** asked the Minister for Finance if he will provide details of the expected cost of servicing the national debt in 2012, 2013, 2014 and 2015. [7423/12]

Minister for Finance (Deputy Michael Noonan): The cost of servicing the national debt, as estimated by the National Treasury Management Agency (NTMA), in each of the years 2012-

[Deputy Michael Noonan.]

2015 is set out in the table below. These estimates are consistent with those forming part of the *Budget 2012* fiscal forecasts:

€ billions	2012	2013	2014	2015
Estimated National Debt Servicing	7.4	8.1	8.9	9.2

Tax Reliefs

55. **Deputy Michael McGrath** asked the Minister for Finance the arrangements in place between Revenue and mortgage lenders regarding the implementation of the increased mortgage interest relief to first time buyers who bought between 2004 and 2008; and if he will make a statement on the matter. [7427/12]

61. **Deputy Michael McGrath** asked the Minister for Finance when residential mortgageholders entitled to benefit from the increase in the rate of tax relief at source announced in budget 2012 will receive the additional payment due; and if he will make a statement on the matter. [7448/12]

66. **Deputy Michael McCarthy** asked the Minister for Finance the total number of mortgageholders to who the increased rate of mortgage interest relief has been passed on to since it came into effect on 1 January; the banks that have passed on the relief; and if he will make a statement on the matter. [7506/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 55, 61 and 66 together.

As I announced in the Budget, the proposed new 30% rate of tax relief in respect of interest paid on qualifying home loans for first time buyers who took out their first qualifying home loan in the period between 2004 and 2008 (both dates inclusive) comes into effect as regards the 2012 tax year and subsequent tax years. The necessary legislation is included in the Finance Bill which I published yesterday.

I should point out that mortgage interest tax relief, including the proposed new 30% rate of relief, in respect of interest paid on qualifying home loans is given by qualifying lending agencies, including local authorities, through the tax relief at source (TRS) system. This requires the various lending agencies to make the adjustments in their computer systems.

I am advised by the Revenue Commissioners that, in advance of the legislation, they have been in contact with all qualifying lenders to ensure that the necessary software changes to the lenders' tax relief at source (TRS) systems are made to cater for the new 30% rate of tax relief and to ensure that the relief can be passed on to borrowers by qualifying lenders without undue delay. All lenders have been requested to confirm when they will be in a position to make the necessary software changes to grant the new 30% rate, however, the speed with which the software changes can be developed and implemented by lenders may vary from lender to lender. Revenue is currently engaging with all of the lenders in arranging to have the new rate tested and implemented as soon as possible.

As an interim relieving measure Revenue has applied a 25% rate that had previously been tested with lenders to the 189,000 eligible mortgage accounts that will qualify for the 30% rate involving some 270,000 individuals. When the 30% rate is subsequently applied by the lenders in due course the additional relief arising from 1 January will be automatically applied by the lender without the need for any action on the part of the mortgage holder.

Tax Clearance Certificates

56. **Deputy Michael McGrath** asked the Minister for Finance if he will review if a person (details supplied) in County Cork is entitled to a refund of income tax in respect of a certain matter. [7432/12]

Minister for Finance (Deputy Michael Noonan): The person concerned retired in 2006 but it is unclear from records held by Revenue when he made a payment in respect of superannuation contributions to his former employer. He should contact Mr. Diarmuid O'Connor, Revenue Commissioners, Blackpool, Cork (Tel 021-6027506) to clarify this matter as it has a bearing on his entitlement to relief in respect of the superannuation contributions paid. A revised Tax Credit Certificate (TCC) has been sent to this person and to his pension provider, granting exemption in respect of the Universal Social Charge.

International Agreements

57. **Deputy Pearse Doherty** asked the Minister for Finance with respect to the annual one 20th reduction in debt-to-GDP ratio outlined in the proposed intergovernmental treaty, if he will confirm if the annual target reduction applies to the excess debt over the 60% debt-to-GDP ratio or to the full amount of debt; and if he will make a statement on the matter. [7433/12]

58. **Deputy Pearse Doherty** asked the Minister for Finance based on current assumptions and projections, if he will indicate the level of adjustment that will be required in budget 2016 to meet the one 20th reduction in our debt-to-GDP ratio as required under the terms of the proposed intergovernmental treaty; and if he will make a statement on the matter. [7434/12]

59. **Deputy Pearse Doherty** asked the Minister for Finance if the one 20th reduction in our debt-to-GDP ratio as required under the terms of the proposed intergovernmental treaty would be a percentage of debt-to-GDP target that would need to be reached by each year, that is assuming that the State had a debt-to-GDP ratio in 2015 of 120% that the reduction required under the terms of the treaty would be 3% reduction; and if so, if he will estimate the cost of this reduction in monetary terms; and if he will make a statement on the matter. [7435/12]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 57 to 59, inclusive, together.

The debt correction requirement in the new intergovernmental treaty, which will apply to Ireland, as our General Government debt/GDP ratio is currently above 60%, is the same as is already required under the reforms of the Stability and Growth Pact as part of the so-called 'six pack' of legislative reforms.

Specifically, we will be required to reduce our debt/GDP ratio annually by at least one-twentieth of the difference between the actual rate and the threshold rate of 60%. A transition period will apply for all countries that are currently subject to the excessive deficit procedure on the basis of the deficit criterion, including Ireland. During this transition period, which would last for three years following the correction of the excessive deficit on the basis of the deficit criterion, the requirement under the debt correction rule is deemed to be fulfilled if we are making "sufficient progress" towards compliance.

Based on *Budget 2012* projections, the General Government debt/GDP ratio is forecast to peak at 119% in 2013 before declining to 115% by 2015. Ireland will be coming out of the excessive deficit procedure as a result of reducing the General Government deficit below 3% of GDP in 2015 and so the three year transition period referred to above will apply. The precise details as to what will constitute "sufficient progress" towards compliance during the transition

[Deputy Michael Noonan.]

period have yet to be worked out between the European Commission and those Member States coming out of excessive deficit.

Furthermore, as there are presently no specific macroeconomic and fiscal forecasts for the period post 2015, the exact policies that will be required are conjecture at this stage.

In this regard, in terms of the fiscal implications of this debt correction rule, it is important to remember that it is the debt/GDP ratio that is important. In other words, on the basis of reasonable assumptions over the medium-term, we can expect economic growth to do much of the “heavy lifting”. Furthermore, it’s also worth pointing out that, irrespective of our international commitments, we need to reduce the debt to more manageable levels. Otherwise we will just spend more and more of our revenues on servicing the debt burden, which reduces the amount available to spend on education, health, social welfare, and other areas.

Personal Debt

60. **Deputy Michael McGrath** asked the Minister for Finance if his attention has been drawn to the fact that analysis of mortgage data conducted by the Central Bank of Ireland indicates that up to 46% of mortgages were in negative equity at the end of 2011; his views on the implications of this for the wider economy; and if he will make a statement on the matter. [7447/12]

Minister for Finance (Deputy Michael Noonan): I note that the Central Bank, in its January 2012 Quarterly Bulletin, published a paper by economists in the Bank on “The Irish Mortgage Market: Stylised Facts, negative Equity and Arrears”. This paper, which is based on research material previously released by the Bank at a Conference it held on the Irish mortgage market last October, provides very useful and detailed data on the Irish mortgage market, including the value of mortgages in negative equity. From an economic perspective, negative equity is an issue of some concern not least because it can act as a barrier to labour mobility and weigh on peoples’ willingness to consume. For these very reasons, we have taken steps to encourage the domestic economy, such as the Jobs Initiative which focused on sectors such as tourism. Indeed, the Government has sought to address the necessary ongoing repair of our public finances in a manner that is the least damaging to the economy. Furthermore, yesterday’s Finance Bill provided for an increase in the rate of mortgage interest relief to 30% for those who bought during the period 2004-2008.

Question No. 61 answered with Question No. 55.

International Agreements

62. **Deputy Michael McGrath** asked the Minister for Finance the changes to the treaty establishing the European Stability Mechanism to which he recently agreed; and if he will make a statement on the matter. [7449/12]

Minister for Finance (Deputy Michael Noonan): The ESM treaty was signed by euro area member states on 2 February 2012. The ESM will be an international financial institution based in Luxembourg. Its purpose will be to provide financial assistance to its members (euro area member states), experiencing or being threatened by severe financing problems, if indispensable for safeguarding financial stability in the Euro Area as a whole. The original version of the treaty was signed on 11 July 2011, but it has been modified to incorporate decisions taken by the Heads of State and Government (HoSG) of the Euro Area on 21 July and 9 December 2011, aimed at improving the effectiveness of the mechanism.

The treaty will have to be ratified by the 17 Euro Area member states; it will enter into force and the ESM become operational as soon as possible: the target date is July 2012, a year earlier than originally planned. As a permanent mechanism, the ESM will take over the tasks currently fulfilled by the European Financial Stability Facility (EFSF) and the European Financial Stabilisation Mechanism (EFSM). With the accelerated entry into force, the ESM will now operate alongside the EFSF for 12 months. Their joint lending capacity is currently set at €500 billion, subject to reassessment in March 2012.

With the subscribed capital of €700 billion (€80 billion as paid in capital, the rest as callable), the initial maximum lending capacity of the ESM is set at €500 billion.

As decided on 9th December 2011, the HoSG will reassess the adequacy of resources under the ESM and the EFSF in March 2012.

The following are the main changes made by the updated treaty:

- 1) new financing tools.
- 2) more flexible pricing.
- 3) link with fiscal compact.
- 4) new emergency decision-making procedure.
- 5) alignment with IMF practice as regards private sector involvement.
- 6) timing of capital contribution.

Further information on the main changes are as follows:

New Financing Tools

1) The future ESM will be able to use a range of new instruments that have been put in place for the EFSF. Besides loans to beneficiaries, it will provide precautionary financial assistance (article 14) and loans to member states for recapitalisations of financial institutions (article 15). It will also be able to purchase bonds of beneficiary member states on primary and secondary markets (articles 17 and 18). This enlarged range of instruments is aimed at increased efficiency of the ESM.

The previous version of the treaty only provided for financial assistance in the form of a loan to an ESM member state, while the purchase of bonds on the primary market was only provided for “as an exception”. The updated treaty eliminates the exceptional nature of primary market purchases and also provides for bond purchases on secondary markets, precautionary financial assistance “in the form of a precautionary conditioned credit line or in the form of an enhanced conditions credit line” and financial assistance through loans to an ESM member state for the specific purpose of recapitalising its financial institutions.

More Flexible Pricing

2) In order to help beneficiary member states ensure sustainability of their debt, the conditions for financial assistance have been eased in comparison to the original text. The new ESM treaty no longer includes an annex with pre-defined margins on its loans. Instead, the price should be equivalent to the lending rates of the EU’s balance of payments facility

[Deputy Michael Noonan.]

(for non-euro member states), whilst covering financing and operating costs and including an appropriate margin (article 20). Maturities can extend up to 30 years.

Link with Fiscal Compact

3) Assistance will be provided under strict economic policy conditionality. Furthermore, the modified treaty establishes a new precondition for benefiting from such assistance as of 1 March 2013 (recital 5): member states concerned must ratify the “fiscal compact”, i.e. the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, and implement the balanced budget rule as specified in that treaty within the agreed timeline (one year after entry into force).

It has been clarified that the linkage of both the ESM and the Intergovernmental Treaties refers to new applications for assistance under the ESM and will not affect the transfer to the ESM of undisbursed amounts under the EFSF to Ireland (and other programme countries).

In this context it is important to note that the Euro Area HoSG, in their conclusions of 21 July and again on 30 January 2012, committed to continuing to provide support to countries under a programme until they have regained market access, provided they successfully implement their programmes. This reaffirmation is a welcome confirmation that commitments in relation to provision of funding will be met.

The ESM will replace the EFSF. While the ESM may assume the rights and obligations of the EFSF, this should not affect the terms and conditions of the amounts transferred to the ESM and subsequently disbursed to Ireland.

New Emergency Decision-Making Procedure

4) The most important decisions under the ESM will be taken by its board of governors (ministers with responsibility for finance) by mutual agreement. However, the modified Treaty provides for an emergency procedure whereby a decision to grant financial assistance can be taken by qualified majority of 85% of votes cast. This procedure can be used where the Commission and the European Central Bank both conclude that a failure to urgently adopt a decision to grant or implement financial assistance would threaten the economic and financial sustainability of the euro area. When this procedure is used, “a transfer from the reserve fund and/or the paid-in capital to an emergency reserve fund is made in order to constitute a dedicated buffer to cover the risks arising from the financial support granted under this procedure” (article 4(4)).

Alignment with IMF Practice as regards Private Sector Involvement

5) The ESM will cooperate very closely with the International Monetary Fund (IMF) in providing stability support. The active participation of the IMF will be sought, both at technical and financial level. In accordance with IMF practice, in exceptional cases an adequate and proportionate form of private sector involvement will be considered in cases where stability support is provided, accompanied by conditionality in the form of a macro-economic adjustment programme. This provision has been moved from an operative article, in the initial treaty, to a recital in the update treaty (recital 12). The treaty requires collective action clauses to be included, as of 1 January 2013, in all new euro area government securities with maturity above one year (recital 11 and article 12(3)).

Timing of Capital Contribution

6) ESM members are required in principle to ensure the required amount of paid-in capital gradually, within the first five years from the ESM's creation. The modified treaty however enables them to accelerate this process (article 41 (3)).

Primary legislation will be required to enable Ireland to ratify the ESM Treaty and implement its decisions. It is expected that the required legislation will be published this term.

Financial Services Regulation

63. **Deputy Michael McGrath** asked the Minister for Finance the number of registered money-lenders here at the end of 2011; his views on the extent of legislative protection for consumers availing of the services of moneylenders; and if he will make a statement on the matter. [7450/12]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Central Bank that the number of registered moneylenders with the Central Bank at the end of 2011 was 48. Any firm wishing to operate in the State as a moneylender has to apply to the Central Bank for a money-lender's licence and must have their licence renewed annually. Section 93 of the Consumer Credit Act 1995 (as amended) sets out the Central Bank's powers in relation to the grant or refusal of a moneylender's licence. The appropriate money lending application form (new or renewal) must be completed and returned to the Central Bank with a number of items, for review and consideration.

In addition to the licensing system, the Central Bank has in place a Consumer Protection Code for Licensed Moneylenders (the Code). The Central Bank has power to impose sanctions on moneylenders for a contravention of the Code. The Code sets out the General Principles with which a moneylender must comply. For example, a moneylender must act honestly and professionally, with due skill, care and diligence in the best interest of consumers. The Code also places requirements on moneylenders in relation to the provision of information to the consumer, preservation of a consumer's rights, knowing the consumer, suitability, unsolicited contact (cold calling), disclosure, errors, handling complaints, consumer records, unsolicited credit facilities, arrears and guarantees, debt collection and the contents and presentation of advertisements.

The European Communities (Consumer Credit Agreements) Regulations 2010 provide consumer protection measures for loans ranging from €200 up to €75,000. These Regulations apply to money lenders.

The Central Bank monitors compliance with the Code on an ongoing basis through themed inspections, mystery shopping, consumer intelligence and complaints from the Financial Services Ombudsman.

On 18 February 2011, the Central Bank published the results of a themed inspection of licensed moneylenders. Inspections were conducted in 11 of the 46 licensed moneylenders currently operating in Ireland. The inspections focused on whether consumers were being charged in accordance with the moneylenders' authorised APRs (Annual Percentage Rates) and costs of credit as set out in the moneylenders' licences. It also examined whether firms had their licences on display and if they indicated the high-cost nature of loans on loan documentation issued to consumers, as required by the Code. Overall the inspections found a high level of compliance with the requirements and that consumers were being charged in accordance with the moneylenders' authorised APRs and costs of credit.

State Banking Sector

64. **Deputy Michael McGrath** asked the Minister for Finance the value of senior and subordinated bonds outstanding in the covered institutions; and if he will make a statement on the matter. [7451/12]

Minister for Finance (Deputy Michael Noonan): The information requested, as at 31 January 2012, has been supplied by the covered institutions as follows:

	AIB	BoI	IBRC	ILP	Total
	€bn	€bn	€bn	€bn	€bn
Senior Unsecured (Unguaranteed)	4.64	2.60	1.40	0.80	
Senior Unsecured (Guaranteed)	6.47		2.68	4.53	
Senior Secured	4.60	15.20		2.71	
Total Senior bonds outstanding	15.71	17.80	4.08	8.04	45.63
Dated Subordinated Debt	0.12	0.30	0.15	0.02	
Undated Subordinated Debt	0.00	0.10	0.36	0.00	
Total Subordinated Debt Outstanding	0.12	0.40	0.51	0.02	1.06
Contingent Convertible Capital Instruments					3.00
					4.06

There is currently c. €1.0bn of outstanding subordinated debt remaining in the Irish banks. This is split between — BoI (€0.4bn), AIB (€0.1bn) and IBRC (€0.5bn). Further details regarding the remaining amounts on these instruments are shown below:

- *IBRC* has a tier one debt of c. €335m outstanding. On 21 January 2009, under the terms of the Anglo Irish Bank Corporation Act, 2009, ownership of the 300,000 Non-Cumulative Preference Shares in issue was transferred to the Minister for Finance. IBRC also has c. €140m of dated Tier two subordinated bonds, with the bank currently involved in a legal challenge with the owner of these notes.
- *BoI* generated gains of c. €0.3bn from the repurchase of securitizations in December 2011 completing its remaining PCAR 2011 requirements, avoiding the need for a SLO. As a result the bank still has €0.4bn of subordinated debt left outstanding. Further LMEs on this remaining debt could occur if required in the future.
- *AIB* has c. €0.1bn of outstanding subordinated debt. The owners of the notes chose not to participate in the LME exercises conducted over the summer. As a result of the SLO on these remaining bonds, the maturity date of the bonds has been extended to 2035 and the bank has discretion over whether to pay coupons on these instruments.

Exchequer Savings

65. **Deputy Jim Daly** asked the Minister for Finance the savings that would be achieved by the Exchequer if a new tax was introduced on a temporary basis to tax all pension payments to retired public servants in excess of €50,000 at seventy five per cent; and if he will make a statement on the matter. [7492/12]

Minister for Finance (Deputy Michael Noonan): Retired public servants in receipt of a pension in excess of €50,000 per annum are currently subject to income tax at 41% and Universal Social Charge at 7% or 4% if they are 70 years old or over. A new temporary charge of 75% on income in excess of €50,000 could bring their tax liability on this income to 123%. I assume that this is not the Deputy's intention. Furthermore, I am of the opinion that imposing a temporary tax of 75% on a specific class of pensioner may be considered arbitrary and disproportionate and could, therefore, pose constitutional difficulties.

The Deputy may be making the point that savings could be made for the Exchequer by reducing pensions paid to public service pensioners. This is a matter in the first instance for my colleague the Minister for Public Expenditure and Reform. The Deputy may be aware that the Financial Emergency Measures in the Public Interest Act 2010 has reduced public service pensions, in a progressive manner, with reduction rates of 12% and 20% applying to public service pensions in excess of €60,000 and €100,000, respectively.

Question No. 66 answered with Question No. 55.

Disabled Drivers

67. **Deputy Patrick O'Donovan** asked the Minister for Finance further to Parliamentary Question No. 119 of 31 January 2012, if a person with a disability is prevented by law from driving a vehicle with an engine size more than two litres; and if he will make a statement on the matter. [7512/12]

Minister for Finance (Deputy Michael Noonan): I wish to inform the Deputy that a person with a disability, driving a vehicle with an engine size over two litres is not entitled to relief under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations, 1994. I am not aware of any law that would prevent a person with a disability from driving a vehicle with an engine size over two litres.

Departmental Expenditure

68. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 194 of 4 October 2011, if he will arrange for the report to be supplied. [7513/12]

Minister for Finance (Deputy Michael Noonan): I can advise the Deputy that the following payments were paid in respect of professional services as referred to in the Deputy's question. The Department of Finance has made the payments outlined below in relation to professional services on the banking crisis:

Consultant	2008		2010	2011	Description of advice provided
Mercer (Ireland) Ltd.	—	€3,308	—	—	Advice to CIROC
Watson (Wyatt) Ltd.	—	€7,290	—	—	Advice to CIROC
Hay Group Ireland Ltd.	—	€4,860	—	—	Advice to CIROC
Arthur Cox Solicitors	€1,628,024	€5,875,869	€4,804,884	€1,287,182	Legal advice in relation to the Bank Guarantee Scheme; Eligible Liabilities Guarantee (ELG), recapitalization and restructuring issues; general banking advice.

[Deputy Michael Noonan.]

Consultant	2008		2010	2011	Description of advice provided
Pricewaterhouse Coopers	—	—	€118,580	—	Professional Fees in respect of accounting advice on promissory notes.
A&L Goodbody	—	€2,977	€2,783	€2,823	The provision of company secretarial services in relation to Sealuchais Arachais Teoranta

The NTMA has advised me that they have provided an aggregate figures for the NTMA and the NPRF as if they break out year by year, the figures will not reconcile back to their Annual Accounts which are compiled on an accrual basis as opposed to a cash basis.

NTMA

Consultant	Total paid 2008-end January 2012	Description of service provided
Arthur Cox	€7.74m	Legal advice
McKinsey & Co Inc Ireland	€2.61m	Advice on bank restructuring, (AIB/ EBS and Anglo and INBS projects).
PwC	€0.44m	Accountancy and Tax advice
Lazard	€0.18m	Sovereign debt advisory services
Davy	€0.05m	Advice in relation to transfer of deposits of Irish Financial Institutions
Goldman Sachs	€6.29m	Advice on the capital raising exercise of the four financial institutions (AIB, BoI, EBS and IL&P), following the announcement of the results of the Central Bank's PCAR/PLAR process on 31 March 2011.
Merrill Lynch	€7.33m	Provision of banking advisory services to the Minister for Finance acting through the NTMA.
Rothschild	€6.96m	Provision of banking advisory services to the Minister for Finance acting through the NTMA.

NPRF

Consultant	Total Paid 2008-end Jan 2012	Description of service provided
Arthur Cox	€2.18m	Legal due diligence on BoI and AIB prior to recapitalisation by the NPRF (2009) and legal advice in respect of directed investments (2010).
PWC	€1.58m	Due diligence on BoI and AIB prior to recapitalisation by the NPRF.
Sir Andrew Large	€0.12m	Trusted Advisor on certain aspects of the due diligence process.
Sullivan & Cromwell	€0.10m	Legal Advice
Allen & Overy	€0.15m	Legal Advice
William Fry	€0.05m	Legal Advice

The Central Bank of Ireland has advised that it cannot provide details of payments to individual consultants due to commercial confidentiality reasons. The Central Bank has however advised that the aggregate consultancy costs related to the banking crisis are as follows:

Year	Total paid
	€
2008	3,800,000
2009	3,400,000
2010	1,300,000
2011	29,900,000
2012 (to February)	55,000

The Deputy may wish to note that as consultancy costs paid by the Central Bank of Ireland, the NTMA and the NPRF are not held by my Department, this information has to be requested from the relevant bodies. The Deputy may find it more convenient in the future to request this information directly from those bodies.

As the Deputy is aware, I do not have a role in the day to day commercial decisions taken by the boards and management of the covered banks, including in respect of the employment of external consultants and advisors. The management and board of the banks are aware of their duties to their shareholders to ensure that all costs incurred are necessary and reflect the needs to the business. The financial institutions covered by the State Guarantee use consultants in respect of many aspects of their operations. The Department of Finance does not compile a comprehensive list of these consultants. Such fees paid in respect of arrangements entered into with individual firms are deemed commercially sensitive.

Tax Code

69. **Deputy Maureen O'Sullivan** asked the Minister for Finance his views that layers in the betting industry, that is individuals who take and lay a bet and who operate without a betting licence, should be liable for tax as per all other bookmakers here; if he acknowledges that betting exchanges will only pay a 15% gross profit tax on their commission, which is at the discretion of the exchange and, thus, tax collected on it would fluctuate greatly; and if he will make a statement on the matter. [7517/12]

Minister for Finance (Deputy Michael Noonan): The proposed betting (Amendment) Bill, which is being drafted at present, will amend the 1931 Betting Act to inter alia establish the regulatory framework for the licensing of remote bookmakers and betting exchanges, including measures to enforce the regulatory framework. The drafting of the Bill, which is fairly complex, is well advanced. The Finance Act 2011 contained measures to allow for the extension of the 1% betting duty to remote bookmakers and for a 15% gross profit tax to betting exchanges. The taxation provisions are subject to a Ministerial Commencement order which can only be commenced when the Betting (Amendment) Bill is enacted. In relation to the taxation treatment of betting exchanges, it is the operator of the betting exchange that will be liable to the gross profit tax which is also the position in the UK.

Departmental Bodies

70. **Deputy Éamon Ó Cuív** asked the Minister for Finance the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7527/12]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question the following bodies under the aegis of my Department have been set up or abolished since February 2011: New Economy and Recovery Authority (NewERA) was established within the National Treasury Management Agency (NTMA). The Fiscal Advisory Council has been established as an independent non-statutory body. It will be put on a statutory basis underpinned by legislation to be brought forward by Government in the coming months in the proposed Fiscal Responsibility Bill. The Commission on Credit Unions was established by Government Decision dated 31st May 2011. It met for the first time on 20th June 2011 and is to complete its work by 31st March 2012. The Commission of Investigation into the Banking Sector was established by Government Order on 21 September 2010. The Commission was dissolved following the submission of its final report to the Minister for Finance on 22 March 2011. The Commission's report was laid before the Houses of the Oireachtas on 19 April 2011.

I have announced my intention to ask a small group to advise me on the National Asset Management Agency (NAMA). Mr Michael Geoghegan will act as chairman of the group.

Tax Reliefs

71. **Deputy Dan Neville** asked the Minister for Finance the position regarding tax relief at source in respect of a person (details supplied) in County Limerick. [7535/12]

Minister for Finance (Deputy Michael Noonan): As I announced in the Budget, the proposed new 30% rate of tax relief in respect of interest paid on qualifying home loans for first time buyers who took out their first qualifying home loan in the period between 2004 and 2008 (both dates inclusive) comes into effect as regards the 2012 tax year and subsequent tax years. The necessary legislation is included in the Finance Bill which I published yesterday. I am informed by the Revenue Commissioners that the tax relief (including the proposed new 30% rate of relief) in respect of interest paid on qualifying home loans is given by qualifying lending agencies through the tax relief at source (TRS) system. This requires the various lending agencies to make adjustments to their computer systems.

I am further informed by the Revenue Commissioners that they have been in contact with all qualifying lenders to ensure that the necessary software changes to the tax relief at source (TRS) system are made to cater for the new 30% rate of tax relief and to ensure that the relief can be passed on to borrowers by qualifying lenders without undue delay. All lenders have been requested to confirm when they will be in a position to work with Revenue to implement the Budget rate change. However, the speed with which the software changes necessary to grant the new 30% rate of tax relief to borrowers can be developed and implemented by lenders may vary from lender to lender. As an interim relieving measure, a 25% rate that had previously been tested with lenders has been applied to the appropriate cases in advance of legislation.

In the case of the person concerned, the rate of 25% has been applied as an interim measure until the new 30% rate can be implemented. The lender in question has not to date informed Revenue when it will be in a position to test the increased 30% rate on its ICT system.

Adult Education

72. **Deputy Dan Neville** asked the Minister for Education and Skills his views on the back to education initiative programme (details supplied); and if he will make a statement on the matter. [7443/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am aware of the matter that the Deputy has raised and officials in my Department have contacted

the VEC and resolved the issue. I should advise the Deputy that currently participants in the Back to Education Initiative (BTEI) who would be eligible for the Youthreach or Senior Traveller Training Centre (STTC) programme may be eligible for a training allowance, on a pro rata basis. Budget 2011 provided for the phasing out of the STTC programme by June 2012 and therefore from that date, only Youthreach eligible BTEI participants may be eligible for pro rata training allowances.

Educational Disadvantage

73. **Deputy Dan Neville** asked the Minister for Education and Skills the position regarding funding under the higher education access route in respect of a person (details supplied) in County Limerick. [7518/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Higher Education Access Route (HEAR) is a third-level admissions scheme for students from socio-economically disadvantaged backgrounds. The scheme is operated by a number of higher education institutions and not by my Department. Admissions to the institutions under this programme are regulated by the institutions themselves. Further details are available at www.accesscollege.ie.

Higher Education Grants

74. **Deputy John Deasy** asked the Minister for Education and Skills the reason for the delay in processing a third level grant application in respect of a person (details supplied) in County Waterford for the academic year 2011/2012; and when payment will issue. [7273/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I understand that the awarding authority in this case, Waterford County Council, was awaiting outstanding documentation in order to process the application from the student referred to by the Deputy. This documentation has just recently been received and a decision will issue to the student shortly.

75. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if he will advise the family income thresholds for the awarding of a third level grant in respect of the school term starting in September 2012; and if he will make a statement on the matter. [7275/12]

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 with this detail.

Special Educational Needs

76. **Deputy John Lyons** asked the Minister for Education and Skills the position regarding the provision of a special needs assistant in respect of a child (details supplied) in Dublin 9; and in view of this child's pressing need for assistance, if he will expedite a decision on same. [7297/12]

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 and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

[Deputy Ruairí Quinn.]

The NCSE has now advised all mainstream schools, including the school referred to by the Deputy, of their SNA allocation for the current school year, taking into account the care needs of qualifying pupils attending the school. The NCSE recently published statistical information on SNA allocations on a county by county and school by school basis on its website www.ncse.ie.

The NCSE has retained a number of SNA posts in order to allocate them over the remainder of the school year in respect of emergency cases, new diagnosis, or appeals by schools. Should a school seek to have their SNA provision reviewed or make a new application, they should contact the NCSE in this regard. It is expected that schools, before requesting any review of their SNA provision, will be in a position to demonstrate that they have made every effort to manage their allocation of SNA posts to best effect.

77. Deputy Charlie McConalogue asked the Minister for Education and Skills if, in view of the recommendations made in the Children's Rights Alliance Report Card 2012, he will develop a blueprint for delivering the vital services and supports for children with special educational needs by finally publishing and executing the plan to implement the EPSEN Act; and if he will make a statement on the matter. [7313/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that a number of sections of the Education for Persons with Special Educational Needs (EPSEN) Act have already been commenced. The National Council for Special Education (NCSE) made recommendations which suggested that additional investment over a period of years of up to €235m per annum, across the education and health sectors, would be required to fully implement the EPSEN Act. My Department's opinion is that the level of investment required would be greater than that envisaged in the NCSE report.

In the light of the very difficult economic situation, and these significant costs, the previous Government deferred the full implementation of EPSEN. Given the costs involved and current fiscal constraints, addressing this issue will be very challenging. I will be considering how we can develop a plan to implement the objectives of the EPSEN Act so as to deliver improved educational outcomes for students with special needs.

School Accommodation

78. Deputy Dominic Hannigan asked the Minister for Education and Skills the position regarding a proposed school (details supplied); the proposed location of same; if it will open for September 2012; and if he will make a statement on the matter. [7322/12]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy is aware, approval has been given for the opening of a new primary school under the patronage of Educate Together in September 2012 in the area concerned. Arrangements for accommodation for this school are currently being advanced by my Department, in liaison with the Patron Body.

School Staffing

79. Deputy Michael McCarthy asked the Minister for Education and Skills the position regarding a teaching post at a school (details supplied) in County Cork; if the current base arrangement will be maintained following the review of learning support teachers due to be published shortly; and if he will make a statement on the matter. [7382/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The new simplified approach to the General Allocation Model of support for schools will make it easier to automatically update

it annually in line with the changes in the number of classroom teachers in each school. Schools will also have autonomy on how to deploy the resource between language support and learning support depending on their specific needs. The arrangements for the staffing allocation under the General Allocation Model (GAM) are specifically designed to facilitate GAM hours being clustered into full-time posts — either entirely within their own school or with a nearby neighbouring school. The new GAM allocations are being done in 5-hour blocks which is the equivalent of the tuition time for a full school day. Teachers that are in shared posts between schools can therefore operate local arrangements that enable their travel to a neighbouring school to be done, where possible, from the start of the school day thus avoiding loss of tuition time. Any re-clustering of learning support (GAM) and language support hours into full-time posts will be operated at school level with schools having greater autonomy rather than the previous Department led approach. However, because of the later timeline for the allocation of resource hours by the NCSE, schools will not be permitted to combine GAM and NCSE approved resource hours together into full-time posts.

My Department will be notifying schools in the coming weeks of the new staffing arrangements for 2012/13 school year.

Disadvantaged Status

80. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the format his review of cuts to the DEIS programme will take; if it will involve a one by one assessment of individual schools affected; and if he will make a statement on the matter. [7383/12]

81. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if he has corresponded directly with each primary school which will be affected by cuts under the DEIS programme; the way the primary schools will be affected; the way they may appeal the decision; and if he will make a statement on the matter. [7384/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 80 and 81 together.

As announced in the house on the 11th January, I have asked my Department for a report on the impact of the withdrawal of certain posts allocated under previous disadvantaged schemes in DEIS Band 1 and Band 2 primary schools. This report, which is currently being finalised, will detail the facts for each individual school affected by this measure, applying the most up to date enrolments for September 2011. In addition, the report will take account of the net effect of a range of factors on teacher allocations in these schools, for example increasing and decreasing enrolments and the reforms to the existing teacher allocations process, all of which will determine the staffing requirement for these schools for 2012/13 school year. It is only when the report is finalised and submitted to me that I will be in a position to make a decision on the final outcome for the individual schools involved. Schools will be notified in the coming weeks of their staffing entitlements under the new arrangements for 2012/13.

Special Educational Needs

82. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills if he has evaluated the National Council for Special Education's, The Education of Deaf and Hard of Hearing Children in Ireland policy advice paper; if he intends to implement any of the recommendations of the report; and if he will make a statement on the matter. [7386/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The National Council for Special Education (NCSE) published its policy advice on The Education of Deaf and Hard of Hearing Children in Ireland on 3 February, 2012.

[Deputy Ruairí Quinn.]

This paper provides a comprehensive blueprint for the development of Deaf and hearing impaired educational services. An implementation group will now be established to consider and implement the recommendations of this report. The group will be tasked with developing an implementation plan which will identify such recommendations that can be implemented on a cost neutral basis or without significant additional costs, while also planning for the implementation of further recommendations as soon as possible and as resources permit.

Teachers' Remuneration

83. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if students currently completing a masters qualification are entitled to the education allowances under the review being undertaken by the Department of Public Expenditure and Reform; and if he will make a statement on the matter. [7399/12]

84. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if a teacher who has a pass primary degree may avail of the masters allowance; and if he will make a statement on the matter. [7400/12]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 83 and 84 together.

Under Circular 70/2011 teachers who have been engaged in a public sector teaching post on or before 4 December 2011 are eligible to retain the allowances they were entitled to be in receipt of on that date. Existing teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011.

The position of existing teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances announced in Budget 2012 which is to be led by the Department of Public Expenditure and Reform.

Circular 3/2012 issued on 31 January 2012 provides that, pending the outcome of a review by the Department of Public Expenditure and Reform, allowances are not payable to new beneficiaries; ie those who become eligible for receipt of the allowance in question on or after 1 February 2012. Examples of such allowances include any form of qualification allowance or the supervision and substitution payment paid to teachers, and the secretary to the Board of Management allowance paid to school principals. The only exceptions to this prohibition are principal and deputy principal allowances.

85. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if teachers who were under the impression that the masters allowance would be available may claim back all college costs in lieu of the removal of the allowance; and if he will make a statement on the matter. [7401/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Under Circular 70/2011 teachers who have been engaged in a public sector teaching post on or before 4 December 2011 are eligible to retain the allowances they were entitled to be in receipt of on that date. Existing teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011.

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School Staffing

86. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will detail the number of early retirements taken in 2012 from schools in the following locations (details supplied); and if he will provide a breakdown of the retirements by school. [7430/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information sought by the Deputy is not compiled in the format sought. Officials in the Pension Unit of my Department are currently fully occupied addressing the pension benefit entitlements for those who are retiring at this time. The number of teachers in Primary Secondary, Community and Comprehensive schools who have applied to retire in the period 1 January to 29 February 2012 is 1,166. Information received from the Vocational Education Sector indicate that 220 teachers have applied to retire in that sector during that period. A circular was issued by my Department, in July, 2011 requesting School Boards of Management to inform all staff in their schools (who are members of an occupation pension scheme) who intend to retire on or before 29 February 2012 that they are required to give 3 calendar months' notice of their date of retirement. The circular also stated that a notification may not be withdrawn on or after the date indicated as the last day of service. It was pointed out in that circular that failure to give the required notice could result in a delay in payment of pension benefits.

Accordingly, the actual number retiring will not be accurately known until after 29 February, 2012. When the work of processing pension benefits for those retiring has been addressed it is intended to commence work on compiling detailed statistical data on the number of teachers who retired and to publish this information on my Departments' website.

It is important to stress that any vacancies left by retiring primary and post-primary teachers may be filled in a temporary capacity for the remainder of the school year in accordance with the existing recruitment procedures. I am confident that the large pool of qualified and registered teachers will be in a position to continue to provide high quality education to students.

Teaching Qualifications

87. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills further to Parliamentary Question No. 222 of 31 January 2012, the number of teachers in total currently carrying out their probationary period in Limerick; the nationwide figure for teachers who are on their probationary period; of the national figure, the number carrying out their probationary period through the national internship programme; and if he will make a statement on the matter. [7436/12]

Minister for Education and Skills (Deputy Ruairí Quinn): There are currently 37 teachers carrying out their probationary period in Limerick City and 54 in Limerick County which means there are 91 in total carrying out their probationary period in Limerick.

There are 2,132 teachers carrying out their probationary period nationally and of these 16 are carrying out their probationary period through the national internship programmes — FÁS Work Placement Programme and JobBridge.

Proposed Legislation

88. **Deputy Brendan Smith** asked the Minister for Education and Skills when it is proposed to publish the legislation in respect of the establishment of the Statutory Trust Fund; and if he will make a statement on the matter. [7488/12]

Minister for Education and Skills (Deputy Ruairí Quinn): Work on the drafting of the Residential Institutions Statutory Fund Bill is at an advanced stage and I hope to be in a position to publish the Bill in the coming weeks.

Departmental Expenditure

89. **Deputy Jim Daly** asked the Minister for Education and Skills the cost of payments to teachers and staff under different headings other than basic salary for each of the past five years in tabular form; and if he will make a statement on the matter. [7494/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested by the Deputy in relation to teachers in Primary, Secondary, Community and Comprehensive Schools is being compiled and will be forwarded directly to him. My Department does not pay allowances to other staff in these schools. My Department does not hold information on payments other than basic salary to employees of vocational education committees (VECs). Each VEC is a separate employer operating its own payroll system and, accordingly, the information sought would require an inordinate amount of administrative time to compile.

European Globalisation Fund

90. **Deputy Michael McNamara** asked the Minister for Education and Skills the number of the 8,779 redundant construction workers who were notified on the 19 of December 2011 that they were eligible for access to European Globalisation Fund training grants, that have notified the Department of their interest to apply for European Globalisation Fund funding; and if he will make a statement on the matter. [7502/12]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Full details and statistical information on the number and types of responses from the cohort of 8,779 redundant workers who were notified by the Department of relevant EGF services under the EGF construction programmes on 19 December 2011 are contained in a report prepared recently for the Department by WRC Social and Economic Consultants Ltd. who are providing certain administrative and technical support services to programmes funded by the EGF in Ireland. The WRC report specifically covers the period from the date of the notification letters outlining additional EGF services to the 8,779 redundant workers which issued on 19 December 2011 and the 27th January 2012. The report will be made publicly available in the next few days on the Department's dedicated website www.egf.ie. A copy of the report will be issued to the Deputy for his information by the Department. Based on data supplied to date by relevant service providers, the Department estimates that at least 4,500 EGF related interventions have been commenced in the areas of guidance, training and third level education for this particular cohort of redundant workers prior to the period covered by the WRC report.

Departmental Bodies

91. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7525/12]

Minister for Education and Skills (Deputy Ruairí Quinn): The following have been established since my appointment as Minister for Education and Skills:

(1) Advisory Group to convene the Forum on Patronage and Pluralism in the Primary Sector

In addition to convening the Forum, the Advisory Group was required to receive and distil the various views and perspectives of participants and thereafter to provide the Minister with policy advice having regard to the Forum's terms of reference. The Advisory Group held a number of meetings in public (22-24 June and 17th November) and received almost 250 submissions from the public as part of its work. The Advisory Group will present its report to the Minister shortly.

(2) Student Grants Appeals Board

This Appeals Board was established under Student Support Act 2011 (Student Grants Appeals Board) (Establishment Day) Order 2011, S.I. 451 of 2011, with the 8th September 2011 appointed as the establishment day for the purposes of subsection (2) of section 25 of the Student Support Act 2011. The Board is independent in the performance of its functions. Its establishment allows students who have applied for a grant under the 2011/12 student grant scheme and subsequent schemes to have any appeals determined by the Board.

(3) SOLAS Implementation Group

This Implementation Group is chaired by the Minister of State with responsibility for Training and Skills, Ciarán Cannon T.D. Membership of the Implementation Group includes representatives from the Department of Education and Skills, FÁS, the Irish Vocational Education Association (IVEA) and the Department of Social Protection. The consultation process with key stakeholders is currently underway. The Implementation Group will develop an Action Plan to implement the changes necessary to put SOLAS in place following the passing of the relevant legislation in 2012. The Group reported to the Cabinet Committee on Economic Recovery and Jobs on progress in November in keeping with the Government decision on the creation of SOLAS.

(4) The Literacy and Numeracy Implementation Advisory Group

This Group met for the first time in December 2011. The membership consists of representatives of Government Departments and agencies with implementation responsibilities as well as national and international experts in the field of literacy and numeracy. The Group will review progress and advise on the implementation of the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020.

(5) Advisory Group on Suitability of Qualifications for Higher Capitation Rates

This group was established in October to advise the Department of Children and Youth Affairs on the equivalence of qualifications in other disciplines to a Level 7 Qualification in early Childhood Care and Education. The composition of the group included representatives from the National Qualifications Authority of Ireland, the Irish Universities Association, Ireland's Institutes of Technology and from both my Department and the Department of Children and Youth Affairs. The group has completed its work.

(6) Junior cycle Implementation Advisory Group

The general remit of the Group is to advise on and progress the implementation of the proposals on Junior cycle reform. The composition of the group includes representatives

[Deputy Ruairí Quinn.]

from my Department, the National Council for Curriculum and Assessment, the State Examinations Commission, School Management, Principals and Teacher unions and Parents.

(7) New Schools Establishment Group

In June 2011 I announced that twenty new primary schools and twenty new post-primary schools are to be established in the next six years. I also announced the establishment of new arrangements for the recognition of new primary and post-primary schools. These new arrangements included the establishment of a New Schools Establishment Group which will advise me on patronage of the new schools following its consideration of a report on the applications received to be prepared by the Department.

The Deputy may wish to note the following:

- In June 2011, the functions of the National Educational Welfare Board transferred to the Department of Children and Youth Affairs.
- Since September 2011, the National Centre for Technology in Education (NCTE) is within the remit of Dublin West Education Centre alongside the Department's largest support service, the Professional Development Service for Teachers (PDST).

The Deputy will also be aware that there are a number of major structural reform projects and other initiatives being progressed in the Education sector (of which some are included in the Public Sector Reform Plan published by the Department of Public Expenditure and Reform last November). These include: The establishment of SOLAS, the new agency to reform, co-ordinate and fund further education and training programmes including developing a seamless interaction with the National Employment and Entitlement Service (NEES) on activation measures. The amalgamation of the 33 Vocational Education Committees (VECs) / establishment of 16 Education and Training Boards (ETBs). The ETBs will take over the work of VECs and will have an expanded role in the delivery of further education and training across the country. A single awarding authority for student grants. City of Dublin VEC will operate as the new single student grant awarding authority to replace the existing 66 grant awarding bodies. Implementation of the new arrangements are being phased in from 2012/13 academic year. The consolidation of Higher Education provision under the Strategy for Higher Education to 2030. The establishment of the Qualifications and Quality Assurance Authority of Ireland which involves merger of the National Qualifications Authority, FETAC and HETAC. The merger the Irish Research Council for Science, Engineering and Technology and the Irish Research Council for the Humanities and Social Sciences into a consolidated single council under the HEA. It is also proposed to dissolve the Education Finance Board on the establishment of the Residential Institutions Statutory Fund. I intend to publish the necessary legislation at the earliest opportunity.

Departmental Expenditure

92. **Deputy Jim Daly** asked the Minister for Public Expenditure and Reform the cost of salary increments, bonus payments and all irregular payments other than basic salary to public sector workers across all grades in tabular form for each of the past five years. [7490/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I refer to my reply to Question No. 4177/12 of 27 January in relation to the cost of increments in 2012. The data sought by the Deputy is not available to my Department.

Pension Provisions

93. **Deputy Jim Daly** asked the Minister for Public Expenditure and Reform the number of persons that receive a retirement pension in excess of €50,000 annually; the total cost of such payments after each recipient has been paid an amount of €50,000; and if he will make a statement on the matter. [7491/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): On the basis of data provided by the Office of the Paymaster General, the number of Civil Service pensioners in receipt of pensions in excess of €50,000 is 645. The estimated yield from capping Civil Service pensioners at €50,000 is of the order of €10 million.

The data for the wider Public Service would be a matter for the respective line Departments.

94. **Deputy Jim Daly** asked the Minister for Public Expenditure and Reform the savings that would be achieved if all lump sum payments to public servants at retirement were to be capped at €100,000 on a temporary basis; and if he will make a statement on the matter. [7493/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): My Department has responsibility for administering the pension of 40 per cent of retiring civil servants. On the basis of data provided by the Office of the Paymaster General, the estimated saving from capping lump sums in 2011 of this group who have lump sums over €100,000 is €4.7 million.

Based on the above estimate, the other 60 per cent of civil service retirees could add a further €7 million approximately, giving a total saving of around €12 million, if their lump sums were capped at €100,000.

The data for the wider Public Service would be a matter for the respective line Departments.

Public Sector Staff

95. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform in view of the fact that the number of persons expected to leave the public service at the end of February 2012 is now known, if he will provide details of the estimated gross salary saving in 2012; the additional pension costs that will be incurred in 2012; the amount of the lump sums that will be paid in 2012; and if he will make a statement on the matter. [7424/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government's public service numbers target for 2012 is 294,000. It is estimated that meeting this target will yield gross Exchequer pay bill savings of €400m in 2012 over the 2011 estimate of €15.7bn. The Budget 2012 allocation for public service pensions is €3bn, an increase of €100m over the REV 2011 estimate. The Budget 2012 allocation for lump sum payments to public service retirees this year is €600m.

Exchequer Savings

96. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the way the payment of lump sums to the public servants retiring at the end of February 2012 will be accounted for in the monthly Exchequer returns and the national accounts; and if he will make a statement on the matter. [7425/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The payments of lump sums for public servants retiring before the expiry of the grace period on 29th February 2012 will be accounted for in a manner consistent with the treatment of pension and lump sum

[Deputy Brendan Howlin.]

payments as they are currently presented in the Monthly *Exchequer Statement* and in the *Revised Estimates Volume*.

The Exchequer Statement presents a high level, cumulative, monthly account of Exchequer receipts and expenditure. In the Statement net voted expenditure is presented on a Departmental basis and as such does not classify lump sum payments separately. Expenditure ceilings for each Vote have already been set out in the *Comprehensive Expenditure Report 2012 — 2014*, published on 5 December, and will be further detailed in the publication of the *Revised Estimates for Public Service 2012* in late February. This document will present estimates for pensions across all Vote areas in table 5.

Public Sector Staff

97. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform the numbers of persons employed in the public sector, including the Health Service Executive, broken down by Department or unit whose gross salary as of the latest date available was in each of the following bands (details supplied); and if he will make a statement on the matter. [7500/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I refer to my reply to Question No. 1329/12 of 11 January 2012. The data in the format sought by the Deputy (broken down by Department or unit) is not available to my Department.

Departmental Bodies

98. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7532/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's question the following bodies under the aegis of my Department were set up or abolished since February 2011.

Governance structures have been put in place to support the delivery of the HR Shared Service Centre (HRSSC). These include the setting up of the HRSSC Management Board which is accountable for project delivery, budget and cost benefit analysis.

The HRSSC Design Authority which is accountable for the design of quality HR processes, staffing and technology which deliver the value outlined in the cost benefit analysis.

The HRSSC Working Group responsible for attending workshops and providing input and discussion on current and future HR service provision.

The Senior Public Service (SPS) Management Committee was established in December 2011 in order to oversee issues including leadership development and mobility for the Senior Public Service.

The Civil Service Workforce Planning Group was established in 2011 to assist civil service departments and offices (and non-commercial state bodies) in the preparation of Workforce Action plans and the exchange of experience and best practice in this area.

The Decentralisation Implementation Group which had not met since April 2010, was formally disbanded on foot of the cancellation by Government of the Decentralisation Programme in November 2011.

National Lottery Funding

99. **Deputy Maureen O’Sullivan** asked the Minister for Public Expenditure and Reform further to Parliamentary Question No. 128 of 12 January 2012, if he will accept that, while An Post National Lottery Company does not have any role in relation to the way the surplus generated by the national lottery is distributed, it could play a role in rendering accessible such information as there is on the mechanics of that distribution; if he sees scope for the board to organise to compile a compendium report that would detail each year’s national lottery surplus expenditure, compiled from an analysis of individual departmental Votes and subheads; if he will agree that the identity of those who received National Lottery and dormant accounts funding, and objects to which such funding is applied in practice, are legitimate matters of public interest; and if his attention has been drawn to the National Lottery Beneficiary Compendium, published by the Government of which he was a member and if he sees that model being replicable today. [7536/12]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The case which the Deputy makes for information regarding the distribution of funding raised by the National Lottery to be made available by the National Lottery Company is noted. However, for the past number of years, funding raised by the Lottery has only part-funded various programmes across a range of Votes. The remaining funding comes from the exchequer. It is not possible to indicate the amount or percentage of Lottery funding provided to any individual Vote or sub-head or indeed to any individual grant. Therefore, it is no longer feasible to compile a list of programmes or organisations that receive Lottery funding per se as it is now not possible to indicate the level of funding that they receive specifically from the Lottery.

As I indicated in my reply to your previous Parliamentary Question on 12th January 2012, for the past number of years, each Government Department with responsibility for expenditure that is part-funded by the National Lottery surplus publishes details of such expenditure (including lists of recipient organisations and amounts involved) on the Department’s website. In view of this, there are no plans to prepare an updated National Lottery Beneficiary Compendium.

Departmental Agencies

100. **Deputy Jack Wall** asked the Minister for Jobs, Enterprise and Innovation the progress that has been made regarding the sale of Industrial Development Agency lands (details supplied) in County Kildare; and if he will make a statement on the matter. [7320/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Under the Industrial Development Acts 1986-2006, IDA Ireland has the power to acquire, hold and dispose of land, and any other property or any interest therein, for the purpose of facilitating an industrial undertaking.

I am informed by IDA Ireland that the agency holds approximately 1.57 hectares of land at Castledermot, Co. Kildare. In line with IDA Ireland’s Property policy this land, which is zoned for general development under the Castledermot Local Area Plan 2009, is currently for sale on the open market through auctioneers Lisney/Conway. Offers from interested parties should be directed to Lisney/Conway or the Property Management Division in IDA Ireland.

The lands are being sold with the benefit of Freehold Title.

Pension Provisions

101. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation if he

[Deputy Michael McGrath.]

will set out the details of the severance package arrangements agreed with a person (details supplied). [7422/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Mr Appleby is retiring under the terms of the Cost Neutral Retirement Scheme on 29 February 2012. He will be entitled to an actuarially reduced pension and lump sum. Mr. Appleby will be entitled to receive his lump sum on his retirement date. However, his pension will be abated for the period that he has agreed to remain on in his post in an acting capacity. Under the terms of Mr. Appleby's fixed term contract as Director, he will also be entitled to two weeks pay on its termination.

Work Permits

102. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation if a work permit might be granted in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7484/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Department of Justice and Equality determines the immigration status of persons within the State. A student on an Immigration Stamp 2, issued by the Department of Justice and Equality, is permitted to remain in Ireland to pursue a course of studies and is permitted to engage in casual employment which is defined as not more than 20 hours per week during term, and up to 40 hours per week during holidays. A student on a Stamp 2 is prohibited from engaging in full time employment and cannot be issued with an employment permit unless they have been granted permission to remain by the Department of Justice and Equality under the "Third Level Graduate" or the "Timed-Out Student" Schemes.

Full details of both of these Schemes can be found on the Department of Justice and Equality website at <http://www.inis.gov.ie/en/INIS/Pages/Students>. The purpose of the permission to remain in the State under these Schemes is to seek employment and apply for a Green Card or Work Permit under normal criteria.

I wish to advise the Deputy that it is current Government policy to issue new employment permits only in respect of:

- highly skilled, highly paid positions or;
- non-EEA nationals who are already legally resident in the State on valid employment permits or;
- positions requiring specialist or scarce skills, expertise or qualifications which, otherwise, cannot be filled.

Departmental Bodies

103. **Deputy Éamon Ó Cuív** asked the Minister for Jobs, Enterprise and Innovation the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7530/12]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): In relation to the various bodies to which the Deputy refers, the following table sets out details of the new Groups and Committees that I have established since I assumed office in March 2011:

Name of Committee / Advisory Group / New Position	Purpose	Date Established
Copyright Review Committee	To review the Copyright and Related Rights Act 2000 in the context of its operation in the digital environment.	May 2011
Advisory Group on Small Business	To facilitate structured and regular dialogue between the Minister and representatives of the small business sector on issues of interest. The membership is focused on people engaged in and having direct experience in running a business.	June 2011
Cloud Computing Implementation Group	To support the implementation of the commitment in the Programme for Government on Cloud Computing.	June 2011
Steering Group on Small and Medium-sized Enterprises (SME) Access to Public Procurement	To examine further opportunities to improve SME participation in tendering for public contracts.	July 2011
Inter-Departmental Committee on the Internal Market and Services Directive	The Committee will enhance cross-Departmental consultation and coordination in the context of the EU's Single Market priorities, in particular with regard to the EU's Single Market Act and the on-going implementation of the Services Directive.	The inaugural meeting will take place on 23rd February 2012
Implementation Group on Streamlining of Employment Dispute Resolution Bodies	To advise on, support the integration of employment resolution bodies	July 2011

No bodies of the nature outlined by the Deputy have been formally abolished in this period. In terms of agencies under my Department's remit, there are currently 13 State Agencies supporting us in our work. These are, Enterprise Ireland, IDA Ireland, Science Foundation Ireland, Shannon Development, the 35 County and City Enterprise Boards, the National Standards Authority of Ireland, the InterTradeIreland (the North/South Trade and Business Development Body), Forfás, the National Consumer Agency, the Competition Authority, the Irish Auditing and Accounting Standards Authority, the Personal Injuries Assessment Board, and the Health and Safety Authority. In relation to the abolition of such organisations and bodies, my Department is working to effect the merger of the National Consumer Agency (NCA) and the Competition Authority. As work on a review of the operation and implementation of the 2002 Competition Act was well under way, rather than give effect to the amalgamation of the NCA and Competition Authority in a stand-alone piece of legislation, to be followed in due course by legislation to amend, reform and update the 2002 Act, it was decided to introduce a single comprehensive Bill. The Government approved the drafting of the Consumer and Competition Bill in July 2011. It is expected that drafting of this Bill will be completed later this year.

In relation to the Employment Rights and Industrial Relations bodies within my Department's remit, I have announced my intention to streamline the work of five bodies dealing with employment disputes in the workplace into a two-tier structure. Four of the existing bodies — the Employment Appeals Tribunal, the National Employment Rights Authority, The Labour

[Deputy Richard Bruton.]

Relations Commission and the Labour Court — are currently within my remit. One of them — the Equality Tribunal — is currently within the remit of the Minister for Justice and Equality. I expect this reform and streamlining project to deliver a measurable improvement in the quality of services provided to users of the State's employment rights and industrial relations dispute resolution services and reduce the burden of accessing such services for users and reduce costs to the State. I have announced an ambitious timeline for delivery, including a number of initiatives that have already been delivered, including a single portal of entry for all claims, a single website containing all relevant information and a single application form for workplace dispute complaints.

Regarding the Enterprise agencies, I am considering how the policy and research functions of Forfás could be integrated with my Department's resources to further enhance the formulation and development of national enterprise policy. As agencies operating under the aegis of my Department, the 35 County and City Enterprise Boards support micro-enterprises (employing up to ten people) in the start-up and expansion phases and also promote economic activity and entrepreneurship in their areas. Work is well advanced in my Department on determining the extent of a restructuring of the network of County and City Enterprise Boards in a way that brings greater cohesion to the way that local enterprise supports are embedded into the national enterprise policy framework and interact with key local stakeholders. My intention is to ensure appropriate and targeted local delivery of enterprise supports within the context of national enterprise policy in a manner which eliminates overlap and duplication and provides an enhanced focused model for entrepreneurs.

Redundancy Payments

104. **Deputy Michael McCarthy** asked the Minister for Social Protection when a company (details supplied) in County Cork will receive its employer rebate of statutory redundancy payments; the reason for the delay in processing same; and if she will make a statement on the matter. [7274/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy rebate claim in respect of the company concerned was received on 28 June 2011. We are currently processing redundancy rebate claims received in May 2011.

Social Welfare Appeals

105. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding an appeal for carer's allowance in respect of a person (details supplied) in County Sligo. [7281/12]

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 26 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When they have been received, the appeal in question will be referred 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.

106. **Deputy Martin Heydon** asked the Minister for Social Protection the position regarding an appeal for invalidity pension in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7282/12]

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 15 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 16 January 2012 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Questions Nos. 107 and 108 withdrawn.

109. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [7321/12]

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 24 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 14 November 2011 and the appeal was assigned to an Appeals Officer on 30 January 2012 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

110. **Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Mayo; and when a decision may be expected. [7324/12]

Minister for Social Protection (Deputy Joan Burton): I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

Redundancy Payments

111. **Deputy Michelle Mulherin** asked the Minister for Social Protection when the processing of a RP50 redundancy payment from the social insurance fund will be complete in respect of a person (details supplied) in County Mayo; and when payment will issue. [7325/12]

Minister for Social Protection (Deputy Joan Burton): There is no record of any redundancy lump sum claim in respect of the person concerned. My officials have discussed the matter directly with the person concerned.

Social Welfare Appeals

112. **Deputy Paschal Donohoe** asked the Minister for Social Protection when a domiciliary

[Deputy Paschal Donohoe.]

care allowance appeal will be finalised in respect of a person (details supplied) in County Mayo. [7327/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeals from the person concerned were referred to an Appeals Officer who proposes to hold an oral hearing in these cases.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Fraud

113. **Deputy Brendan Smith** asked the Minister for Social Protection if she will clarify the view or perception that some self-employed persons, for example, tradesmen, mobile repair persons and others who need and use commercially taxed and insured vehicles to operate, are claiming jobseeker's allowance while working and thus defrauding the system; if there is any sharing of data between the Departments to combat such abuse; if data such as cross-checking lists of names of persons taxed and insured for driving commercial vehicles is permissible; her plans to set up such checking; if any pilot scheme specifically targeted at this perceived abuse has taken place; if same can now be put in place; and if she will make a statement on the matter. [7335/12]

Minister for Social Protection (Deputy Joan Burton): The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of the Department which processes in excess of 2 million claims each year and makes payments to some 1.4 million people every week. However, it is important to recognise that the vast majority of people are receiving the entitlement due to them.

Self-employed people can apply for the means-tested Jobseeker's Allowance (JA) if their business ceases or if they are on low income as a result of a downturn in demand for their services. Self-employed customers do not have to de-register as self-employed persons in order to claim (JA).

Legislation provides for the assessment of 'all income in cash and any non-cash benefits which the person or his or her spouse may reasonably expect to receive during the succeeding year'.

Where the income in the coming 12 months is not readily ascertainable, the income for the last 12 months is taken as a guide, allowing for any factors which it is known will vary.

If the means of the family are equal to or in excess of the family rate payable on (JA) then the claim is disallowed.

If a self-employed person's situation changes after they have made an initial claim for (JA), they can apply to have their means reviewed in the light of their changed circumstances. In

addition, it is open to the individual if he or she is dissatisfied with the means assessed to appeal to the Social Welfare Appeals office.

My Department has a wide ranging programme to combat social welfare fraud and abuse. The Fraud Initiative 2011-2013 takes a revised and renewed approach to the challenges posed by social welfare fraud and sets out a range of actions to ensure an integrated approach to the prevention, deterrence and detection of social welfare abuse across the Department's services.

The emphasis of the Department's control activities is on direct intervention and engagement. High visibility operations by the Department's Special Investigation Unit are regularly and systematically undertaken. The effectiveness and cost-benefit of these operations and projects are continuously analysed and operational experience critically informs whether to continue, escalate or terminate the specific projects. New control projects will be developed and introduced, where appropriate. In the context of self-employed trades people who may be engaged in social welfare fraud, a range of specific activities are being undertaken in the under the Fraud Initiative including:

- Where intelligence or reliable reports are received about persons engaged in concurrent working and claiming or under declaration of income, reviews of eligibility are immediately undertaken;
- A series of high visibility site visits and employer inspections are systematically conducted to detect incidences of social welfare fraud. These visits and inspections are undertaken in those sectors where the risk of fraud is most prevalent; and
- Multi agency checkpoints are undertaken with the Garda Traffic Unit and Revenue. Persons driving commercially taxed vehicles are interviewed as part of these projects.

My Department will continue to use data matching as an effective tool to curb abuse of the social welfare system.

To date, the Department has not undertaken specific analysis of persons driving commercial vehicles but as the Deputy is aware, legislation permits data sharing between Government departments and agencies for control purposes. Section 261(2) of the Social Welfare (Consolidation) Act, 2005 permits the Department to share data with another Department or specified body for control purposes in the administration of the Social Welfare Acts and does so on individual basis. The suggestion made by the Deputy can be examined in that context.

Social Welfare Appeals

114. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [7341/12]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence, partially allowed the appeal of the person concerned. The person concerned was notified of the Appeals Officer decision on 30 January 2012.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

115. **Deputy Pat Breen** asked the Minister for Social Protection the reason a person (details supplied) in County Clare has not been facilitated; and if she will make a statement on the matter. [7347/12]

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 24 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 28 November 2011 and the appeal was assigned to an Appeals Officer on 27 January 2012 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Question No. 116 withdrawn.

Social Welfare Benefits

117. **Deputy Seán Conlan** asked the Minister for Social Protection her views that a delay of eight months and more in the processing of carer's allowance applications is acceptable; and if she will make a statement on the matter. [7369/12]

Minister for Social Protection (Deputy Joan Burton): The average time taken to award a claim for carer's allowance to quarter ended Sept 2011 was 17 weeks. The average time to award for the last quarter of 2011 is unavailable as, due to the phased introduction of a new claims processing system in the carer's allowance area, new claims are being processed on the new system while older claims are still being processed on the old system.

Although the average processing time is not at the eight month level indicated by the Deputy I share his concern at the length of time taken to process Carers' claims. I am however satisfied that the Department is taking a number of initiatives that will see performance improve over the coming months.

As mentioned above, a major service delivery modernisation project is underway to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process re-organisation. The first tranche of new carer's allowance claims began to be processed under the new system in August 2011. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This has had a short-term negative impact on claim processing times which is expected to continue until the completion of the modernisation project when all existing carer's allowance claims will be transferred onto the new processing system.

I acknowledge that the time taken to process carer's allowance claims at present is not satisfactory but I am satisfied that the Department is taking appropriate steps to resolve the situation. In addition to dealing with the approximately 330 new carer's allowance applications that are received each week, overtime working is being applied to help reduce backlogs that have built up chiefly as a result of the effort associated with the service delivery modernisation project. As a consequence the Department has made progress in addressing claim backlogs with the number of applications awaiting a decision at present down by c12% from 8,540 at the beginning of September 2011 to 7,552 in January.

While the new systems and processes will facilitate a significant improvement in overall processing times, it should be noted that the intake of new carer's allowance applications continues to increase and that individual claims may continue to take some time to process. Entitle-

ment to carer's allowance is based on satisfying medical, means and residency conditions. In determining entitlement to the allowance, in certain cases unavoidable time lags are involved in making the necessary investigations and inquiries to enable accurate decisions to be made. Delays can also arise if those applying for the allowance are not in a position to supply all the necessary information in support of their claim.

Finally, if a person's means are insufficient to meet his or her needs while awaiting a decision on a claim, he or she can apply for a means tested supplementary welfare allowance payment from their local community welfare officer.

118. **Deputy Seán Conlan** asked the Minister for Social Protection the steps she will take to shorten processing times for social welfare applications; and if she will make a statement on the matter. [7370/12]

Minister for Social Protection (Deputy Joan Burton): My Department is committed to delivering the best possible service to its customers. All scheme areas are subject to continuous business process improvement supported by modern technology, the potential of which is continuously harnessed and applied to maximum effect. Claims are processed in the most efficient and expeditious way possible, having regard to the eligibility conditions that apply to each scheme and to ensure insofar as is possible that funding is targeted at those most in need.

Processing times vary across schemes because of both the volume of applications and the differing qualification criteria. For example, means assessments are required for all of the social assistance schemes; medical examinations are required for some of the illness related schemes and customers must also satisfy the habitual residence conditions. In the case of the insurance-based schemes, it may be necessary to ascertain details of foreign insurance records.

In managing these issues the Department has also had to adapt to a large increase in the volume of claims as economic conditions deteriorated and the scope of schemes was expanded. In order to meet this challenge, the department has embarked on a major programme of process redesign and modernisation, including the deployment of new computer systems. Arrangements have also been made to augment Departmental resources and increase the staff numbers available to process claims.

For example, since May 2008, 900 staff have been assigned to my Department, mainly through the transfer and redeployment of staff from other Government departments. These staff have filled additional posts and critical vacancies in local offices, support units, scheme areas and the Department's inspectorate. In addition, the Department has recruited new medical assessors and appointed additional staff to the social welfare appeals office. The Department also makes judicious use of overtime and employs temporary staff as appropriate to address particular service issues as they arise.

In order to offer a more streamlined, efficient and integrated service to customers, the Department is also undergoing a process of intensive organisational change in establishing the new National Employment and Entitlements Service (NEES). The establishment of the NEES under the management of my Department brings together the Community Welfare Service (CWS), the Employment Services and Community Employment Programmes of FÁS, the Rural Social Scheme and Community Services Programme from the Department of Community, Equality and the Gaeltacht and the Redundancy and Insolvency Schemes from the Department of Enterprise, Trade and Innovation.

It is my intention that the NEES will integrate all employment and benefit support services in a single delivery unit. This new service will provide a coherent integrated and more personal-

[Deputy Joan Burton.]

ised service to customers and will help minimise the duplication that characterised services which were provided separately in the past.

119. **Deputy Brian Walsh** asked the Minister for Social Protection if the employer job, PRSI, incentive scheme is to be extended for 2012; and if she will make a statement on the matter. [7374/12]

Minister for Social Protection (Deputy Joan Burton): This matter is being considered in the context of the 2012 Action Plan for Jobs.

Community Employment Schemes

120. **Deputy Robert Troy** asked the Minister for Social Protection the position regarding cuts to community employment schemes, where CE contracts expire on the 06 April 2012, the reason the material allowance has been reduced from €20 a week to €10 a week since 1 January 2012 and training has been proposed since November 2011, and if this situation is to remain. [7377/12]

Minister for Social Protection (Deputy Joan Burton): The reductions in training and employment grants were decided in the context of the available reports on Community Employment and the need to ensure that expenditure is targeted appropriately.

My Department will seek to minimise the effects of these changes on those schemes most affected and will examine the income and expenditure of schemes with reference to their capacity to absorb the changes made to the grant. The National Training Fund will provide €4.2 million for training on CE in 2012. In addition, SOLAS will continue to provide access to its training programmes to CE participants. The need for training on CE varies depending on the needs of participants and how long they have already been on the scheme and the training already received.

In the event that the changes in the training and material grant announced in the budget create financial difficulties for schemes, my Department will continue to provide funding for those schemes until the completion of the financial review. The internal guidance to officials is that up to €1,000 may be available to a scheme in respect of the training and materials grant for this year, subject to demonstration of need. Any training that has been fully approved through the Individual Learning Plan prior to Budget 2012 will be funded.

I would like to stress also that community employment participants can continue to avail of education and training programmes that are available to them free of charge from existing State-funded providers.

Social Welfare Benefits

121. **Deputy Ciarán Lynch** asked the Minister for Social Protection if a contributory pension is being unreasonably denied to a person (details supplied) in County Cork when Revenue have confirmed no outstanding PRSI liability; and if she will make a statement on the matter. [7378/12]

Minister for Social Protection (Deputy Joan Burton): A claim for a State pension (contributory) was received from the person concerned on 31 August 2011. The claim was disallowed on 7 November 2011 as he had an outstanding PRSI (self-employment) liability, and the reason for this decision was communicated to him on that date.

The Department has today been advised by Revenue that the PRSI liability has been fully discharged by the person concerned. He has now been awarded State pension (contributory) and arrears due will issue shortly.

122. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the grounds on which carer's allowance was refused in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7466/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned was refused carer's allowance on two separate issues, firstly on the grounds that she is working outside the home for more than 15 hours per week and secondly that the care recipient is not so invalided or disabled as to require full-time care and attention as laid down in legislation. On 25 January 2012, she was notified of this decision and the reasons for it.

Following recent communication from her employer the actual number of hours worked per week has now been clarified and her claim is currently being reviewed. She will be notified of the outcome of the review shortly.

Employment Support Services

123. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the employment options available through various incentive schemes in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7467/12]

Minister for Social Protection (Deputy Joan Burton): A Departmental facilitator has been in touch with the person concerned and has made arrangements to meet him next week in Maynooth health centre to advise him of the education, training and employment supports that are available to him.

Social Welfare Benefits

124. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if back to education allowance is payable in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7468/12]

Minister for Social Protection (Deputy Joan Burton): To qualify for back to education allowance (BTEA) a person must secure a place on an approved course of education and satisfy the qualification conditions immediately prior to the commencement of the first year of the course.

If the persons concerned are due to commence a full-time second or third level course of education they should complete an application form for BTEA. A deciding officer can then decide on their eligibility based on the facts presented on their application forms.

125. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if rent allowance is payable in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [7469/12]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been in receipt of rent supplement since 5 August 2011. She is in receipt of her full entitlement based on her household circumstances. There is no record of a rent supplement application in respect of her sister. If the person concerned wishes to apply for rent supplement she should complete an application form and return it to the Central Rents Unit, PO Box 11758, Dublin 24.

126. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason rent arrears as of the 18 May 2010 were not paid in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7470/12]

Minister for Social Protection (Deputy Joan Burton): All arrears of rent allowance due to the person concerned were paid in three payments between April and July 2010.

Redundancy Payments

127. **Deputy Michael Moynihan** asked the Minister for Social Protection when redundancy payment will issue in respect of a person (details supplied) in County Cork. [7497/12]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 28 July 2011. We are currently processing redundancy lump sum claims received at the start of June 2011.

Departmental Expenditure

128. **Deputy Michael McNamara** asked the Minister for Social Protection the number of landlords in receipt of rent allowance nationally; the annual cost to the Exchequer; and if she will make a statement on the matter. [7503/12]

129. **Deputy Michael McNamara** asked the Minister for Social Protection the amount of moneys paid annually to landlords, for rent allowance in the Ennis area, County Clare; and if she will make a statement on the matter. [7504/12]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 128 and 129 together.

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.

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 in general made to the tenant and not to the landlord. 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 number of persons claiming rent supplement increased from almost 60,200 persons in 2005 to over 96,800 as at end 2011, a 61% increase. The number of recipients for Clare during the same period rose from 1,233 to 1,961, a 59% increase.

Since 2005, rent supplement expenditure has increased from €369 million to a provisional outturn of €503 million in 2011. Information on expenditure by county is not available.

Social Welfare Appeals

130. **Deputy Pearse Doherty** asked the Minister for Social Protection the reason for the delay in the hearing of an illness benefit appeal in respect of a person (details supplied); and when the person may expect a final decision on the matter. [7510/12]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Code

131. **Deputy Eric Byrne** asked the Minister for Social Protection in view of her new guidelines for community welfare officers in processing requests for financial supports for Catholic children celebrating their First Holy Communion and Confirmation, the assistance available to other religious faiths for example, Jewish boys and girls to celebrate their Bat Mitzvah/Bar Mitzvah or Muslims to complete the Hajj in view of the cultural and religious diversity that now exists here, if she will outline her supports for non-Catholic faiths seeking financial supports; and if she will make a statement on the matter. [7514/12]

Minister for Social Protection (Deputy Joan Burton): Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off, exceptional expenditure, which a person could not reasonably be expected to meet out of their weekly income. These ENP payments are a vital component of the SWA scheme and link the income support function of the scheme with the wider welfare role of the Department's community welfare service.

There is no automatic entitlement to a payment, or no predetermined amounts under the different categories for exceptional needs payments. ENP's are payable at the discretion of the officers administering the scheme taking into account the requirements of the legislation and all the relevant circumstances of the case in order to ensure that the payments target those most in need of assistance.

A review of the guidelines on Exceptional Needs Payments has recently been carried out by the Department by a working group made up of former community welfare service staff. One of the recommendations emanating from this review is to address the different approaches taken, in different areas, in relation to the payment of exceptional needs payments in respect of religious ceremonies and to ensure that the SWA scheme is responding to a specific financial need and not to the occasion. In future, where the Department is satisfied that an exceptional need exists, it is recommended that a maximum payment of €110 can be made in respect of the religious ceremony. This will be the first step towards limiting these payments to cases of significant hardship only, in 2013.

132. **Deputy Charlie McConalogue** asked the Minister for Social Protection if, in view of the recommendations of the Children's Rights Alliance Report Card 2012, if it is her intention to reform the current social welfare system and make it more responsive to individual families' needs through the strategic integration of the tax and welfare systems and if, when the Advisory Group on Tax and Social Welfare publishes its reports, if she will make these reports available to the public; and if she will make a statement on the matter. [7515/12]

Minister for Social Protection (Deputy Joan Burton): The Children's Rights Alliance Report Card for 2012 assesses progress in the implementation of the Programme for Government from a non-governmental organisations' perspective. In the context of children and the social welfare system, the report acknowledges the progress made with regard to the establishment of the Advisory Group on Tax and Social Welfare and suggests that the Advisory Group should map out the practical steps to reform the current social welfare system through the strategic integration of the tax and welfare systems by the end of 2012.

The Advisory Group was established in June of last year to harness expert opinion and experience in order to address a number of specific issues and to make cost-effective proposals for improving employment incentives and achieving better poverty outcomes, particularly child poverty outcomes. The Advisory Group has been asked to examine a number of issues and make recommendations on these, including child and family income supports, working age income supports, the appropriate unit of assessment in both the tax and social welfare codes, the interaction of the tax and social welfare codes, issues concerning social insurance for self-employed people and any other issues that may be referred to it.

The Group is currently prioritising the issue of child and family income supports. It should also be noted that I have recently asked the Group to examine and report on the policy objectives underpinning the Budget 2012 proposals regarding changes in eligibility criteria and rates of payment for Disability Allowance and the increase in the age threshold for payment of Domiciliary Care Allowance and to assess the overall effectiveness of these proposals in delivering on these objectives.

The Advisory Group's method of working is based on producing modular reports on the priority areas identified in the terms of reference and decisions in relation to publication will be made when appropriate.

Departmental Bodies

133. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by her since February 2011; the number abolished since then; and if she will make a statement on the matter. [7533/12]

Minister for Social Protection (Deputy Joan Burton): I established an Advisory Group on Tax and Social Welfare in June 2011 in line with a commitment in the Programme for Government. Members of the Group have expertise in economic and social policy as well as other relevant areas and include a mix of experience and expertise from within and outside the public sector.

I appointed a Steering Group on the National Internship Scheme in May 2011 to advise me on the implementation of the scheme. The Steering Group is comprised of representatives from the private, public and voluntary sectors.

A working group on Pension Charges to gather information on the level and distribution of pension charges and expenses across all occupational pension types was established in July 2011. The group comprises of representatives from the Department, the Pensions Board and the Central Bank.

The three groups established since I came into office last March are still in place as the work they are doing is valuable and pertinent to the particular areas and issues with which they are concerned.

Special Areas of Conservation

134. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht if an individual has a legal interest in one of the 53 designated sites and had not been extracting turf in the relevant five year period and is anxious to receive compensation rather than relocation will he facilitate such arrangement and pay compensation. [7445/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): In April 2011, the Government announced a redress package for those affected by the cessation of turf cutting on raised bog special areas of conservation. The package offers qualifying turf cutters the option of a financial payment of €1,000 per year, index linked, over 15 years or, where feasible, relocation to non-designated bogs, where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of cut turf while relocation sites are identified and prepared. The costs of acquiring and preparing relocation sites will be met by the State.

One of the qualifying criteria for this Cessation of Turf Cutting Compensation Scheme is that the claimant must have been cutting turf on the lands in question in the relevant five year period. If an individual has a legal interest in one of the 53 designated sites and had not been extracting turf in the relevant five year period, my Department is willing to examine the feasibility of relocating such interests to alternative non-designated bogs. It is not proposed to make the financial payment in such cases.

Departmental Bodies

135. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7521/12]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, my Department, as currently configured, was established on 2 June 2011 and therefore the available information is being provided from that date. I am assuming that the Deputy is not referring to routine internal committees and working groups, established within my Department to support the delivery of its goals and I have not included details of these. However, the following groups have been established since 2 June 2011: The Peatlands Council — established to respond to commitments set out in the Programme for Government and to assist Ireland in responding in a strategic way to the provisions of the EU Habitats Directive, which require Ireland to protect and conserve important peatland habitats; Inter-departmental committee to examine the feasibility of the implementation of the Creative Capital Report — *Building Ireland's Audiovisual Creative Economy*; working group to review the operation of Part IV (Architectural Heritage) of the Planning and Development Act 2000; the High Level Steering Group and the Biodiversity Working Group under the New National Biodiversity Plan.

The Deputy should note that the Cross-representative advisory/working group which was set up last year to consult across the arts sector and recommend actionable steps in the area of philanthropy in relation to the arts has submitted its report and is no longer in operation. I should say that no other groups of the nature referred to by the Deputy were abolished since the establishment of my Department.

Telecommunications Services

136. **Deputy Sandra McLellan** asked the Minister for Communications, Energy and Natural

[Deputy Sandra McLellan.]

Resources when broadband will be rolled out in the Gaeltacht area of an Sean Phobal, County Waterford; and if he will make a statement on the matter. [7505/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ireland's telecommunications market has been liberalised since 1999 and thus the delivery of broadband services is a matter, in the first instance, for private sector commercial operators.

In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) represents such an intervention. EU State Aid and competition rules govern how States can intervene in areas where existing service providers operate. Accordingly, the NBS is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion.

The mapping exercise undertaken by my Department at the time of designing the NBS in 2008, found that broadband services were available in the area referred to in the Deputy's Question and consequently the locality was excluded from the Scheme.

The Rural Broadband Scheme (RBS) was launched last year in recognition of the fact that despite the widespread availability of broadband throughout Ireland, there still remained individual premises that were unable to receive broadband provision, due to technical difficulties such as line of sight issues. This Scheme, which is being rolled out this year, is aimed at making a basic broadband service available to those individual un-served premises in rural non-NBS areas who wish to avail of such services.

The combination of private investment and State interventions means that Ireland will meet the EU Commission's "Digital Agenda for Europe" target of having a basic broadband service available to all areas by 2013.

The Government accepts that the widespread availability of high speed broadband is a key requirement in delivering future economic and social development. With basic broadband services now widely available across Ireland, the challenge is to accelerate the roll out of high speed services. The Next Generation Broadband Taskforce which I convened last summer has an important role to play in this regard. It comprises the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The 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.

Departmental Bodies

137. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7523/12]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I wish to advise the Deputy that two Task Forces and one Advisory Group have been established by my Department since February 2011.

I convened the Next Generation Broadband Task Force in Summer 2011 to provide a forum for detailed discussions with certain industry stakeholders on their views regarding the optimal policy required to facilitate investment in next generation broadband infrastructure in Ireland.

The Task Force, which operates on a voluntary basis, is currently finalising its deliberations. I intend to consider the findings and recommendations of the report of the Task Force 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.

I established the Oil Emergency Planning Task Force (OEPTF) in September 2011, with membership drawn from my Department, the Irish Petroleum Industry Association (IPIA) and the National Oil Reserves Agency (NORA). The purpose of the OEPTF is to develop and refine existing national oil supply disruption contingency plans.

In so far as broadcasting is concerned, an Advisory Group was set up in February 2011 to address matters relating to the digital switchover which will take place in October 2012.

Local Authority Charges

138. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government when a receipt will be issued to a person (details supplied) in County Laois in respect of their payment of the household charge for 2012; and if he will make a statement on the matter. [3924/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Household Charge) Act 2011 provides for the issue of a receipt in respect of the payment of a household charge. The provision of a receipt for this purpose is a matter for the Local Government Management Agency, which is administering the household charge on a shared service/agency basis on behalf of all county and city councils. I have no function in the matter.

139. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government if the household charge is payable in cases in which the bond is still held by a local authority due to unfinished works or when there is a request to be renew the bond because of unfinished works; and if he will make a statement on the matter. [7267/12]

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 provides for a number of exemptions and waivers from payment of the household charge.

The exemptions from payment of the household charge are — Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction; Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive; Voluntary and co-operative housing; Residential property subject to commercial rates and wholly used as a dwelling, Residential property owned by certain charities or discretionary trusts, and Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The waivers which apply concern owners of residential property entitled to mortgage interest supplement, and owners of houses in certain unfinished housing estates.

As part of the process of preparing the National Housing Development Survey 2011, published 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

[Deputy Phil Hogan.]

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) Regulations 2012 and forms the complete list of such developments for this year. 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.

Water Services

140. **Deputy Paul J. Connaughton** asked the Minister for the Environment, Community and Local Government the guidelines that will govern the new septic tank inspection process; if any courses are available for persons wishing to start up a small business conducting the necessary remedial works to septic tanks or if there are any guidelines on the standards that will be enforced; and if he will make a statement on the matter. [7277/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Water Services (Amendment) Act 2012 provides that the Environmental Protection Agency will draw up a national plan for the inspection of on-site wastewater treatment systems and each local authority is responsible for implementing the plan in its functional area. Strict criteria regarding professional or technical qualifications and training and professional indemnity insurance requirements will have to be met by those seeking appointment as inspectors. My Department, in consultation with the Agency and local authorities, is developing a training course for inspectors and details will be published in due course.

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 published in the coming weeks.

141. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the way unemployed plumbers may access or apply for water metering jobs. [7308/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Government has indicated its intention to commence the installation of water meters in households connected to public water supplies later in 2012. 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*.

It is envisaged that the metering programme will create up to 2,000 jobs per annum over a three-year period and that installation contracts will be awarded to a significant number of private contractors. The nature of the work will involve minor excavation and reinstatement works and will provide much needed employment in the construction sector. The types of jobs involved will cover the spectrum of skilled and unskilled positions and could include general operatives, plumbers, fitters, supervisors, contract managers, accounts and administration staff. However, the recruitment of any staff will be the responsibility of the private contractors. The procurement strategy for the metering programme is being finalised and no contracts have yet been awarded. Tendering and procurement processes will be managed in accordance with national and EU procurement guidelines.

Local Authority Housing

142. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if housing authorities are permitted to ask a person to prove that they do not own property in another country even though it is not part of the application form; and if he will make a statement on the matter. [7329/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): It is open to any person or household to apply to a housing authority for an assessment of their housing need. It is a matter solely for the housing authority concerned to determine whether an applicant for social housing support is eligible for and in need of that support.

Regulation 22 of Social Housing Assessment Regulations 2011 provides that an applicant household for long-term social housing support is ineligible for social housing support if a household member owns alternative accommodation that it could reasonably be expected to use to meet its housing need, either by occupying it or by selling it and using the proceeds to secure suitable accommodation. Part 11 of the prescribed application form therefore seeks information on current and past property ownership either here in the State or abroad. A local authority may, if necessary, require additional information to confirm the details given.

In general, my Department would not consider that referring an applicant to an embassy is an appropriate course of action to obtain information on property ownership.

Planning Issues

143. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and

[Deputy Patrick O'Donovan.]

Local Government the timeframe, if any, that exists for decisions to be made by An Bord Pleanála in respect of deliberations into the planning and route selection of new roads being commissioned by the National Roads Authority; his views on whether An Bord Pleanála should make decisions within timeframes set out by statute to give certainty to applicants and those making observations; and if he will make a statement on the matter. [7361/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Under section 126 of the Planning and Development Acts 2000-2010, it is a statutory objective of An Bord Pleanála to determine appeals and certain other matters within 18 weeks. The statutory objective period was achieved in 81% of all cases in 2011, a significant increase on the figure of 63% achieved for 2010.

Local Government Reform

144. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government if he will give details of his plans to reform local government through the abolition of town councils, a reduction in the number of county councils and a cut in the number of councillors; if he will give further details of the consultations that he has had or plans to have with elected representatives, the public and other stakeholders; and if he will make a statement on the matter. [7496/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government includes a commitment to a fundamental reorganisation of local government structures. Decisions have already been taken to merge the city/county councils in Limerick and Tipperary and implementation work is proceeding in both cases. The main objective is to bring about stronger, more cohesive local government, with greater capacity to address challenges, maximise efficiency and promote economic and social development. I have also established a Local Government Committee to consider whether Waterford City and County Councils should be unified.

Building on these early actions, I intend to bring wider policy proposals to Government in the near future for an action programme on local government, with particular attention being given to strengthening local government structures generally at regional, county and sub-county levels and expanding the role of local government. This will include proposals in relation to municipal governance within counties.

The reform programme will also reflect work under way in relation to alignment of local and community development with local government, efficiency implementation and development of a system of local government funding which is fair, stable and effective and brings greater local responsibility in relation to financial matters. The programme will, in addition, broadly map out further aspects of the local government system on which reform proposals will be considered, including a range of governance matters such as ethics, local political and executive leadership and the balance between elected members and the executive in the performance of functions. I will engage with stakeholders when proposals are developed.

Departmental Bodies

145. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7526/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):
Since my appointment in March 2011 the following have been established by my Department:

- Two independent statutory Referendum Commissions, in accordance with the Referendum Act (1998);
- A Constituency Commission under the Electoral Act 1997 to review Dáil and European election constituencies;
- Local Government/Local Development Alignment Steering Group;
- Local Government Efficiency Review Implementation Group;
- Independent Group to review staffing levels in Cork City Council;
- Limerick Reorganisation Implementation Group;
- Tipperary Reorganisation Implementation Group;
- Waterford Local Government Committee;
- Historic Landfills Working Group;
- Waste Management Planning National Coordination Committee;
- Environmental Law Implementation Group;
- National Radon Strategy Group;
- Foreshore Advisory Group;
- National Co-ordination Committee on Unfinished Housing Developments;
- Joint Working Group on the transfer of Rent Supplement from the Department of Social Protection to this Department;
- Independent Panel to facilitate a resolution to the problem of pyrite;
- Local Authority Mortgage Arrears Guidance Group;
- Steering group to oversee independent assessment being undertaken by consultants on the establishment of a water utility;
- Inter-Departmental Group on Property Tax;
- Fix Your Street Review Group.

A review Group for the Environmental Protection Agency presented its report to me in May 2011.

An Independent Group to review staffing levels in Dublin City Council presented its report to me in July 2011.

As part of a rigorous appraisal of the State Agencies under the aegis of my Department, the overall number of agencies is being reduced from 21 to 12.

In this regard:

- An Chomhairle Leabharlanna will be dissolved.

[Deputy Phil Hogan.]

- The sustainable development role currently performed by Comhar, the Sustainable Development Council, is to be integrated into the National Economic and Social Council (NESC).
- The Housing and Sustainable Communities Agency (HSCA) rationalises the functions of three Agencies.
- The Local Government Management Services Board and the Local Government Computer Services Board are merging as the Local Government Management Agency.
- The Limerick Northside and Southside Regeneration Agencies will be replaced through the development of new management arrangements in the context of the merger of Limerick City and Limerick County Council, and,
- The Dormant Accounts Board (Amendment) Bill 2011 proposes to dissolve the Dormant Accounts Board.

The agency rationalisation/efficiency agenda will be kept under review, taking account of the Public Service Reform Plan, insofar as other agencies under my Department's aegis are concerned.

Local Authority Charges

146. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government the number of households that have registered for the €100 household charge to date, in tabular form, under the following headings and broken down by local authority area: paid €100 in full, registered for quarterly payments, registered as exempt, and the total amount remaining to register within the given areas as a total figure and as a percentage of the total amount due to register in that local authority area; and if he will provide the same breakdown for the State overall. [7537/12]

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. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 6 February, 2012, a total of 78,637 properties were registered for the household charge and that it has been paid in full in respect of 64,728 properties while 13,909 are making payment by direct debit in four instalments. The LGMA does not have the sub national details of the registrations sought in the Question.

Proposed Legislation

147. **Deputy Seán Kenny** asked the Minister for Justice and Equality his views on the blasphemous libel provision in the Defamation Act 2009; if he views it as a matter of concern; if he has any plans to repeal this provision; and if he will make a statement on the matter. [7268/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that Article 40.6.1.i of the Constitution places an obligation on the legislature in regard to blasphem-

ous libel. Successive Attorneys General had advised the Government that until the Constitution is amended by referendum, it is necessary that blasphemous libel remain a crime and that legislation must make provision for punishment of this crime.

In reforming our defamation laws, the previous Government opted to make minimum provision in regard to blasphemous libel in the new legislation. Section 36 of the Defamation Act 2009, therefore, removes the possibility of prison sentences and private prosecutions for blasphemous libel. It also provides for a defence to a defendant who proves that a reasonable person would find genuine literary, artistic, political, scientific, or academic value in the matter to which the offence relates.

The Constitutional Convention that is proposed in the Programme for Government will include blasphemy in its review.

148. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality his plans to tighten the law relating to the exploitation of elderly persons in vulnerable situations such as long-term residential care, in conjunction with the mental capacity Bill; and if he will make a statement on the matter. [7269/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Mental Capacity Bill, due to be published in the current Dáil Session, will reform the law on mental capacity and will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. In drafting the Bill, attention is being given to putting in place safeguards to protect vulnerable adults, lacking capacity to manage their own affairs, from exploitation. In particular, the Bill will contain detailed provisions for the supervision of personal guardians of adults lacking capacity and also of donees of enduring powers of attorney.

As the Deputy is aware, policy and responsibility for the regulation of standards in residential care settings, including protection from abuse and exploitation, lies with the Minister for Health and HIQA under the Health Act 2007.

Garda Strength

149. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will provide a breakdown, by grade and by station, of Garda staffing levels in the Dublin metropolitan area on 1 March 2011 and on 1 February 2011. [7285/12]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by the Garda Commissioner that the figures requested by the Deputy are compiled on the last date for each month. The break down by Garda Station and rank in the Dublin Metropolitan Region on the 31 January and 28 February 2011 was as set out in the table below.

Station	31/01/2011					28/02/2011				
	C/Supt	Supt	Insp	Sgt	Gda	C/Supt	Supt	Insp	Sgt	Gda
Blackrock			4	12	83			4	12	82
Dundrum			1	9	66			1	9	65
Stepaside				3	26				3	27
Cabinteely			1	6	32			1	5	33
Dalkey				2	27				2	29
Dún Laoghaire	1	2	3	19	87	1	2	3	19	83
Kill O Grange				2	26				2	27
Shankill			1	10	47			1	11	47
Balbriggan		1	3	6	59		1	3	6	59

[Deputy Alan Shatter.]

Station	31/01/2011					28/02/2011				
	C/Supt	Supt	Insp	Sgt	Gda	C/Supt	Supt	Insp	Sgt	Gda
Garristown				1	2				1	2
Lusk				1	6				1	6
Rush				1	4				1	4
Skerries				1	10				1	10
Ballymun	1	1	2	24	100	1	1	2	23	99
Dublin Airport				4	18				4	18
Santry			3	9	70			3	9	70
Whitehall			2	5	36			2	5	37
Coolock		1	5	13	101		1	5	13	100
Malahide				5	33				5	32
Swords			1	12	72			1	11	73
Clontarf			1	10	68			1	10	68
Howth			1	5	32			1	5	32
Raheny		1	3	8	63		1	3	8	63
Bridewell		1	7	32	137		1	7	31	136
Fitzgibbon Street		1	4	14	96		1	4	14	96
Mountjoy				11	89				11	89
Store Street	1	2	5	32	248	1	2	5	32	244
Crumlin	1	2	5	17	82	1	2	5	17	82
Sundrive Road				11	65				11	65
Rathmines				8	60				9	60
Terenure		1	6	16	82		1	6	16	82
Rathfarnham				8	68				8	67
Tallaght		1	5	19	174		1	5	19	174
Donnybrook		1	3	12	113		1	3	13	113
Irishtown			1	9	44			1	7	43
Kevin Street		1	6	13	136		1	6	13	138
Kilmainham				16	67				16	65
Harcourt Tce				9	71				11	71
Pearse Street	1	2	7	33	222	1	2	7	31	220
Blanchardstown	1	2	4	31	157	1	2	4	31	157
Cabra				8	60				8	62
Finglas			3	14	105			3	14	104
Ballyfermot			2	13	85			2	13	85
Clondalkin		1	3	13	83		1	3	13	83
Rathcoole				2	26				2	26
Lucan		1	3	9	67		1	3	9	67
Ronanstown			1	14	81			1	14	80

For the information of the Deputy I have also attached the figures for the 31 December 2011, the latest date for which figures are readily available.

Station	31/12/2011				
	C/Supt	Supt	Insp	Sgt	Gda
Blackrock		1	4	10	76
Dundrum			1	9	63
Stepaside				3	26

Station	31/12/2011				
	C/Supt	Supt	Insp	Sgt	Gda
Cabinteely			1	5	32
Dalkey				2	29
Dún Laoghaire	1	2	2	18	81
Kill O Grange				2	27
Shankill			1	9	47
Balbriggan		1	3	6	60
Garristown				1	2
Lusk				1	5
Rush				1	4
Skerries				1	10
Ballymun	1	1	2	18	91
Dublin Airport				6	27
Santry			3	9	69
Whitehall			2	5	37
Coolock		1	5	13	98
Malahide				4	31
Swords			1	10	66
Clontarf			1	9	67
Howth				6	33
Raheny		1	3	6	58
Bridewell		1	6	29	131
Fitzgibbon Street		1	4	14	94
Mountjoy				11	89
Store Street	1	2	5	28	238
Crumlin	1	1	4	16	80
Sundrive Road				11	60
Rathmines				7	59
Terenure		1	5	15	78
Rathfarnham				8	65
Tallaght		1	5	19	169
Donnybrook		1	3	13	105
Irishtown			1	7	44
Kevin Street		1	6	11	135
Kilmainham				16	58
Harcourt Tce				11	68
Pearse Street	1	2	7	27	218
Blanchardstown	1	2	4	24	155
Cabra				9	66
Finglas			3	14	103
Ballyfermot			2	11	83
Clondalkin		1	3	13	81
Rathcoole				2	25
Lucan		1	4	6	61
Ronanstown			1	15	81

The Deputy will appreciate that these station's strengths are augmented by members of national units, e.g. CAB, GBFI, NBCI and other specialist units, as when required.

150. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will provide a breakdown of numbers and grades of members of the Garda who have applied for the public service early retirement scheme; and if he will supply a breakdown of the stations to which these retirees are currently attached. [7286/12]

152. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will provide a breakdown of staff, by grade, within the various specialist crime units of the Garda who have applied for the public service early retirement scheme. [7288/12]

165. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the number of early retirements taken in 2012 from Garda stations in the following locations (details supplied); and if he will provide a breakdown of the retirements by Garda station. [7428/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 150, 152 and 165 together.

Members of An Garda Síochána who joined the force prior to 1 April 2004 may retire on full pension once they have served for at least 30 years and they have reached 50 years of age. Members of An Garda Síochána who joined the Force on or after 1 April 2004 may retire on full pension once they have served at least 30 years and have reached 55 years of age. In both cases members must retire once they reach 60 years of age.

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.

Almost all Gardaí take voluntary retirement i.e. they leave before the compulsory retirement age of 60 years of age, rather than early retirement. 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.

Public servants, including Gardaí, who retire on or before 29 February 2012 will receive pension benefits based on their salary scales applicable on 31 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 29 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.

I have been informed by the Commissioner that since 1 January 2010, 3 members have availed of the CNER scheme, details of which are in the table below. No one from the specialist crime units has applied for the CNER scheme.

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

151. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will provide a breakdown of staffing levels, by grade, within the various specialist crime units within the Garda on 1 March 2011. [7287/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to advise the Deputy that it has not been possible to provide the information required in the limited time available. However, the information is currently being collated and will be sent to the Deputy as soon as possible.

Question No. 152 answered with Question No. 150.

Citizenship Applications

153. **Deputy Martin Heydon** asked the Minister for Justice and Equality the position regarding an application for citizenship in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7294/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question 509 on 7th February, 2012. The position remains as stated.

Reply to Parliamentary Question 509 of 7th February, 2012:

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 April, 2010.

The application is at an advanced stage of processing. The person concerned will be informed of my decision on her 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.

Departmental Programmes

154. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality in relation to the immigrant investor programme recently announced, if he will clarify the review process that will apply after two years in respect of those whose applications have been accepted. [7352/12]

Minister for Justice and Equality (Deputy Alan Shatter): The review process will consist of an appraisal of the foreign national in question to determine if he or she is continuing to abide by the conditions of their residence permission. In effect, it will be a continuation of the due diligence process undertaken at the time of application. I would anticipate that ordinarily residence permission would be approved for a further period of 3 years. While I cannot obviously be exhaustive, the circumstances where this would not happen would include for example where an applicant did not act in good faith or where adverse information came to light about

[Deputy Alan Shatter.]

his/her good character. Also, where a person failed to honour the terms of their qualifying investment this too would have negative consequences.

I will publish more information on the Immigrant Investor Programme and the Start-up Entrepreneur Programme when both programmes are formally launched in mid-March.

Liquor Licensing Laws

155. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality further to Parliamentary Question No. 150 of 1 February, his views that nightclubs should be permitted to serve alcohol in glasses in view of concerns arising from broken glass harming persons accidentally or unintentionally. [7353/12]

Minister for Justice and Equality (Deputy Alan Shatter): As I indicated in my response to Parliamentary Question No. 150 of 1 February, neither the Licensing Acts 1833 to 2011 nor the Metrology Acts 1980 to 1996 regulate the type of containers in which alcohol is sold or supplied. The position is that the majority of licensed premises, including those operating as nightclubs, are operated in a peaceable and orderly manner by the licensees concerned and the imposition of a statutory prohibition on the use of glass containers would be disproportionate and unreasonable. Of course licensees have a duty of care towards their customers and this may necessitate the use of alternative types of containers in certain circumstances and the use of such containers is not prohibited.

Control of Firearms

156. **Deputy Charles Flanagan** asked the Minister for Justice and Equality if he proposes a review of the licensing system in respect of the issue of firearms to ensure a fair and transparent process; and if in view of recent High Court proceedings, he considers the current firearms regulatory arrangement to be satisfactory; and if he will make a statement on the matter. [7365/12]

Minister for Justice and Equality (Deputy Alan Shatter): I take it the Deputy is referring to a recent High Court case involving Judicial Reviews of decisions by Chief Superintendents in firearms cases. What was at issue were decisions by Chief Superintendents to refuse applications for licenses for high calibre handguns. That case was settled with no admission of wrongdoing on the part of the State but with an undertaking to consider applications afresh and give reasons to applicants where applications are turned down.

In the light of issues which arose in those proceedings I sought a report from the Garda Commissioner. I have now received a detailed interim report. The Commissioner has indicated that he shares the concern expressed by the Judge in the case about the alteration of documents after proceedings had commenced and, in the first instance, has sought an explanation as to the circumstances in which this occurred.

In the case of the evidence given by another member of An Garda Síochána, the Commissioner has indicated that, while an issue did arise in relation to the completion of parts of the application forms, he is satisfied that the applications were decided in accordance with that person's understanding of the relevant firearms legislation, decisions were recorded in notifications to applicants, and those decisions were informed by understandable concerns of public safety in the light of the difficult situation concerning crime in his Division. The Commissioner points out that the parts of the forms in question are not a statutory requirement under the Firearms legislation and are geared towards the requirements of recording data on the PULSE system through the ticking of a number of boxes.

The Commissioner is addressing as a matter of urgency the whole process of firearms licensing and the administrative functions associated with it in the light of the outcome of those Court proceedings. The Commissioner has assured me that he, of course, accepts fully the desirability of application forms being completed fully and properly and has indicated that as part of that review he intends to remove any impediments being experienced by his Officers in achieving this. The Commissioner is to report to me again when he has completed that review and I will of course consider that report when it is available. Tragically, the House will have been reminded in recent days of the dangers which licensed firearms can pose for members of An Garda Síochána and others and of the dangers of firearms generally. For my part, I am determined to ensure that in the operation of the firearms licensing system, the question of public safety is paramount.

157. **Deputy Charles Flanagan** asked the Minister for Justice and Equality if he will confirm that the Garda Commissioner completed his annual review of the operations of the Firearms Act, 1925 to 2009; and if he will make a statement on the matter. [7366/12]

Minister for Justice and Equality (Deputy Alan Shatter): I understand that the Annual Review the Deputy is referring to is currently being compiled by An Garda Síochána and I expect to receive it in due course.

Proposed Legislation

158. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the citizenship status of children born outside the State whose fathers are of Irish citizenship but who are born to surrogate mothers who are not of Irish citizenship; if a mechanism, framework or other measure exists which would allow such children to become citizens of Ireland; if so, the requirements that must be satisfied in order to avail thereof; and if he will make a statement on the matter. [7376/12]

159. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the current status of the production of guidelines by him on the issue of legal guardianship as it relates to children born through surrogacy; the timeframe within which such guidelines are likely to be completed; and if he will make a statement on the matter. [7380/12]

163. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality his plans to introduce legislation which will address issues surrounding surrogacy; if the proposed legislation will address issues such as legal guardianship, the recognition of genetic relation to determine legal guardianship to a child born to surrogacy; if the proposed legislation will address those children already born to surrogacy and resident here but who are not legally recognised by the State; if legislation will ensure that children born to surrogacy will receive the same legal treatment as children born to birth parents in Ireland as well as respected equally in terms of children and human rights; and if he will make a statement on the matter. [7402/12]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 158, 159 and 163 together. I refer the Deputy to my response to Question Number 497 of 31st January 2012, in which I stated:

“The law as it stands allows children born through surrogacy arrangements to acquire Irish citizenship, provided the commissioning father is the biological father of the child. Such a father may apply to court for a declaration of paternity under section 35 of the Status of Children Act 1987. Once paternity is established the child can be determined to be an Irish citizen.

[Deputy Alan Shatter.]

Establishment of paternity also allows the father to apply for a guardianship order which requires and enables him to exercise full legal responsibility for the child including decision-making on the child's health and medical treatment, upbringing and education.

Given the complex way in which existing law, domestic and international, applies to surrogacy matters, a guidance document for people who are considering arranging for a surrogate mother to give birth to a child outside the State has been prepared by an interdepartmental group in consultation with me and the Office of the Attorney General. I expect that the guidance document will be published shortly."

I have already indicated that I intend in due course to develop proposals for legislation on surrogacy to deal with matters concerning the legal relationships of commissioning adults with children born through surrogacy. In developing these legislative proposals the welfare and best interests of children will be key considerations.

Integration Policy

160. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality if he has evaluated the recommendations from the Integration Centre's Roadmap to Integration; if he intends to act on this report; if he intends to introduce any of the measures suggested in the roadmap; and if he will make a statement on the matter. [7385/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am aware of the report and recommendations produced by the Integration Centre, an independent, non-governmental organisation. Most of the recommendations made are relevant to Departments other than the Department of Justice and Equality. In so far as recommendations relevant to my Department are concerned, I have made changes, for example, new arrangements and procedures where the grant of citizenship is concerned, new arrangements for those wishing to establish businesses here, etc. which while not directly making the changes suggested by the Integration Centre, do represent changes for the better. The Immigration, Residence and Protection Bill will also address issues raised in the report. I will continue to have regard to the recommendations as policy evolves.

Visa Applications

161. **Deputy Jack Wall** asked the Minister for Justice and Equality the mechanism available to a person (details supplied) in County Kildare to address a family matter; and if he will make a statement on the matter. [7394/12]

Minister for Justice and Equality (Deputy Alan Shatter): On the basis of the information provided by the Deputy it is unclear as to the nationality of the person who will be seeking entry into the State. If the person is a national who is not exempt from the requirement to obtain a visa (as per Statutory Instrument 345 of 2011. Immigration Act 2004 (Visas)), the person referred to is required to be in possession of a visa prior to seeking entry to the State.

All persons who are visa required and who are not in possession of same should refer to the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie). The visa application process and procedures are available there. Each visa application is considered on its individual merits the onus resting with the applicant to satisfy the visa officer as to why the visa sought should be granted. 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.

Family Law

162. **Deputy Jack Wall** asked the Minister for Justice and Equality the entitlements of a parent under family law in a case (details supplied); and if he will make a statement on the matter. [7397/12]

Minister for Justice and Equality (Deputy Alan Shatter): If the Deputy could provide me with additional background in relation to this particular case, I would be happy to investigate the matter further for him.

Question No. 163 answered with Question No. 158.

Legal Aid Service

164. **Deputy John McGuinness** asked the Minister for Justice and Equality if legal aid will be provided to a person (details supplied) in County Kilkenny; and if he will expedite the matter. [7418/12]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that as the Legal Aid Board is a statutory, independent body in accordance with the Civil Legal Aid Act 1995, any decision to grant or refuse legal aid is a matter for the Board. Under Section 7(3) of the Act, I am precluded from exercising any power or control in relation to any particular case with which the Legal Aid Board is or may be concerned. Furthermore, the solicitor/client relationship is protected by privilege in accordance with the terms of section 32 of the Civil Legal Aid Act 1995 and therefore the Board does not provide information to third parties regarding a person who may or may not be a client of the Board. Notwithstanding the above, in terms of providing more general information to the Deputy I can advise that the Board offers a priority service to persons seeking legal services for cases involving domestic violence, child care, child abduction and for certain other matters where there are statutory time limits. These cases are dealt with immediately and are not put on a waiting list. Finally, persons refused legal aid have the right to appeal such decisions to an Appeal Committee which is made up of non-executive members of the Board but again I have no role in this process.

Question No. 165 answered with Question No. 150.

Adoption Services

166. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality if there any plans to amend the Civil Partnership Act 2010 to allow civil partners adopt and to be considered as joint adoptive parents; and if he will make a statement on the matter. [7437/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my response to question number 506 of 31 January 2012, in which I indicated as follows: "Responsibility for adoption legislation and policy lies with the Minister for Children and Youth Affairs who recently indicated in responding to a similar question (number 235 of 19 January 2012) that 'Under the provisions of the Adoption Act 2010, the only persons who can jointly adopt are married couples. There are currently no proposals to change the legislation in this regard.' "

Citizenship Applications

167. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress

[Deputy Bernard J. Durkan.]

made to date in the determination of eligibility for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7472/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question 248 on 15th December, 2011. The position remains as stated.

Reply to Parliamentary Question 248 of 15th December, 2011.

I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in April, 2011.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Asylum Applications

168. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency status and stamp 4 update in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [7473/12]

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 6th March, 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 provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

169. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if a person (details supplied) in Dublin 24 has been facilitated by way of temporary travel documents to obtain a national passport; and if he will make a statement on the matter. [7474/12]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Naturalisation and Immigration Service (INIS) informs me that, as an exceptional measure, the person concerned was issued with an Irish temporary travel document for travel purposes. It is understood that the person now holds a valid national passport. An Irish temporary travel document would not be issued to an individual who holds a valid national passport. The person concerned should contact their own national authorities should they have any issues with their passport.

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.

170. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current status and progress made to date in the determination of a decision in respect of naturalisation in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7475/12]

Minister for Justice and Equality (Deputy Alan Shatter): Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's question. It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended. Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

171. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent of progress made to date in the determination of residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [7476/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is the subject of a Deportation Order which was notified to him on 10 June 2010. Judicial Review proceedings were lodged on 24 June 2010 challenging the Deportation Order and the refusal of the application for Subsidiary Protection. Accordingly, as the matter is sub judice I do not propose to

[Deputy Alan Shatter.]

comment further. 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 NIS is, in the Deputy's view, inadequate or too long awaited.

172. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position in regard to the determination of residency and citizenship in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [7477/12]

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 September 2006. The application has been decided and the person concerned has been informed in a letter issued to him on 18 October, 2011 that I intend to grant the application. Before the certificate is granted the person concerned must attend a citizenship ceremony at which he will make a declaration of fidelity to the Irish Nation and loyalty to the State. Officials in the Citizenship Division inform me that the person concerned has submitted the required documents and certification fee and will be allocated a place at the next citizenship ceremony, details of which will be issued shortly, where he will receive his certificate of naturalisation.

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.

173. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of naturalisation on the basis of marriage to an Irish citizen in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7478/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted temporary permission to remain in the State, on Stamp 4 conditions, on 25 June, 2010. This permission was renewed subsequently until 26 December, 2011. The person concerned applied for a renewal of permission to remain and a decision to grant him permission to remain in the State for a further year was conveyed in writing to him on 20 December, 2011. He should now register with his local Garda Immigration Officer.

Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's question.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

174. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency and naturalisation status in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [7479/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Questions No. 247 of 15 December, 2011 and No. 208 of 19 January, 2012 which are set out below. The position is unchanged since then.

I am advised by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy was granted permission to remain in the State in 2002 under the arrangements then in place for the non-EEA parents of Irish born children. The permission has been renewed on a regular basis and is currently valid until 22 April, 2012.

An application for a certificate of naturalisation from the person referred to was received in the Citizenship Division of INIS in June 2006. On examination of the application submitted, it was determined that the person in question did not meet the statutory residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. The person concerned was informed of this in a letter issued to him on 21 October, 2006.

Section 15 of that Act provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must—

- be of full age
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- have, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—

(i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and

(ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

In the context of naturalisation, certain periods of residence in the State are excluded. These include—

- periods of residence in respect of which an applicant does not have permission to remain in the State
- periods granted for the purposes of study

[Deputy Alan Shatter.]

- periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the prescribed statutory requirements. To date no new application has been received.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

175. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if an upgrade of stamp 2 to stamp 4 can be granted in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7480/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) that no application has been received from the person for the purposes set out in the Deputy's question. The person concerned must make an application to the General Immigration Service of INIS to have their case considered.

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.

176. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when stamp 4 will be updated in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7481/12]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question No. 218 of Tuesday, 19th January, 2012 — copied beneath. The position is unchanged since then.

The person concerned has had her permission to remain in the State renewed for a further two year period, to 7th June, 2012. This decision was conveyed in writing to the person concerned by letter dated 21st July, 2010. This communication advised the person concerned of the conditions attaching to her permission to remain and of the requirement that she attend at her local Garda Registration Office to have the registration process completed. Given that the person concerned does not appear to have completed the registration process to date, it is recommended that she should attend at her local Garda Registration Office without further delay so that the registration formalities can be completed.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may

consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Residency Permits

177. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency status and procedure for issue of passport in respect of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [7482/12]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted temporary permission to remain in the State in February 2002, under the arrangements then in place for the non-EEA parents of Irish born children. This permission to remain was renewed on a regular basis and is currently valid until 30 June 2012. I am advised that the daughter of the person concerned was granted permission to remain in line with that granted to her mother on stamp 4 conditions in November, 2011 and her permission is currently valid until 30 June, 2012.

Irish Passports are issued by the Department of Foreign Affairs. However, 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 April 2008. I made the decision, at my absolute discretion, to refuse the application. The person concerned was informed of my decision in a letter dated 23 May 2011.

An application was made by the person referred to by the Deputy on behalf of her minor child in December 2009. This application was refused and the applicant parent was notified by letter dated 2 February 2010.

An application for a certificate of naturalisation can be made at any time, if an applicant considers that they are in a position to satisfy the statutory requirements.

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.

178. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position in regard to residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7483/12]

Minister for Justice and Equality (Deputy Alan Shatter): The first named person concerned has had his temporary permission to remain in the State renewed for a further one year period, until 11th April, 2012. This decision was conveyed to the person concerned by letter dated 31st March, 2011.

The second person referred to by the Deputy was granted permission to remain in the State on 14 June, 2005 under the revised arrangements for the non-EEA parents of children born in Ireland prior to 1 January, 2005, commonly known as the IBC/05 Scheme. This permission to remain was renewed in 2007 and in 2010, and is currently valid to 14 June, 2013.

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

[Deputy Alan Shatter.]

the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Citizenship Applications

179. **Deputy Tom Fleming** asked the Minister for Justice and Equality if he will investigate applications for naturalisation which was applied for with over a year now in respect of a person (details supplied) in County Kerry. [7495/12]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that applications for certificates of naturalisation were received from the persons referred to by the Deputy in September 2011 and May 2010 respectively.

The application from the first named person is currently being processed with a view to establishing whether he meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. The application from the second-named person is at an advanced stage of processing and she will be informed of my decision in due course.

I can inform the Deputy that good progress is being made towards eliminating the backlog of standard cases awaiting a decision for more than 6 months and it is my expectation that this objective will be achieved by late May 2012.

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.

Housing Management Companies

180. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality if he will direct each of the city and county managers to compile in 2012 a comprehensive register of estate management companies in each of their functional areas; if he will collect and publish figures on the numbers of households paying management charges; if he is satisfied that the services provided by estate management companies to residents are of a reasonable standard and are proportionate to the estate management costs levied by such companies; and if he will make a statement on the matter. [7516/12]

Minister for Justice and Equality (Deputy Alan Shatter): The principal objectives of the Multi-Unit Developments Act 2011, which entered into force on 1 April 2011, are to ensure the timely transfer of the common areas of multi-unit developments to owners' management companies and to facilitate the fair, efficient and effective management of such companies. As Minister for Justice and Equality, I have no statutory powers over the functions or activities of city and county managers in relation to multi-unit developments and owners' management companies.

As regards service charges, the position is that section 18 of the Act requires each owners' management company to establish and maintain a scheme of annual service charges to fund the costs of insurance, maintenance and other common or shared services. The service charge must be calculated on a transparent basis, be apportioned on an equitable basis between apartment owners and be approved at a general meeting of the apartment owners. In this way, the Act gives apartment owners a direct role in determining the level of annual service charge, the level of services to be funded and the manner in which such services are to be provided.

Departmental Bodies

181. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7531/12]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that in response to his question the following is the position since I took up office on 9 March 2011:

1. Expert Group on Article 13 of the European Convention on Human Rights was established on 17 May 2011. It was established following the European Court of Human Rights findings against Ireland in the McFarlane case.

2. ICT Governance Group — this has been established within my own Department and is chaired at Assistant Secretary level. The body is charged with the review and oversight of ICT spending within my Department and agencies.

3. Independent International Commission on Decommissioning (IICD) was responsible for overseeing the decommissioning of paramilitary weapons. It was established by an agreement between the Irish and British Governments, signed on 26 August 1997, and by legislation enacted in the two jurisdictions. It was dissolved on 31 March 2011.

4. Independent Monitoring Commission (IMC) was responsible for monitoring and reporting on paramilitary activity across Ireland and also for monitoring the security normalisation measures undertaken by the British Government in the North. It was dissolved on 31 March 2011.

5. Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries is independently chaired by Senator Martin McAleese and was established on foot of a Government decision taken on 14 June 2011.

6. Inter-Departmental Working Group on Corporate Manslaughter was established by me last July following the decision of the previous Government in December 2010 to progress this matter.

7. National Disability Strategy Implementation Group (NDSIG) was established by Ms. Kathleen Lynch, T.D. Minister of State at my department with responsibility for disability. The Group was established on 30 November 2011. The NDSIG is not an additional group in the sense that it has replaced and will build on the former National Disability Strategy Stakeholder Monitoring Group, which was in place under the previous Government.

8. National Steering Committee on Violence against Men which met for the first time on 14 December 2011.

[Deputy Alan Shatter.]

9. Prisons Authority Interim Board was abolished on 26 July 2011.

10. Task Force on Cost Reductions in Criminal Legal Aid was established on 13 May 2011. It reported in October 2011.

11. Thornton Hall Review Group was established to review the need for the Thornton Hall Prison Project. It was set up in April 2011 and reported to me in July 2011.

12. Working Group on Efficiencies in the Criminal Justice System in the Circuit and District Courts was established on 16 November 2011. It was established to carry out an examination to identify any structural changes necessary to effect cost reductions in the criminal justice system.

13. Working Group on the establishment of the new, enhanced Human Rights and Equality Commission was appointed on 6 October 2011 to advise me on this extremely important matter. The Group has had a relatively short timeframe in which to complete their work as it is intended to have a new Commission in place early in the near future.

Finally, the Deputy might wish to note that new groups/committees set up since I came into office were established for very specific reasons such as dealing with complex issues that require consultation with a range of stakeholders and in which it is anticipated that the outcome will be in the public interest, achieving savings or cost reductions for my Department and agencies or responding to requirements under Ireland's international commitments in, for example, the area of human rights.

182. **Deputy Éamon Ó Cuív** asked the Minister for Defence the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7524/12]

Minister for Defence (Deputy Alan Shatter): The bodies under the aegis of the Department of Defence are the Civil Defence Board, the Board of Coiste an Asgard and the Army Pensions Board. The Civil Defence Board was established under the Civil Defence Act 2002. Legislation is currently being drafted to dissolve the Board and transfer its functions back into the Department of Defence.

In the context of settling the Estimates for the Department of Defence for 2010, the 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. As a result, no funding was provided in 2010 or 2011. The Board will be dissolved shortly.

No new external agencies, authorities, committees, working groups, tribunals, council services, task forces, or quangos have been established since February 2011.

Grant Payments

183. **Deputy Michael Colreavy** asked the Minister for Agriculture, Food and the Marine if he could outline the difference between a full-time farmer and a part-time, hobby farmer; and if he will make a statement on the matter. [7542/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The following definitions, for farms rather than farmers, are those used by Teagasc in its annual National

Farm Survey which details the composition of Irish farms in terms of numbers, size, demographics, financial data and work pattern, etc.:

Full-time farm:

A farm which requires at least 0.75 standard labour units to operate, as calculated on a standard man day basis.

Part-time farm:

A farm which requires less than 0.75 standard labour units to operate, as calculated on a standard man day basis. That is where a Standard Man Day (SMD) is eight hours of work supplied by a person over 18 years of age.

Hobby farms (or farmers) are not defined by Teagasc but could be broadly be taken to be agricultural pursuits undertaken for recreational rather than financial purposes.

184. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine the provisions that will be made for farmers with no entitlements for new schemes in 2012; and if he will make a statement on the matter. [7280/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): It is understand that the Deputy is referring to the proposed changes to the 2012 Disadvantaged Areas Scheme, specifically those farmers who are new claimants under the 2012 DAS scheme.

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 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.

I am, however, particularly mindful that any proposed changes in scheme qualifying criteria, regardless of how focused and targeted their aim, will result in anomalies, because of which I have already indicated that specific provision will be made for those farmers, as described by the Deputy, who may find that their stocking rates are less than now required. Specifically, I have directed that a formal procedure be put in place to cater for all who consider that their inability to meet the proposed revised scheme requirements is due to force majeure/exceptional circumstances. Those affected will be invited to outline such details to my Department, each case then being considered on its merits. Again with specific regard to the proposed stocking provisions, where individuals can show that their inability to meet the revised requirements are due to their participation in a recognised environmental programme, for example, the necessary allowance will be made. Consideration will also be given to new entrants to farming.

I would again stress that, in proposing the changes in question, the intention is to better focus the Scheme, which is to the benefit of the majority of those farming in areas with recognised constraints, while at the same time attempting to cater for those genuinely prevented from achieving the revised minimums.

[Deputy Simon Coveney.]

Deputies will be aware that 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.

185. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a person (details supplied) in County Kerry will receive any payment entitlements from the national reserve for the years 2005 to 2008; and if he will make a statement on the matter. [7298/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): No single payment entitlements were established for the person named as he did not submit applications under the Direct Payment schemes in the reference years 2000, 2001 and 2002. The person named submitted applications for entitlements under Category A of the 2005, 2006 and 2008 National Reserve and also Category C of the 2007 National Reserve. In order to have been eligible to apply to the National Reserve for an allocation of Payment Entitlements, applicants must have met the criteria applicable to one or more of the categories within the Reserve for the scheme year applied for.

Category A of the 2005, 2006 and 2008 National Reserve catered for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and who had leased out his/her holding to a third party during the reference period 2000 to 2002.

The person named was not eligible for an allocation of entitlements from the 2005, 2006, and 2008 National Reserve as he inherited the land before the commencement of the reference period, i.e. before 1 January 2000. Therefore the land was not leased to a third party by the original owner during the reference period.

Category C of the 2007 National Reserve catered for farmers for whom at least 40% of their Single Payment was derived from direct payments associated with sheep production (Ewe Premium/Rural World Premium) during the reference period, their existing Single Payment was less than €10,000 and individual payment entitlements were less than the District Electoral Division (DED) average value. The maximum allocation under this category was €1,000.

The person named was not eligible for an allocation under the 2007 National Reserve as he did not already hold single payment entitlements for sheep production during the reference period.

186. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a penalty imposed on a person (details supplied) in County Kerry will be reconsidered in view of the minor non-compliance issues involved in this case; and if he will make a statement on the matter. [7323/12]

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 10 May 2011. This application was selected for a Cross Compliance inspection.

During the course of the inspection breaches were recorded relating to the Tagging of Sheep and the failure to maintain a flock register for the previous 5 years. This resulted in a 5% penalty being recorded against his direct payments for 2011. The person named was informed of this decision on 13 January 2012 and of his right to seek a review. He was also informed of

his right to appeal the outcome of a review to the Independent Agriculture Appeals office. To date, no such review request has been submitted. However, the Deputy's question will now be taken as a request for review and same will now be initiated.

As payments under the 2011 Disadvantaged Area Scheme and Single Payment Scheme had already issued, my Department initiated a process to recoup these payments and a letter issued from the Accounts Department of the Single Payment Unit informing Mr. Hallissey of the overpayment and how it could be repaid. To date no repayment has been received.

187. **Deputy Tony McLoughlin** asked the Minister for Agriculture, Food and the Marine the position regarding an appeal relating to SFPS late submission of applications in respect of a person (details supplied) in County Leitrim; and if he will make a statement on the matter. [7328/12]

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 28 October 2011. As the application was received after the closing date for the scheme of 16 May 2011, it was therefore not eligible for consideration for processing. The person named was informed of this decision on the 15 November 2011 and of his right to seek a review. He has subsequently forwarded additional supporting documentation to my Department on 30 January 2012, which is currently under review. In the meantime, I have arranged for an official from my Department to make direct contact with the person named regarding the matter.

188. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a 2011 disadvantaged area payment will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [7339/12]

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 11 May 2011. This application was selected for a ground eligibility inspection. During the course of this inspection discrepancies were found that resulted in a claimed area of 589.94ha being reduced to 583.14ha. 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 of entitlements held by the person named is 593.0. As the difference between the area declared and the area found is more than 2ha, 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 569.54ha.

The person named was informed of this decision by formal notice on 17 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. Payment was made under the Single Payment Scheme on 12 January 2012 and payment under the Disadvantaged Area Scheme was made on 19 January 2012.

189. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a decision will be made on a REP scheme review lodged by a person (details supplied) in County Galway; and if he will make a statement on the matter. [7340/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS in June 2008 and received payment for the first two years of their contract.

[Deputy Simon Coveney.]

REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any payments have been finalised.

Following an on farm inspection the person named was informed in writing on 7 December 2011 of the decision to terminate his participation in the above Scheme and to seek recoupment of all moneys paid due to the non-declaration of all lands in the possession of the person named in an Agri-environmental Plan received by my Department on 15 May 2008. In the letter dated 7 December 2011 the person named was also informed of the “right of appeal”. The person named has appealed this decision to the Regional Inspector and will be informed of the decision in writing as soon as possible.

World Trade Negotiations

190. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he and his EU colleagues have engaged with representatives of the World Trade Organisation with a view to ensuring the future viability and security of the food industry in Ireland and throughout the EU; and if he will make a statement on the matter. [7452/12]

191. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which agreement has been reached or is likely to be reached between the EU negotiators and the World Trade Organisation with a view to ensuring the future and ongoing development of the food-producing sector in Europe; and if he will make a statement on the matter. [7453/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 190 and 191 together.

The WTO Doha Development Round talks are stalled at present and the prospects for conclusion of an agreement are uncertain at this point in time. Nevertheless, the EU Commission continues to represent the views of Ireland and other EU Member States in discussions with other trading partners based on positions agreed at EU level. These positions take account of the desire of the majority of EU Member States for a strong common agricultural policy that ensures viable food production, sustainable management of natural resources and climate action and balanced territorial development. I will continue to maintain pressure to secure an acceptable outcome from the WTO negotiations that does not undermine the development of European and Irish agriculture.

Common Agricultural Policy

192. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the degree to which he and his EU colleagues can ensure the future viability of family farms throughout Ireland and the EU; and if he will make a statement on the matter. [7454/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Food Harvest 2020 (FH2020) represents the strategic blueprint for the development of the agriculture, food, fisheries and forestry sector for the next decade. Its implementation, as well as the parallel negotiations at EU level to ensure an appropriate CAP policy and EU Budget framework post 2013, are the strategic steps which I am pursuing to develop the agri-food sector. FH2020 contained more than 200 recommendations specifically directed at improving farm level viability including restructuring, competitiveness and knowledge transfer. Details of progress made on these and the 215 recommendations are contained in the Annex to Food Harvest

2020 Milestones for Success on my Department's web-site; see page 3 of attached web link <http://www.agriculture.gov.ie/media/migration/publications/2011/FoodHarvestProgressReport260711.pdf>.

At European level, the future shape of the Common Agricultural Policy will be a key driver for the continued viability of family farms. In this respect note that the EU Commission's proposals for reform of the CAP are predicated on the principles of ensuring viable food production, sustainable management of natural resources and climate action as well as balanced territorial development. There is good support among my colleagues in the EU Council of Agriculture Ministers for these objectives and I believe it is expected that, notwithstanding differences about the details, future EU agricultural policy should recognise and reward the important contribution of the agri-food sector to economic recovery and growth and to sustainable development.

Food Industry

193. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he and his EU colleagues have continued to monitor developments in the beef, lamb and dairy sectors in the context of world trade with a view to ensuring the continued competitiveness of Irish products on European and world markets; the factors taken into account in any such considerations; and if he will make a statement on the matter. [7455/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The export performance of the meat and dairy sectors is affected by factors such as currency exchange rates, fluctuations in market prices and tariff rates. The value of beef exports in 2011 is estimated at €1.81 billion, an increase of 15% on the 2010 level. Similarly, lamb exports in same period are estimated to have increased by 10% to an estimated €180 million. In 2011, exports of dairy products were valued at €2.66 billion, which is an increase of 17% on the previous year. These figures underscore the competitiveness of Irish dairy and meat products across a culturally and geographically diverse range of overseas markets. Dairy products, for instance, are exported to over 80 countries. Nevertheless, I am working with industry on an ongoing basis to raise the profile of the Irish dairy sector and the Irish agri-food sector generally in emerging markets.

I have been very proactive in developing relationships in new and expanding markets in order to build the kind of confidence in Irish production and control systems that provide a platform for long-term trading relationships in the future. As part of that effort, I hosted a visit from the Chinese Vice-Minister for Agriculture last year, and signed a mutual co-operation agreement in the agri-food sector. I intend visiting China in the Spring of 2012 to visit my Chinese counterparts there and to further develop this very important relationship. I also visited Algeria to meet my counterpart, Minister Rachid Benaissa, and to open a new Irish Dairy Board Office and Packing Centre in what is already a significant, but expanding market for Irish dairy products, and I am confident that my continuing work in this area will ultimately pay dividends for the dairy and other sectors. In addition, my Department continues to engage with a range of third countries in Asia, the Middle East, South America, Africa and Eastern Europe with a view to opening new markets and facilitating the expansion of Irish dairy products in existing markets.

To conclude, the Deputy can be assured that my Department and the State Agencies under its remit will continue to closely monitor market developments as they affect the beef, lamb and dairy sectors and strive to improve market opportunities for Irish products.

Food Safety Standards

194. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine

[Deputy Bernard J. Durkan.]

the extent to which the quality of food and food products imported to Ireland or other EU countries complies with food processing husbandry and hygiene regulations applicable here and throughout the EU; the number of breaches of any such regulations in each of the past three years to date in 2012; and if he will make a statement on the matter. [7456/12]

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. In regard to 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 businesses to which their product has been supplied.

Food of Animal Origin

For their import from non-EU countries, food products of animal origin are required to meet the relevant requirements of EU food law that are operated in third countries or regions of third countries or conditions recognised by the EU to be at least equivalent. The EU's Food and Veterinary Office (FVO) carries out an assessment of third countries wishing to export these products to the EU and submits for Commission approval those where the responsible authorities can provide appropriate guarantees as regards compliance or equivalence with Community feed and food law and animal health rules. Third countries and their establishments that are approved to export are audited and inspected by the FVO with regard to these guarantees and reports of the findings of inspections are published on its website.

All products of animal origin for human consumption imported into the EU from third countries must be inspected at an approved Border Inspection Post (BIP). The products undergo documentary, identity (traceability) and physical examinations to ensure that they comply with relevant EU and national legislation. Imports must be accompanied by health certification provided by the competent authorities of the country of origin. The FVO also approves third-country meat processing establishments wishing to export to the EU and audits Member States' import controls for products from third countries.

When all import controls have been satisfied, compliant consignments may then be imported and placed on the single market, where they are treated the same as other compliant products and subject to the EU's Food Hygiene Regulations. In meat establishments in Ireland which operate under the approval of my Department, the same level of supervision is afforded to both imported and locally produced product. Veterinary inspectors ensure that meat coming into supervised premises must be from an approved source, whether locally produced or imported.

The following table gives details of BIP checks on imports of food of animal origin in the years 2009 to 2011:

Year	The number of consignments of food of animal origin undergoing BIP checks in Ireland	Total number failing BIP checks	Of which:- the number failing Documentary Checks	- the number failing Identity Checks	- the number failing Physical Checks	Of which:- the total number returned to the country of origin	- the total number destroyed
	1	2	3	4	5	6	7
2009	1,191	16	10	3	3	16	0

Year	The number of consignments of food of animal origin undergoing BIP checks in Ireland <i>1</i>	Total number failing BIP checks <i>2</i>	<i>Of which:-</i> the number failing Documentary Checks <i>3</i>	- the number failing Identity Checks <i>4</i>	- the number failing Physical Checks <i>5</i>	<i>Of which:-</i> the total number returned to the country of origin <i>6</i>	- the total number destroyed <i>7</i>
2010	1,150	25	13	12	0	15	10
2011	1,232	7	2	5	0	6	1

Columns 3, 4 and 5 describe Column 2 in terms of the reasons for rejection.
Columns 5 and 6 indicate the fate of these rejected consignments.

Non-Animal Food Products

Food safety import controls on plant products for human consumption are co-ordinated by the Food Safety Authority of Ireland (FSAI). I am advised by the FSAI that there are controls in place at points of import for products of non-animal origin. These controls are carried out by the Environmental Health Officers Service of the Health Service Executive. There are specialized port health officers in the main port areas of Dublin, Cork and Shannon. Similar to all EU member states, products of non-animal origin which have not been identified as posing a particular risk can be imported into the European Union through any point of entry without prior notification to the competent authorities. These products would be subject to routine random checks (documentary, identity, physical) at the point of entry to ensure that they comply with EU legislation relevant to the product being imported.

These products are subject to the same rules and controls as other products on the Irish market once they have been released by the Revenue Customs Service for free circulation. Products of non-animal origin produced in other member states can freely circulate in Ireland and are subject to the same controls on the market as similar products produced in Ireland. Certain products of non-animal origin from Third Countries (i.e. outside the European Economic Area) which have a known or emerging risk are subject to increased levels of control depending on the risk posed. Most of these now require prior notification to a designated point of entry. For Ireland these are Dublin Sea Port and Dublin Airport. Some require pre-entry documentation including Common Entry Document, health certification and certificates of analysis to show compliance with relevant EU legislation. Some require specific checks i.e. identity and physical checks including sampling by the Irish competent authorities on some or all of the consignments. In general, these products cannot be released for free circulation / placed on the market until they have favourable results. All consignments which are subject to increased controls or emergency measures must be inspected at the point of entry into the EU. The same requirements apply in all member states.

There are essentially three levels of official controls for the import from Third Countries of food products of non-animal origin set down in EU legislation:

1. Routine official controls under Regulation (EC) No 882/2004 (for products of non-animal origin where no specific risks have been identified)
2. Increased official controls due to known or emerging risks under Article 15.5 of Regulation (EC) No 882/2004 as implemented by Regulation (EC) No 669/2009 as amended
3. Emergency/Safeguard measures
 - a. under Article 53 of Regulation (EC) No 178/2002
 - b. under other legislation

[Deputy Simon Coveney.]

Non-compliances identified for products of non-animal origin where there is a serious risk and they have been imported into Ireland from another member state or from outside of the EU must be notified to the European Commission through the Rapid Alert System for Food and Feed (RASFF). In addition, reports on all consignments of products subject to the increased controls or emergency/safeguard measures (2 and 3 above) are reported to the Commission on a quarterly basis, including the outcome of the controls carried out.

A total of 3,829 random checks were carried out on consignments/containers by HSE in 2010. Of these, 9 consignments were rejected. There was a total of 365 consignments in 2010 which were subject to increased official controls/emergency measures, 21 of which were rejected. In 2011, there was a total of 945 consignments which were subject to increased controls, 41 of which were rejected. Rejected consignments were in the main destroyed but some were re-dispatched in accordance with the legislation. All of these consignments which are subject to increased official controls/emergency measures were inspected by HSE.

My Department's involvement in relation to controls on imports from Third Countries arises under Regulation (EC) No. 669/2009 and relates to identified pesticide residue risks in imported foods. All of the produce sampled under the requirements of Regulation 669/2009 in recent years has been found to be in compliance and consequently entered into free circulation within the jurisdiction.

Animal Diseases

195. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which the full requirement in respect of laboratory facilities and testing remains available or is being made available to facilitate early identification of animal disease in respect of the bovine, equine and pig industries; if all samples are tested here; the extent to which any such tests are referred overseas; and if he will make a statement on the matter. [7457/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): While the Department's laboratory facilities at Backweston have the capability to deal with the bulk of analytical requirements, certain elements (testing for exotic viruses etc) are referred to other national and international laboratory service providers. It is envisaged that the need for such referrals will continue to diminish, as the Department's laboratories continue to introduce and extend the range of analytical methods and technologies available within the laboratories.

The Regional Veterinary Laboratory network is in close contact with local private veterinary practitioners and local farming interests and maintains a close scrutiny of the level of disease occurring in farmed animal species. The Irish Equine Centre provides most of the laboratory testing capacity for the equine industry with the Department laboratories providing additional tests for export certification. An annual report is prepared and published indicating the results of such disease surveillance activities on an all island basis. The most recent disease surveillance report is for 2010 and can be obtained at <http://www.agriculture.gov.ie/rvlreport/>.

Food Industry

196. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the markets currently showing great potential for growth at EU or worldwide level for Irish dairy products; and if he will make a statement on the matter. [7458/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Exports of dairy products in 2011 were valued at €2.66 billion, which is an increase of 17% on the previous year.

Ireland already has access to markets worldwide and exports dairy products to over eighty countries. Nonetheless I am working with industry to raise the profile of the Irish dairy sector, and the Irish agri-food sector generally in emerging markets.

I have been very active in developing relationships in new and expanding markets in order to build the kind of confidence in Irish production and control systems that provide a platform for long-term trading relationships in the future. As part of that effort, I hosted a visit from the Chinese Vice-Minister for Agriculture last year, and signed a mutual co-operation agreement in the agri-food sector. I intend to lead a trade mission to China in spring to further develop this critical and important relationship, and to meet my ministerial counterparts in the Agriculture and Quarantine Ministries to help raise the profile of the Irish agri-food sector in China.

I also visited Algeria in 2011 to meet my counterpart, Minister Rachid Benaissa and to open a new Irish Dairy Board Office and Packing Centre in what is already a significant, but expanding market for Irish dairy products, and I am confident that my continuing work in this area will ultimately pay dividends for the dairy and other sectors. In addition, my Department in conjunction with the Department of Foreign Affairs and Trade continues to engage with a range of third countries in Asia, the Middle East, South America, Africa and Eastern Europe with a view to opening new markets and facilitating the expansion of Irish dairy products in existing markets.

Beef Exports

197. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the markets currently showing great potential for growth at EU or worldwide level for Irish beef and beef products; and if he will make a statement on the matter. [7459/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Ireland exports some 90% of its beef production and around 96% of beef exports go to other EU Member States. The EU is only 96% self-sufficient in beef production and consumer demand for beef is expected to further exceed EU production in the coming years. Irish beef exports were valued at €1.8 billion in 2011 but overall export volumes to particular destinations in a particular period will vary in response to demand/supply dynamics in specific markets which in turn is influenced by such factors as product innovation, changing consumption patterns, competitor behaviour and currency fluctuations. Exchange rate movements, for example, are especially significant for the development of trade with our largest single market — the UK.

The UK remains a key target market by virtue of its size and proximity. In 2011, it accounted for almost half of total export volumes with an estimated 235,000 tonnes valued at €810m, which was an increase of €50m on 2010 levels. Of the Continental European markets, which accounted for an estimated 237,000 tonnes valued at €920m, Germany is seen to offer promising opportunities for export growth. Exports to Germany in 2011 are estimated to have increased by more than 5,000 tonnes to reach 15,000 tonnes. There is also a growing trade in beef and beef offals to the Russian Federation and Far Eastern markets such as Vietnam. Exports of Irish beef to international markets in 2011 benefitted from stronger import demand with shipments rising by around 30% to 20,000 tonnes and were worth around €70m.

Other long-term targets include, but are not limited to, the Chinese and Japanese markets and my Department is engaging actively with the authorities in those countries, amongst others, in order to secure access for our beef products. Last year I hosted a visit from the Chinese Vice Minister for Agriculture and signed a mutual co-operation agreement in the agri-food sector which I hope will help to build the kind of confidence in Irish agri-food production and control systems that will provide a platform for improved trading relationships into the future.

[Deputy Simon Coveney.]

The market prospects for 2012 are reasonably positive given the likely supply/demand dynamics at work in both the domestic and EU beef markets in 2012. But there are considerable downside risks associated with developments in the macro-economic environment and uncertainty surrounds the prospects for consumer demand generally. However, I will continue to work closely with the beef industry, through Bord Bia and with the assistance of the international network of Irish Embassies, to raise the international profile of Ireland and the Irish agri-food sector in order to facilitate increased exports in traditional and emerging markets.

Poultry Industry

198. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which Irish poultry exports have developed in each of the past five years and to date in 2012; the prospects for the future at EU and worldwide levels; and if he will make a statement on the matter. [7460/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The following table sets out the value and volume of Irish poultry meat exports since 2007. Great Britain and Northern Ireland account for the majority of trade although the proportion destined for these markets has declined. France is the largest Continental EU market while internationally China has become increasingly important in recent years.

	2007		2008		2009		2010	
	'000t	€m	'000t	€m	'000t	€m	'000t	€m
United Kingdom	72.5	212	80	176	85	160	77	162
Other	18.5	27	19	25	20	23	31	38
Total	91	239	99	201	105	183	108	200

An ongoing competitive marketplace limited any potential for poultry price increases during 2011 although strong export volumes helped result in the value of Irish poultry exports rising by 3% to reach an estimated €210 million. The Irish poultry meat sector is very small and as the industry is one which has a high degree of vertical integration it is difficult for Irish companies to break into new markets. EU production is forecast to decline marginally during 2012.

Food Safety Standards

199. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the countries from which beef, lamb, poultry or pigmeat and associated products are imported to this country or the EU; the extent of the regulations in respect of husbandry production or hygiene and traceability applicable in such countries; the extent to which this conforms to EU standards; and if he will make a statement on the matter. [7462/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): For their import from non-EU countries foods products of animal origin are required to meet the relevant requirements of EU food law that are operated in third countries or regions of third countries or the conditions recognised by the EU to be at least equivalent. Accordingly the EU publishes listings of the countries and regions of countries it has approved for this purpose as well as their approved export food business establishments.

The EU's Food and Veterinary Office (FVO) carries out an assessment of third countries wishing to export these products to EU and submits for Commission approval those where the

responsible authorities can provide appropriate guarantees as regards compliance or equivalence with Community feed and food law and animal health rules. Third countries and their establishments that are approved to export are audited and inspected by the FVO with regard to these guarantees and reports of the findings of inspections are published on its website.

Where there are concerns with regard to the effectiveness of controls being operated in an approved third country the Commission, in consultation with the Standing Committee on Animal Health and the Food Chain, may introduce specific or additional import control by means of a safeguard measure to ensure the protection of human and animal health. Safeguard measures limiting or banning the export of animal products from third countries or regions of countries may be implemented where, for example, the conditions of an animal disease outbreak could seriously effect production and trade in animal products in the EU or where there is risk to human health. These measures continue until the risk has been removed. Examples of this are the restrictions permitting only treated poultry meat products from certain Asian countries because of high pathogenic Asian Influenza risks.

Importers of products of animal origin from third countries are required to give prior notification of import to an EU approved Border Inspection Post. Veterinary checks comprising documentary, identity (traceability) and physical checks according to EU requirements are applied at the (BIPs) to confirm the products, their origin and health certification comply with the requirements for their entry on to the EU market. The FVO monitors the application of controls in third countries and at the BIPs. Products not complying with import conditions may be seized for return to the country of origin or for their destruction.

Countries and their regions currently approved for export of beef (BOV), lamb (OVI) and pig meat (POR) are those countries listed in Annex II to Commission Regulation (EU) No 206/2010 (as last amended by Regulation (EU) No 1112/2011) where competent authorities of the approved third country/region have undertaken to provide export health certification according to the model required by the EU. In each case this is denoted by a three letter reference for the particular meat product that country/region has been approved for; as well as specific conditions that may apply for import of products from that country/region; and, where relevant, production dates from when export of the product may be undertaken. For poultry meat (POU) a similar listing is provided in Annex I to Commission Regulation (EU) No. 798/2008 as last amended by Regulation (EU) No 1132/2011. I have arranged to have the approved country listings referred to above forwarded under separate cover.

The following link is to the EU Commission's website with information on the current listings of countries/regions and establishments: <http://ec.europa.eu/food/food/biosafety/establishments/third—country/index—en.htm>

Question No. 200 answered with Question No. 39.

Food Industry

201. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the total number of persons currently employed in the mushroom growing industry here; the extent to which employment in the sector and fluctuated in the past four years and to date in 2012; and if he will make a statement on the matter. [7464/12]

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 pro-

[Deputy Simon Coveney.]

duction, the numbers of part-time workers has declined over the years. Numbers employed in the industry have been relatively static over the past four years. The estimate of those employed in the mushroom industry in 2007 was over 2,400. 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 partly due to the EU/ Industry co-funded three 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.

202. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine if it is possible to maximise job opportunities arising from the value-added processing of all food and food products in the dairy, meat, fish and poultry sectors with particular reference to addressing issues arising from the downturn in the economy; and if he will make a statement on the matter. [7465/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The establishment of a positive economic environment in order to facilitate job creation is one of the key objectives of this Government. Following last November's Government's Decision to progress an annual Action Plan for Jobs, my Department and its State Bodies have been actively involved in this exercise. Consequently, I expect that the 2012 Action Plan will be announced shortly and will include a specific section outlining the ways in which the agri-food sector will contribute to the overall job target.

This Action Plan links in with the Food Harvest 2020 report which set itself a target of increasing the value added of the agri-food and fisheries sector by €3 billion by 2020. I am particularly confident that there will be increased employment in dairy processing, the seafood and aquaculture industry and in the SMEs and micro industries. Overall, I plan to ensure that the concerted Government focus on jobs will underpin the current employment levels of 135,000, achieve a net gain of 7,500 in food and beverage companies while at the same time augmenting the equally important indirect employment impact.

Departmental Bodies

203. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7520/12]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department has neither established nor abolished any State agencies, authorities, boards, committees, working groups, tribunals, council services, task forces, agencies or other quangos since February 2011 apart from the Beef Policy 2020 Activation Group which was established in February 2011 as part of the Food Harvest 2020 Implementation process. It was dissolved in June 2011 following the presentation of its report to me.

Juvenile Offenders

204. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if, in view of recommendations made in the Children's Rights Alliance's Report Card 2012 to remove children from St. Patrick's Institution, Dublin, and in view of the repeated concerns expressed by international bodies such as the UN Committee Against Torture and the Committee for the Prevention of Torture regarding the same, she will commit capital funds for 2012

to build the national children's detention facility in Lusk, County Dublin, and extend the remit of the Ombudsman for Children to oversee the concerns of children in St. Patrick's Institution; and if she will make a statement on the matter. [7312/12]

206. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs if she has met with the Department of Finance to seek capital funding for the construction of the new national children's detention facility; and if she will make a statement on the matter. [6529/12]

207. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs the date from which children of 16 and 17 years will no longer be held in St. Patrick's Institution, Dublin; and if she will make a statement on the matter. [6530/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 204, 206 and 207 together

I am in ongoing consultations with the Minister for Public Expenditure and Reform on the funding of the proposed National Children Detention Facility in Oberstown, Lusk, Co Dublin and I have recently written to him emphasising the priority that should be attached to this project. I do not propose to comment further on these consultations, except to say that the Deputy can be assured that I will continue to make the case at Government level on the priority that should be given to this project.

Regarding the date from which children will no longer be held in St Patrick's Institution, I refer the Deputy to my reply to question number 4271/12 of 25 January 2012 in this matter. The position is unchanged. I am aware that it is suggested that the remit of the Ombudsman for Children should be extended to take complaints from children resident in St. Patrick's Institution. I have considered this issue and am positively disposed to it, and I will be progressing it with my colleague, the Minister for Justice and Equality in the coming months.

Health Service Staff

205. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs the position regarding the number of child protection workers in County Kerry (details supplied); and if she will make a statement on the matter. [7498/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

Questions Nos. 206 and 207 answered with Question No. 204.

Preschool Services

208. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs in view of the positive comments in the Children's Rights Alliance's Report Card 2012 regarding the Government's record on early childhood care and education, he will extend the early childhood year; and if she will make a statement on the matter. [7316/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Early Childhood Care and Education (ECCE) programme was introduced in January 2010 and provides a free pre-school year to all eligible children in the year before commencing primary school. I very much welcome the positive assessment of the ongoing developments in the early childhood care and education sector by the Children's Rights Alliance. Their Report recognises in particular the significant commitment made by this Government to maintaining the necessary and

[Deputy Frances Fitzgerald.]

substantial funding to ensure that the free universal pre-school year continues to be implemented.

In 2011, the ECCE programme cost approximately €163 million. Additional funding has been made available for 2012 when the cost of the programme is expected to rise to €175 million due to changes in demographics.

The Children's Rights Alliance Report also recognises the significant steps taken in relation to the Literacy and Numeracy Strategy and I will continue to collaborate closely with my colleague, the Minister for Education and Skills, in implementing this Strategy. Early intervention is crucial and the Strategy provides for a range of actions to support pre-school children and their families, to be undertaken by my Department.

I am aware of the need to further develop the early childhood care and education sector and it is my view that it would be extremely helpful to many children if I could extend the free pre-school provision to a second year. This would be particularly beneficial for children with special needs who currently can avail of the pre-school year on a pro-rata basis over two years and I would like to be in a position to deliver on this. However, this development would require considerable additional funding and given the financial constraints under which the Government is currently operating it is not possible to provide for any enhancements to the programme at this time.

However future developments relating to early years care and education will be considered during preparation of the new National Early Years Strategy 2012.

Child Care Services

209. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs in view of the welcome announcement on her commitment to develop a national early years strategy, her plans around the scope of consultation procedures that will inform the strategy to ensure its success; the elements of the early childhood sector and relevant agencies that will be involved in this process; and if she will make a statement on the matter. [7318/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Early Years Strategy will be developed during 2012 and will cover a range of issues affecting children in their first years of life. There will be a consultation process later in the year and I can assure the Deputy that key stakeholders will be consulted. The details of who is to be consulted and how the process will be managed is currently under consideration.

Adoption Services

210. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs her views on correspondence (details supplied) regarding the Adoption Act. [7349/12]

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.

Foster Care

211. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the

number of unaccompanied minors who having reached the age of 18 years since 1 January 2011, who have received notice, either from the Health Service Executive or the Reception and Integration Agency to tell them they are to be moved out of foster homes and into direct provision centres; the provision, if any, that is made in each of aged out minors in relation to their continued education be it at leaving certificate level or otherwise; if any have been granted the opportunity to remain in their foster placement in order to complete their education; and if she will make a statement on the matter. [7381/12]

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.

Departmental Bodies

212. **Deputy Éamon Ó Cuív** asked the Minister for Children and Youth Affairs the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by her since February 2011; the number abolished since then; and if she will make a statement on the matter. [7522/12]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department was formally established on the 2nd of June 2011 and since then it has established and abolished the following groups:

Groups Established	Groups Abolished
Children First Interdepartmental Group October 2011	Children and Young People's Participation Partnership Committee March 2011
Advisory Group on Youth Homelessness May 2011	
The Task Force on the Child and Family Support Agency September 2011	
Cross Sectoral Project Team on 116000 Hotline January 2012	
Thematic Group on the Development of a national policy on children and young people's participation in decision making. February 2011	

The Local Authorities have also established a National Local Authority Play and Recreation Network in conjunction with my Department.

It should be noted that following enactment of the Child Care Amendment Act 2011 the Children's Act Advisory Board was subsequently dissolved by means of the commencement by the Minister of Health of Part 6 of the Child Amendment Act 2011.

Hospital Waiting Lists

213. **Deputy Sean Fleming** asked the Minister for Health if an appointment will be arranged as soon as possible for a child (details supplied) to see a consultant; and if he will make a statement on the matter. [7337/12]

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.

[Deputy James Reilly.]

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Food Labelling

214. **Deputy Bernard J. Durkan** asked the Minister for Health the number of breaches of food labelling in respect of traceability and other standard that have been identified in each of the past four years to date in 2012; the action, if any, taken thereafter; and if he will make a statement on the matter. [7461/12]

Minister for Health (Deputy James Reilly): Responsibility for the enforcement of food labelling legislation rests with the Food Safety Authority of Ireland (FSAI) and its official agents, which include the Health Service Executive (HSE), the Department of Agriculture, Food and the Marine (DAFM), Local Authorities (LAs) and the Sea Fisheries Protection Authority (SFPA). Traceability figures are counted separately to food labelling figures as they also encompass other areas of food safety. In 2008 the HSE, carried out 18,068 food labelling and 7,031 traceability inspections which identified 2,866 and 552 non-compliances respectively. In 2009 54,177 food and 12,194 traceability inspections identified 8,425 and 2,335 non-compliances respectively. In 2010, 52,571 food and 15,947 traceability inspections identified 7,079 and 2,422 non-compliances respectively. Full data for 2011 is not yet available nor is data for 2012. I will arrange for the FSAI to contact the Deputy directly when this information becomes available.

The HSE follows up on all non-compliances with the food business operators to ensure future compliance. In the other official agencies, food labels are checked at production level as part of routine food controls. The number of inspections specifically on food labels is not separately recorded.

DAFM Egg and Poultry Inspectors verify compliance with labelling and the marketing standards for eggs and poultry from primary production through to retail. In 2008 DAFM undertook 1,409 inspections in poultry producer establishments to verify compliance with these standards for poultry, of which 28 non-compliances were identified. In 2009 DAFM undertook 1,432 inspections in these establishments and identified 20 non-compliances. In 2010 DAFM undertook 1,359 inspections in these establishments and identified 7 non-compliances. FSAI has also carried out, in co-ordination with the official agencies, labelling surveys on specific aspects of the nutrition and health claims legislation, allergen labelling, fish and fish products and gas-flushed chicken fillets.

Following on from the inspections the official agencies undertake appropriate enforcement action with the food businesses. They also verify that compliance is achieved. As already indicated above in most cases breaches of labelling legislation do not pose a serious risk to public health and compliance with the legislation is done through the provision of advice to the food business and appropriate changes to the food label.

In May 2009 a prosecution was taken by the FSAI against a food business in Galway for breaches including the Labelling of Fishery and Aquaculture Products Regulations 2003. One 2009 HSE prosecution cited offences under the 2006 Country of Origin of Beef Regulations

and a further prosecution cited the Beef Labelling Regulations 2000. In 2010 four HSE prosecutions cited offences under labelling legislation including the general labelling, country of origin of beef, fish labelling and beef labelling regulations.

Health Insurance

215. **Deputy Tom Fleming** asked the Minister for Health his plans to address the increases to the cost of private health insurance resulting in thousands abandoning their policies every month as they can no longer afford the rising premium rates; and if he will make a statement on the matter. [7266/12]

Minister for Health (Deputy James Reilly): I am concerned that private health insurance is becoming harder to afford, especially for older people, as insurers increasingly tailor their insurance plans towards younger, healthier customers. Under Universal Health Insurance, everyone will be insured for health care and the current unfair discrimination between public and private patients will be removed. In the meantime, I am focusing on addressing the problems of the current private health insurance market, where insurers have a considerable financial incentive to cover younger, better risks rather than older, poorer risks.

I am strongly committed to protecting community rating, whereby older and less healthy customers should pay the same amount for the same cover as younger and healthier people. In order to protect community rating, we need a system of Risk Equalisation which ensures that community rating can survive. At present, we have an Interim Scheme, which has been in place since 2009. It is designed to compensate insurers which have older, less healthy customers and therefore higher claims costs, compared to insurers which have younger, less costly customers. It does so by a system of tax credits, based on age, in respect of persons of 60 years and over. Without such a system, community rating cannot survive. The Interim Scheme is funded by a Community Rating Levy, in respect of every health insurance policy written. I extended the Interim Scheme for a further year in 2012 under the Health Insurance (Miscellaneous Provisions) Act, 2011, and will introduce a more detailed Risk Equalisation scheme under new legislation from next January.

In order to keep down the cost of health insurance for older people, I increased significantly the age-related income tax credit for insured persons aged 60 years and over, from 1 January 2012. Without this support, health insurers would have had an even stronger financial incentive to 'segment' the market by offering policies targeted at young people, to the disadvantage of older customers.

I must emphasise that these measures are designed to result in no overall increase of premiums in the market and to spread the risk more evenly between the healthy and the less healthy, the young and the old. The increased levy is balanced by a corresponding increase in tax credits for older people, so that the system is Exchequer neutral overall. In this regard, it is important to note that the levy on policies is not a revenue collecting mechanism for the Exchequer. The Community Rating Levy, under the Interim Scheme, is placed on private health insurance providers for each insured individual, and not on the individuals themselves. It is a matter for the insurance providers as to the extent, if any, they pass the levy on to their clients.

In December 2011, I agreed with the three commercial health insurers to establish a Consultative Forum to tackle issues of mutual concern and this Forum will meet in the coming weeks. It is intended to work cooperatively in driving down costs related to health insurance and to identify savings that could be achieved by both public and private hospitals. I have already indicated to the insurers that I would be happy to hear proposals from them which

[Deputy James Reilly.]

would result in lower costs for the health insurance sector. A new review of the VHI's claims costs will be carried out to establish what further savings can be made. The review is being completed early this year and will contribute significantly to more effective cost control within the private health insurance market.

I am determined that these and other measures will have a significant impact in containing the level of any future increases in health insurance premiums. The Government's clear objective is for the health insurance market to remain competitive as we move towards a new system of Universal Health Insurance.

Medical Cards

216. **Deputy Denis Naughten** asked the Minister for Health the reason for the delay in issuing a person (details supplied) with a medical card; when same will be issued; and if he will make a statement on the matter. [7271/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

217. **Deputy Thomas P. Broughan** asked the Minister for Health if he will report on all current initiatives to address waiting times and overcrowding in the six major Dublin hospitals accident and emergency units including Beaumont Hospital, the Mater, St. Vincent's, St. James's, Blanchardstown James Connolly Memorial, and Tallaght; and if he will make a statement on the matter. [7283/12]

Minister for Health (Deputy James Reilly): Building on the achievements of 2011 the SDU will work with the NTPF, the HSE Clinical Programmes and hospitals to minimise patient waiting times in emergency departments and reduce waiting periods for in patient and day case elective surgical care. The improvements already won have to be secured and continually improved upon. There is a specific SDU liaison process in place for all of these hospitals with varying degrees of intensity commensurate with the issues on the ground in each location. The next phase of work by the SDU, which will encompass these six hospitals, will include:

- February 2012 will begin to see the focus in ED turn to patient journey time monitoring (along with trolley waits) as part of the new national score card for measuring performance.
- Unscheduled Care Target to be introduced in 2012: Ensure that 95% of all attendees at EDs are discharged or admitted within 6 hours of registration, and that those who need to be admitted through ED wait no more than 9 hours from registration.
- Scheduled Care Targets to be introduced in 2012: Move to reduce maximum waiting time for elective surgery to 9 months or less. 20 weeks or less for elective paediatric procedures. Endoscopy procedures the target is 13 weeks.
- Set targets for improved access to outpatient (OPD) services in the first quarter of 2012.
- The introduction of hospital groups will provide further opportunities for inter site cooperation. Although achieving these targets will be challenging given the difficult

budgetary position the health services are facing I am encouraged by the recent successes of the SDU.

Significant Progress by end 2011

By the end of 2011 very significant progress was made on the two key SDU priority initiatives for 2011 in relation to trolley waits and the 12 month maximum waiting time target for elective in patient and day case surgery.

Trolley Waits 2011

In the area of unscheduled care in Emergency Departments (ED) the cumulative number of patients waiting on trolleys was 27% lower than the previous year. This equates to significant numbers of patients whose experience of our Emergency Departments was markedly improved through the work of the SDU.

Elective in patient and day case waiting lists 2011

In relation to scheduled care the National Treatment Purchase Fund reported that at the end of 2011, 95% (41 hospitals) met the target to eliminate greater than 12 month waiters from their active waiting list. This compares to 28 hospitals at the end of 2010 that had patients waiting over 12 months for treatment on the active waiting list.

Notwithstanding this significant progress to date it is recognised that it will be a significant challenge to maintain these achievements particularly in the initial few months of 2012, typically the busiest time for acute hospitals.

218. **Deputy Willie Penrose** asked the Minister for Health the steps he will take to have a person (details supplied) in County Westmeath admitted for a operation, which is urgently required; and if he will make a statement on the matter. [7289/12]

219. **Deputy Willie Penrose** asked the Minister for Health the steps he will take to have a person (details supplied) in County Westmeath admitted for a operation, which is urgently required; and if he will make a statement on the matter. [7290/12]

220. **Deputy Willie Penrose** asked the Minister for Health when a person (details supplied) will have a operation carried out; if same will now be expedited; and if he will make a statement on the matter. [7292/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 218, 219 and 220 together.

I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery

As these are service matters, they have been referred to the HSE for direct reply. Should a patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Health Services

221. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for treatment in the USA in respect of a person (details supplied) in County Kildare; if it is he or the Health Service Executive that has to determine such a decision; the timescale of such an application from submission to determination; if there is any link with Irish American associations or other such bodies in regard to the provision of funding for special cases or links with institutions in the USA in regard to such cases; and if he will make a statement on the matter. [7303/12]

Minister for Health (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

222. **Deputy Charlie McConalogue** asked the Minister for Health the proposed date for the opening of the new medical assessment unit and accident and emergency department at Letterkenny General Hospital, County Donegal; and if he will make a statement on the matter. [7306/12]

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

223. **Deputy Finian McGrath** asked the Minister for Health the position regarding support in respect of a person (details supplied) in Dublin 5 [7307/12]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Crime Prevention

224. **Deputy Jonathan O'Brien** asked the Minister for Health the projected cost of promoting the crimestoppers phone line after the abolition of the Dial to Stop Drug Dealing campaign; and if he will make a statement on the matter. [6542/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): At the outset, I would like to advise the Deputy that the Dial to Stop Drug Dealing Campaign has not been abolished. Rather, from 2012 onwards, the campaign will be promoted in partnership with CRIMESTOPPERS which will facilitate a more cost efficient approach.

Up to the end of 2011, there were a number of phone lines available to report drug dealing activity, including the dedicated Dial to Stop Drug Dealing phone line which carried with it significant promotional costs. The funding previously available for the operation of the Dial to Stop Drug Dealing phonenumber will be used to raise awareness of the CRIMESTOPPERS line as a counter drug initiative, in order to increase calls to the line concerning drug dealing and drug related crime.

In 2012, funding in the amount of €25,000 will be used to promote the CRIMESTOPPERS phone line in Drugs Task Force areas and other areas where there is a high concentration of drug activity. This is the same level of funding provided for the initiative in 2011.

Hospital Services

225. **Deputy Billy Timmins** asked the Minister for Health the position regarding funding for transplants for Beaumont Hospital (details supplied), Dublin; and if he will make a statement on the matter. [7314/12]

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

226. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding an application for the renewal of a medical card in respect of a person (details supplied) in County Mayo; and if it will be expedited as the applicant is 72 years old [7326/12]

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 or through the GP practice systems.

227. **Deputy Sean Fleming** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [7338/12]

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.

Care of the Elderly

228. **Deputy Catherine Byrne** asked the Minister for Health the special delivery unit funding that has been allocated to St. James's Hospital, Dublin 8; if this funding is being used to facilitate elderly persons moving into nursing homes while they await the outcome of their application under the nursing home support scheme; the person who is responsible for administering this funding in the hospital; the way patients' families may apply to be considered under this scheme; and if he will make a statement on the matter. [7348/12]

Minister for Health (Deputy James Reilly): During the last quarter of 2011 the SDU sought proposals from hospitals for measures that could be taken to avoid excessively long delays for large number of patients waiting in Emergency Departments. This initiative initially concentrated on hospitals that were contributing most to the overall problem and was later extended to all hospitals which had patients waiting. It was in the context of the extended initiative that the focus came on St. James's and in particular to delays in the discharge of patients who have concluded the acute element of their illness and were ready for discharge.

Based on a proposal received from St James's, the SDU approved a maximum of €140,000 for the transfer of 35 patients from the hospital to Private Nursing Homes on a short term basis for a period of 4 weeks in December 2011 subject to having every effort made to achieve best value for money.

This approval was subject to a range of specific conditions including that the hospital was to select patients in respect of whom an application for Fair Deal was already made, and was to liaise with the HSE in respect of each application.

[Deputy James Reilly.]

It was made clear that this funding was approved and would be released only in the event of all the requirements being met. That is to say that the funds could not be used for any other purpose than set out in the proposal and that all conditions attached to the funding had to be adhered to or it would be withdrawn and/or reclaimed. The hospital was obliged to continue these measures from within its core funding for January 2012 as necessary to meet agreed ED targets. Any capacity increases funded through this mechanism could not be offset by reductions elsewhere. Funding under the initiative has been disbursed to the HSE which is responsible for payments to the providers.

This was a once-off initiative designed to increase bed capacity at the hospital over the busy Christmas and New Year period so the issue of applications for inclusion at this stage does not arise. A total of 23 patients were transferred from St. James's Hospital to nursing homes under the initiative at a total cost of €99,268.

Medical Cards

229. **Deputy Eoghan Murphy** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied). [7357/12]

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.

230. **Deputy Sean Fleming** asked the Minister for Health when a medical card will issue to a person (details supplied) in County Laois; and if he will make a statement on the matter. [7358/12]

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.

231. **Deputy Patrick O'Donovan** asked the Minister for Health when a decision will issue on a medical card application in respect of a person (details supplied) in County Mayo. [7359/12]

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.

232. **Deputy Patrick O'Donovan** asked the Minister for Health when a decision will issue on a medical card appeal in respect of a person (details supplied) in County Mayo. [7362/12]

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.

233. **Deputy Tom Fleming** asked the Minister for Health if he will expedite a medical card application in respect of a person (details supplied) in County Kerry. [7363/12]

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.

234. **Deputy Tom Fleming** asked the Minister for Health when a decision will issue regarding a medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [7371/12]

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.

235. **Deputy Billy Timmins** asked the Minister for Health the position regarding medical card applications online when a person needs to be assessed urgently due to an illness; if he or she can forward the medical information online and be assessed for medical reasons; and if he will make a statement on the matter. [7373/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): The Health Service Executive has confirmed to me that where a person has an urgent acute need for a medical card, there is a dedicated contact in the Primary Care Reimbursement Service to facilitate urgent assessment of any such application. Details of this contact should be available to all GPs and consultant medical doctors.

Hospital Staff

236. **Deputy Billy Kelleher** asked the Minister for Health the number of hospital managers who have applied to the early retirement scheme; and if he will make a statement on the matter. [7387/12]

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.

237. **Deputy Billy Kelleher** asked the Minister for Health the number of nurses, by hospital, who have applied to the early retirement scheme; and if he will make a statement on the matter. [7388/12]

238. **Deputy Billy Kelleher** asked the Minister for Health the number of midwives, by hospital, who have applied to the early retirement scheme; and if he will make a statement on the matter. [7389/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 237 and 238 together.

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Hospital Staff

239. **Deputy Billy Kelleher** asked the Minister for Health the number of consultant doctors who have applied to the early retirement scheme; and if he will make a statement on the matter. [7390/12]

240. **Deputy Billy Kelleher** asked the Minister for Health the number of home help workers who have applied to the early retirement scheme; and if he will make a statement on the matter. [7391/12]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 239 and 240 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.

[Deputy James Reilly.]

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). This data is subject to change in the event of additional applications being received or existing applications being withdrawn. The number of Home Helps who have stated their intent to retire during the period September 2011 to February 2012 is 192. The number of consultant doctors who have stated their intent to retire during the same period is 93.

241. **Deputy Billy Kelleher** asked the Minister for Health if he intends to allow for the re-employment of any persons who have applied to the early retirement scheme; the numbers he intends to allow for same; and if he will make a statement on the matter. [7392/12]

Minister for Health (Deputy James Reilly): It was a specific condition of the 2010 Voluntary Early Retirement scheme that persons availing of the scheme would not be eligible for re-employment in the public health sector or in the wider public service or in a body wholly or mainly funded from public moneys. The same prohibition on re-employment applied under the 2010 Voluntary Redundancy scheme also, except that the prohibition is for a period of 7 years, after which time any re-employment will require the approval of the Minister for Finance. These provisions also apply in the case of re-engagement on a contract for service which would include employment through an agency engaged in the public service.

However, there is currently no voluntary redundancy or voluntary early retirement scheme available in the public health sector. Therefore, no specific re-employment restrictions apply to persons retiring before the end of the 'grace period' which expires on 29 February 2012.

I wish to emphasise that the re-engagement of retired staff should only take place in exceptional circumstances and in the short term only.

Medical Cards

242. **Deputy Brian Walsh** asked the Minister for Health when a decision on an application for a medical card will issue in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [7393/12]

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.

243. **Deputy John McGuinness** asked the Minister for Health when a general practitioner visit card will be approved in respect of a person (details supplied) in County Carlow; and if he will expedite a response. [7414/12]

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.

244. **Deputy John McGuinness** asked the Minister for Health if an application for a medical card submitted in October 2011 will be expedited and approved in respect of a person (details supplied) in County Kilkenny. [7415/12]

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

245. **Deputy John McGuinness** asked the Minister for Health if he is satisfied with the number of staff employed at Caomhnú Kilcreene, Kilkenny and the staff patient ration; his plans to ensure staff, patient and visitor safety at the special unit; his views on concerns expressed by family members that much needed activity for the patients have been cut due to lack of staff; if he will investigate written complaints by family members regarding staff levels; and if he will make a statement on the matter. [7416/12]

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.

246. **Deputy John McGuinness** asked the Minister for Health if he will arrange an early date for assessment in the case of a person (details supplied) in County Kilkenny. [7417/12]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Service Staff

247. **Deputy Pearse Doherty** asked the Minister for Health the number of early retirements taken in 2012 from hospitals, nursing homes, primary care teams and other Department of Health funded health providers in the following locations (details supplied); and if he will provide a breakdown of the retirements by service provider. [7429/12]

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.

Hospital Services

248. **Deputy Mary Lou McDonald** asked the Minister for Health if the Health Information Quality Authority has recommended the closing of St. Mary's Hospital in the Phoenix Park, Dublin; and if so, the action he intends to take on foot of the recommendation. [7431/12]

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

249. **Deputy Michael McGrath** asked the Minister for Health the position regarding the paediatric diabetes posts for the Health Service Executive south for 2012; and when will the recruitment process for posts be carried out [7438/12]

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

250. **Deputy Bernard J. Durkan** asked the Minister for Health when a medical card will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7485/12]

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.

251. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied); and if it will be expedited. [7486/12]

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

252. **Deputy Mattie McGrath** asked the Minister for Health the reason an application for the nursing home support scheme was refused in respect of a person (details supplied) in County Tipperary; if she will review this decision; and if he will make a statement on the matter. [7508/12]

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.

253. **Deputy Jack Wall** asked the Minister for Health if a person (details supplied) in County Kildare is being overcharged in respect of the payment of the fair deal programme; and if he will make a statement on the matter. [7509/12]

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 Accommodation

254. **Deputy Tom Fleming** asked the Minister for Health if he will provide an update on the proposed dedicated cystic fibrosis unit at Cork University Hospital; when the unit will open; and if he will make a statement on the matter. [7511/12]

Minister for Health (Deputy James Reilly): A combined adult cystic fibrosis inpatient designated bed facility and respiratory unit has been identified in a vacated ward site on the CUH campus. Provisional plans and costings for the unit have been progressed. The hospital has established a working group to progress this facility and is working in partnership with the Build4Life organisation. The HSE is currently examining the proposal.

Hospital Waiting Lists

255. **Deputy Finian McGrath** asked the Minister for Health the position regarding an operation in respect of a person (details supplied) [7519/12]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of

hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or day-case surgery

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Departmental Bodies

256. **Deputy Éamon Ó Cuív** asked the Minister for Health the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7529/12]

Minister for Health (Deputy James Reilly): No new agencies or authorities have been set up by my Department since February 2011. Since my appointment in March 2011, three bodies have been dissolved, they are The National Social Work Qualifications Board (31 March 2011), The Children Acts Advisory Board (8 September 2011) and The National Council for the Professional Development of Nursing and Midwifery (31 December 2011). Legislation is at various stages of preparation to deal with a further four. The additional information sought by the Deputy is being collated and will be forwarded to the Deputy when finalised.

Taxi Regulations

257. **Deputy John O'Mahony** asked the Minister for Transport, Tourism and Sport when he proposes to roll out his recently announced local area hackney licence scheme; and if he will make a statement on the matter. [7302/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The local area hackney licence is one of a range of actions proposed in the Taxi Regulation Review Report which has been approved by Government and was published last month. The full Report is available on my Department's website. The proposal for a local hackney licence aims to facilitate the a low cost entry to the hackney market for transport provision in rural area that, otherwise, would be unlikely to have such services.

The regulation of the taxi industry is a matter in the first instance for the National Transport Authority (NTA) under the Taxi Regulation Act 2003. The NTA is the lead agency with responsibility for implementation of the recommendations of the Taxi Regulation Review Report, including the proposal for a local area hackney licence.

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.

Tourism Promotion

258. **Deputy David Stanton** asked the Minister for Transport, Tourism and Sport his policy regarding promoting walking as a tourism activity, in particular the way he is supporting and intends to support walking clubs and walking tours; and if he will make a statement on the matter. [7304/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The promotion and development of various tourism sectors and activities are operational matters for Fáilte Ireland. 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.

Road Safety

259. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will review the situation whereby farmers are experiencing difficulty due to EB licences not being granted; if he will consider Irish Farmers' Association proposals to help resolve this matter; and if he will make a statement on the matter. [7311/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Prior to 1989, the driver licensing system permitted a car and trailer to be driven under the car licence alone. Licence categories were then changed, with separate categories covering car (Category B) and car and trailer (Category EB). People licensed to drive with trailer before 1989 were allowed to keep their old entitlements, simply by indicating this wish on the application form when renewing their licences. Where a pre-1989 licence holder did not indicate that they wished to retain the entitlement, the category was not included on the renewed licence. However, the entitlement could be restored up to ten years after last holding it. If the entitlement to drive with a trailer was allowed to lapse for longer than the ten years, the person was required to apply as a learner for the purposes of driving with a trailer.

The problems this system has caused for some people have been raised before with me. I have considered the issue, and I believe it is of the utmost importance, from a safety perspective, that people are properly qualified and licensed to drive the vehicles they have charge of on our roads. However, I have decided to change the licensing regulations so that those who have a Category B licence, and who wish to acquire a Category EB licence, will now no longer have to wait the usual 6 months before they can take the Category EB test. This change came into effect as of 10 January 2012. I do not propose any further legislative changes in this regard.

Parking Regulations

260. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport his plans to investigate the possibility of replacing the local authority car clamping system that currently exists in Dublin with a fine and emergency clamping removal system as has recently happened in Cork City. [7354/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): While current legislation permits local authorities such as Dublin City Council to clamp vehicles in public places, either directly or by contract with a clamping company, there is no legislation covering clamping on private property.

In line with the commitment in the Programme for Government to regulate the vehicle clamping industry, I recently presented a discussion document to the Joint Oireachtas Committee on the Environment, Transport, Culture and the Gaeltacht, outlining the issues involved in regulating the industry, my proposals on the shape of appropriate legislation and inviting their views. When the Committee's views have been received, I anticipate that appropriate legislation will be brought before the Oireachtas.

Departmental Bodies

261. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if staffing levels, salaries and operational budget at the regulator's office stayed the same, decreased or increased since the Commission for Taxi Regulation was subsumed into the National Transport Authority on 1 January 2011. [7439/12]

262. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the the number of staff employed at the Commission for Taxi Regulation before 1 January 2011; the

functions of each member of staff; and the annual salaries of each staff before 1 January 2011. [7440/12]

263. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the number of staff now employed at the Taxi Regulator's office; the functions of each member of staff; and the annual salaries of each staff. [7441/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 261 to 263, inclusive, together.

The issues raised are operational matters for the National Transport Authority (NTA). I have arranged for your questions 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.

Departmental Expenditure

264. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the total cost of hiring consultants (details supplied) to conduct an analysis of the taxi market as part of the Taxi Regulation Review. [7442/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The total cost of the consultancy referred to was €54,813 inclusive of VAT.

Road Network

265. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport the current status of the Strokestown bypass on the N5; the timetable for construction; and if he will make a statement on the matter. [7446/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

Taxi Regulations

266. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the way the proposals included in the recent review of the taxi industry will affect the regulation regarding the transfer of existing taxi licences, in particular, the rule involving the three year age limit of the vehicle to which the licence is to be transferred. [7487/12]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): All matters relating to the regulation of the small public service vehicle (SPSV) industry are the responsibility of the National Transport Authority (NTA) under the Taxi Regulation Act, 2003. The NTA is also the lead agency with responsibility for the implementation of the recommendations of the Taxi Regulation Review Report, including the proposals concerning vehicle licencing and standards.

With regard to the proposal for the non-transferability of taxi licences which will take effect from the 1st of October 2012, I refer the Deputy to the section of the Taxi Regulation Review Report dealing with vehicle licensing and standards — Section 3.3, which deals with the pro-

[Deputy Alan Kelly.]

posals to remove the anomaly that allows taxi licences issued prior to January 2009 to be sold or transferred on one occasion. The Report states that “It was considered by the Review Group that it was necessary to move away from a system whereby a licence will have value in itself. A licence should determine a person’s suitability to carry out a function and it should not have monetary value or be traded on the open market”.

I have forwarded the Deputy’s correspondence to the NTA for direct reply. Please inform my private office if you do not receive a response within ten working days.

Departmental Bodies

267. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the number of agencies, authorities, boards, committees, workings groups, tribunals, council services, task forces, agencies, or other quangos set up by him since February 2011; the number abolished since then; and if he will make a statement on the matter. [7534/12]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Since my appointment in March 2011, the Taxi Regulation Review Steering Group has been set up under Minister of State, Alan Kelly. That group has now reported and completed its work. It is therefore no longer in existence.

I am actively pursuing the rationalisation programme set out in the Public Service Reform Plan with the relevant agencies. The plan sets out those agencies which are scheduled for rationalisation and a number of others which are subject to a critical review which is to be completed by June of this year.

Developments so far are that Dundalk Port Company merged with Dublin Port Company on 12 July 2011. Tralee and Fenit Harbour Authority transferred to the control of Kerry County Council with effect from 1 October 2011. Baltimore and Skibbereen Harbour and Kinsale Harbour transferred to the control of Cork County Council, and Arklow Harbour transferred to the control of Wicklow County Council, with effect from 1st January 2012. In addition, a ports policy review is at an advanced stage and I hope to publish a revised policy document in the coming months. Port Company restructuring is one of the issues being considered as part of the policy review.

I also recently announced that Dublin Tourism is being merged with its parent body — Fáilte Ireland — as part of the rationalisation programme. Furthermore, there is a review being undertaken with regard to the future tourism role of Shannon Development and its possible integration into Fáilte Ireland, while Coaching Ireland is being subsumed into the Irish Sports Council. It is intended that legislation will be prepared in 2012 to provide for the merger of the Irish Sports Council and the National Sports Campus Development Authority in 2013.