



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Dé Máirt, 14 Feabhra 2012.*

Ceisteanna — Questions	
Minister for Children and Youth Affairs	
Priority Questions ... ..	217
Other Questions ... ..	229
Leaders' Questions ... ..	235
Ceisteanna — Questions ( <i>resumed</i> )	
Taoiseach ... ..	244
Order of Business ... ..	259
Topical Issue Matters ... ..	264
Topical Issue Debate	
Hospital Procedures ... ..	265
Disability Services... ..	267
Alternative Energy Projects ... ..	270
Waste Collection Services... ..	272
Finance Bill 2012:	
Order for Second Stage ... ..	275
Second Stage ... ..	275
Private Members' Business	
Stroke Services ... ..	300
Questions: Written Answers ... ..	321

# DÁIL ÉIREANN

---

*Dé Máirt, 14 Feabhra 2012.*

*Tuesday, 14 February 2012.*

---

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

---

*Paidir.*

*Prayer.*

---

## Ceisteanna — Questions

### Priority Questions

---

#### Health Service Staff

58. **Deputy Charlie McConologue** asked the Minister for Children and Youth Affairs the number of additional social workers in place at the end of 2011 compared with the start of 2011; if there is a plan in place to deal with public sector retirements affecting social workers; if she will publish the plan; and if she will make a statement on the matter. [8297/12]

60. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs the number of social workers that have retired or are due to retire at the end of February under the recent public sector retirement scheme; the total number of social workers that will then be in the State; and the way this number will enable her to fully resource the services needed to put the Children First guidelines on a statutory footing. [8083/12]

62. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the number of social workers and employees in the Health Service Executive run residential care homes who will have retired by the end of February; her plans to replace these workers; and if she will make a statement on the matter. [8502/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 58, 60 and 62 together.

The Health Service Executive, HSE, compiles a monthly census of employment in the public health and social care sector. The latest data available is in respect of December 2011. It shows the total number of social workers employed in the HSE and in directly funded agencies at that time was 2,442 whole time equivalents, WTEs. The equivalent number for end 2010 was 2,432 WTEs, an increase of ten. The figure for the end of 2009 was 2,189. The figures indicate an increase of 253 WTEs over the period 2009 to 2011. These figures relate to all social workers employed, including in child welfare and protection services, mental health services and other health care settings including acute hospitals.

[Deputy Frances Fitzgerald.]

The HSE has also begun to compile a breakdown of staff working in particular care groups. It should be noted the classification of staff by care group is considered by the HSE and the Department to be provisional since the methodology is being refined and work is ongoing on the precise allocation of staff to the children and families area in the context of the planned establishment of the child and family support agency. Notwithstanding these caveats, the number of social workers employed in the children and families area increased by 37, or from 1,183 to 1,220, between December 2010 and December 2011. This information shows that the growth in social workers in the HSE last year is attributable to the increased numbers provided for child welfare and protection purposes. Provision was made for the recruitment of an additional 62 social workers to children and family services in 2011. The recruitment process in respect of these posts was completed in late 2011 and all posts have either been filled or accepted. I understand from the HSE that not all of the additional staff are reflected in the latest employment census returns owing to the time lag between candidates being offered positions and serving out notice with existing employers, and taking up duty and appearing in the employment census returns. To date some 25 individuals have taken up duty and others are due to come on stream in the coming weeks. In addition to recruitment for additional posts, typically in any year there are departures of social workers and other professionals when staff who are eligible to retire do so. However, the ending of the pension reduction grace period is contributing to a greater concentration of such retirements. The HSE's national service plan for this year acknowledged the uncertainty regarding the effect of individual retirement decisions and committed to detailed planning to proactively manage the impact on different services. Management preparation for these departures falls in the first instance to local managers and subsequently to HSE managers at regional and national level. Tonight the Cabinet sub-committee on health will be discussing a report on these changes and the work that is being done to manage them. In order to further strengthen management arrangements a formal transition team for the HSE has been established at national level. The Government and the Cabinet committee on health have also received direct briefings on the subject from the HSE.

My Department receives ongoing updates from the national director of children and families services, Gordon Jeyes, and his team. The latest information from the HSE indicates that approximately 45 social workers in children and family services have given notice of retirement. This figure is, of course, subject to change between now and the end of February and is being updated on an ongoing basis. The emerging position on residential care homes is that there will be minimal retirement of social care workers. This is influenced by the relatively young age profile of staff in these homes. The situation will be confirmed as we reach the end of February and I will write to Deputy Ó Caoláin if there is any change in the position.

The number of social workers retiring represents 3.7% of the overall number of social workers. In any given year a 1% to 2% turnover of staff would be expected. The immediate management of departures will draw upon the local flexibility available under the Croke Park agreement and the discretion available to the national director of children and families services to fill priority vacancies now and over the course of the year. In deploying available staff and filling vacancies, regard will be had to the relative workloads among social work teams and existing vacancies where they are a factor. The provision of additional social workers on foot of the Ryan report represents a significant staffing increase by any measure. It is important that decisions on the ongoing and flexible deployment of this increased total staffing resource are informed by the most up-to-date assessment of workloads and by flexibility on the part of staff in responding to priorities.

*Additional information not given on the floor of the House.*

My Department is informed that the contingency arrangements in place at local and regional level will provide for redeployment within and across social work teams to areas of greatest need, priority focus on child protection, delivery of an accessible system for managing referrals and restructuring and consolidation of specialist teams such as fostering or adoption, having regard to the potential to expand their geographic remit and respond to reductions in demand.

Since decisions on the filling of vacancies must have regard to the need to meet budgetary targets it is important to note that the Government has increased the HSE's children and families budget by €21 million or 4% this year. The HSE national service plan also provides for an increase in the total number of staff employed in children and family services compared to last year. This contrasts with a reduction of €14 million or 2.3% in the budgetary provision for children and families in 2011 under the previous Government. It reflects the determination by Government to lead the improvement of child welfare and protection services. It provides significant additional flexibility in managing service pressures and reforming services to make them more effective. Notwithstanding the additional financial provision made by the Government, I do not wish to minimise the financial and service challenges facing the HSE in 2012. The financial difficulties facing the country are such as to require acceleration of reform across all areas of the public service. Reform is a central element of the change programme for child and family services, including the establishment of a new and dedicated children and family support agency. However, the Government's delivery of an increased budget for child welfare and protection services at a time of financial reductions generally is testament to our commitment to resourcing the comprehensive reform process which is underway.

The consistent implementation of the Children First guidance, which I launched last year, across all sectors working with children is a high priority for the Government. In this context I have established an interdepartmental committee to oversee progress in implementing the guidance across the Government. The revised guidance, together with the introduction of legislation, are designed to heighten societal awareness of the importance of safeguarding children. One of the key challenges for the HSE is the need to ensure that its services are rebalanced with an emphasis on primary prevention and family support for child welfare cases and interventions, including assessment of current risk, where child protection concerns are evident.

The HSE, as the statutory body responsible for promoting the welfare of children, already has in place a network of personnel to provide training, information and advice on the implementation of Children First. The HSE is currently providing a programme of information and training on the new guidance across the country. This includes the publication of its child protection and welfare practice handbook. A recent audit of Children First implementation has found that as of December 2011, 94% of all social workers have received and were aware of the new guidance and practice requirements. Children First is not new policy; it has been in place for over ten years and has guided the practice of those working with children over the period. In the case of the HSE and An Garda Síochána, the two statutory agencies with particular responsibilities for the assessment and investigation of child welfare and protection concerns, Children First forms an integral part of their existing operations and practices. In addition, the significant increase in the number of social workers since 2009 is of considerable assistance to the HSE in driving forward the process of implementation. I do not anticipate that the retirements this month will materially affect the capacity of the HSE to implement the Children First guidance when it is placed on a statutory footing.

**Deputy Charlie McConalogue:** I remind the Minister of comments she made while in opposition. On 4 November 2009 she stated in the Seanad:

[Deputy Charlie McConalogue.]

It is, therefore, disturbing to read about the report from the HSE in *The Irish Times* today that the number of children in care who have a social worker has fallen by 7% this year. It makes a mockery of the recommendations made in the Ryan report if we do not have these services in place to deal with children in need of protection and care.

Since she came to office I have asked the Minister about the recruitment of social workers on a number of occasions. In November 2011 she said: “It is quite an achievement on the part of the HSE to have delivered 200 social workers, with 60 to be in place by the end of December and a further ten in January.” On 17 November the Minister advised me that by end of 2011 an additional 60 social workers would be in place, all of which would be new and extra posts.

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

**Deputy Charlie McConalogue:** The Minister is now telling me that what was in place at the end of last year was ten more than were in place at the start of the year. Although in opposition in 2009 the Minister claimed it was a mockery not to implement the recommendations of the Ryan report, she failed to have those 60 social workers by the end of last year. In addition, 71 social workers are retiring under the HSE retirement programme. The Minister is now saying that it will be up to the HSE national director of children and family services, Gordon Jeyes, to decide which of those should be replaced.

**An Leas-Cheann Comhairle:** I must call the Minister and will come back to the Deputy.

**Deputy Charlie McConalogue:** That is not good enough. What is the transition team doing and when was it appointed? What is the status of the Minister’s commitment to appoint a further ten social workers in January? Where will she find the additional 71? Of the 60 social workers supposed to be in place by the end of last year, how many are in place——

**An Leas-Cheann Comhairle:** I call the Minister

**Deputy Charlie McConalogue:** ——as opposed to being in some form of negotiation of contract?

**Deputy Frances Fitzgerald:** The Ryan report recommended an additional 270 workers. The agreement was that 260 would have been recruited by the end of last year. I am very pleased to say that I have lived up to that commitment. We have 260 social workers recruited, with another ten due to be recruited this year. That is what the implementation group has been working on and is what the Ryan report stated we needed. That has been agreed. I believe the Deputy came into the House a number of times and said we had gone backwards in terms of social worker numbers — we have not. He also doubted whether the budget would be in place for the 60 social workers. The budget has been agreed. The additional 60 social workers, at a very difficult time, have been recruited. The Ryan report recommendation has been met in full. Some 25 of those 60 social workers have already taken up their jobs. The rest, as the Deputy will understand, are giving in notice and have said they will join in coming weeks. It is very fortunate that I got the funding to recruit those 60 social workers because as the Deputy says, approximately 45 social workers representing 3.7% of the complement have indicated that they will retire. I have looked at where those individuals are and I am pleased that they are spread around the country and not in any one particular place. For example, 13 are in HSE south, eight in HSE Dublin north-east and so forth. I can give the Deputy those numbers if he would like to have them.

**An Leas-Cheann Comhairle:** I call Deputy Boyd Barrett and then Deputy Ó Caoláin. Three questions are being taken together.

**Deputy Richard Boyd Barrett:** It is difficult to get my head around the answer the Minister has given. If I understand her correctly, at the beginning of last year, there were 2,342 social workers and at the end of 2011 there were ten more. That is a net increase of ten but 71 will retire at the end of February, representing a reduction in the number of social workers. I am unsure whether the 60 that have been recruited and to which the Minister referred are in addition to the final 2010 figure.

**Deputy Frances Fitzgerald:** Yes.

**Deputy Richard Boyd Barrett:** Okay. If one adds the increase of ten to the 60, that makes 70. However, with 71 to retire in February, that is a net decrease of one social worker. How on earth can the Minister claim this is meeting the recommendations of the Ryan report? More important, how can this possibly provide the required social work resources to meet the Children First guidelines which the Minister has committed to putting on a statutory footing? Peter McVerry has said that to bring us up to the number of social workers in Northern Ireland, which is by no means a beacon in this regard, we would need an extra 1,200 social workers. There seems to be no movement at all under the Minister's watch in terms of the net number of social workers available, although we need more.

Is there some massaging of the figures going on in terms of moving social workers from primary care teams and community preventative programmes into child protection? This seems utterly self-defeating and, ultimately, it will be more costly. Preventative social work should not lose out at the expense of social work further down the line. Clearly, prevention is even better than dealing with problems when they emerge.

There has been a failure to provide extra social work resources but we do not simply need more social workers. Once assessments are carried out we need a range of other resources which do not seem to be provided for in the budget in any way, including child care workers, family support workers, psychologists, occupational therapists and speech and language therapists. Where are the budget commitments to provide these resources? They will be necessary to put substance to the Children First guidelines and the Minister has stated she will put them on a statutory footing.

**Deputy Frances Fitzgerald:** I reject Deputy Boyd Barrett's interpretation and I will give my reasons. For a start, there were 37 extra social workers working in child and family services during 2011. An additional 60 social workers have been recruited. As Minister I have ensured that the monetary provision for child and family services went up by €21 million or 4% this year compared to the previous budget. The previous Government reduced funding in this area by €14 million. I succeeded in maintaining the funding in a difficult situation and secured an increase of €21 million or 4%. I reject what Deputy Boyd Barrett stated about there being fewer resources in this area.

Clearly, the situation regarding the recruitment of social workers and how they are deployed has been impacted by the difficult financial situation in which the HSE finds itself. I have stated again and again that the legacy I have inherited is completely unsatisfactory as is the way social work services have been run within the HSE. It is so unsatisfactory that I cannot compare work with like work throughout the country because the data has not been collected for previous years. The legacy is a complete failure to manage these services in the way they should have been managed and a failure to give the data we need to plan for them properly. However, this is being dealt with and this is why there is a strong programme of reform in this area, led by

[Deputy Frances Fitzgerald.]

Gordon Jeyes, with a focus on priority cases coming to the duty teams. This is being managed by him and his team. We are gathering more data so that we can plan better. Just as important, we are reforming these services so that we will deliver them in a new place away from the HSE in a new child and family support agency.

This is a challenging environment. I agree with what Deputy Boyd Barrett says about the challenging environment and the numbers of families who find themselves under pressure. Issues of drug and alcohol addiction are seriously impacting on families and there is an increase in the number of children coming into care because of these problems.

**Deputy Caoimhghín Ó Caoláin:** There is more than anecdotal evidence that social workers across the child care area are hugely challenged by the volume of cases and information presenting. This is something we must recognise, not only in terms of the current situation but in terms of the situation likely to present following the enactment of various legislation to which the Minister and the Government are committed, which will require human resourcing in order to address the issues properly. Has the Minister had the opportunity to address her concerns with regard to the need evidenced on the ground with the Minister for Public Expenditure and Reform, Deputy Brendan Howlin? Has she taken the opportunity to engage with him and to outline the importance of addressing this issue?

The Minister mentioned that a small number, in terms of the number of social workers and employees across the HSE-run residential care homes, are due to leave. She is not able to give me the precise information today but has promised to forward it in the future. Why is the HSE unable to give us that information at this time? The Minister was able to tell us that 45 social workers are to go from children and family services, 3.7% of the number of social workers, and I presume these are these are from outside of the residential setting. Why is the information on the residential setting not available to us? The numbers the Minister has flagged in her response are not a response to the exodus by retirees. Has she a contingency plan in place in her Department to address this further exodus of workers before the end of this month?

**Deputy Frances Fitzgerald:** I have asked for the information with regard to the residential care settings and the information to date is that one person who is not on the care side is leaving that sector. That is the information to date. If this changes in the coming weeks, I will communicate directly with the Deputy on it. Based on the current figures, only one person is retiring. I believe this is largely influenced by the age profile of the workforce in residential care, which tends to be younger. This is encouraging with regard to the challenges in that area.

The Deputy raised the broader point of the demands in this area. Of course, I have had discussions with the Minister for Expenditure and Reform, particularly before and after the budget. The Government is very aware of the challenges. In meeting those challenges, we must also look at reform and at how we have been delivering some of the services. I have already outlined the plans to establish the new child and family service support agency. We must also look at areas like those raised by the Deputy. For example, we should look at how the guardian *ad litem* service is being run. This was included in legislation without a management plan and without clear criteria. It has developed in an *ad hoc* manner and needs to be examined. The cost of residential care and how it is provided must be examined and work is under way on that.

We cannot just say that more money will solve the issues. I accept resources are important to meet the needs of children and families but we must also look at reforming certain areas that cost significant money and look at the priorities in the different areas. We must also look to the voluntary sector providing child and family support services and must examine how this sector engages with the HSE in meeting the priorities as they present. I assure the Deputy that

is being done within the HSE. The situation is challenging and the issues will not be solved over night. However, the Department, the HSE and the new agency will address the issues raised by the Deputy. This is a demanding time in terms of the demands on the services, given the legacy and the work that has not been done in a range of areas.

**Deputy Caoimhghín Ó Caoláin:** May I put a brief supplementary question?

**An Leas-Cheann Comhairle:** We are running over time, but I will allow each of the Deputies put a brief supplementary question.

**Deputy Charlie McConalogue:** To recap, the Minister stated today that the 60 social workers who the Dáil was told last year were to be recruited as part of the Ryan report recommendations were not required as the levels recommended by the report had been reached because the Minister would go back as far as 2009. That begs the question of what was the point of recruiting those social workers in the first place. They were being recruited to bring compliance with the Ryan report recommendations but only ten were in place by the end of last year. That is totally inconsistent with the Minister's approach of letting social workers retire from the HSE.

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

**Deputy Charlie McConalogue:** I was very disappointed to hear the Minister minimising the impact of those retirements by saying they would be spread across the country.

**An Leas-Cheann Comhairle:** This is Question Time.

**Deputy Charlie McConalogue:** At the same time we are supposed to be putting an effort into raising the numbers.

**An Leas-Cheann Comhairle:** Thank you. I call Deputy Boyd Barrett.

**Deputy Charlie McConalogue:** The Minister has not responded on how those places will be filled.

**An Leas-Cheann Comhairle:** She will be given an opportunity to do so. We are way over time on this question.

**Deputy Charlie McConalogue:** I would like an answer.

**Deputy Richard Boyd Barrett:** Will the Minister clarify that under her watch, after retirements at the end of February, we are talking about a net increase of one social worker, according to her figures? This is against a background of children waiting 18 months for psychological assessment or six months to have hearing assessed, for example. In order to implement the Children First guidelines, we are going to need many more resources. Is it the case that the delay in putting the Children First guidelines on a statutory footing results from the Minister's awareness of "challenging circumstances" or "legacy issues" meaning that resources are not being put in? Therefore, the Government and the Minister could end up exposed to legal action if the guidelines are put on a statutory footing but we fail to put in place the necessary resources to implement them. Is that the reason for the delay?

**Deputy Caoimhghín Ó Caoláin:** I have just one point. In the Minister's first response to this group of questions, she used the term "fortunately, not all in the one place" in referring to the exodus of personnel.

**Deputy Frances Fitzgerald:** Yes.

**Deputy Caoimhghín Ó Caoláin:** That would worry me, although I can see how the Minister might look at it. Where is the fortunate aspect unless there is an intent not to ensure replacement? If these personnel were in one or a small number of locations, it would create an immediate crisis. Will the Minister assure us on the floor of the House that because these personnel are going in ones and twos in a range of areas across the country, it will not afford her an opportunity to ignore the need for replacement, given the enormity of the workload that each and every one of these social workers must take?

**Deputy Frances Fitzgerald:** Deputy McConalogue seems almost disappointed that funding has been put in place for the 60 social workers who have been recruited and are ready to start. I do not understand the Deputy's point.

**Deputy Charlie McConalogue:** I am disappointed they are not in place.

**Deputy Frances Fitzgerald:** The 262 people have been recruited, with the vast majority of them in place. A number of them are due to begin work in the next couple of weeks. I will provide the child and family social work numbers for Deputy Boyd Barrett. It is important to maintain numbers in the current climate, as the Deputy will appreciate. In 2010 there were 1,183 workers and in 2011 there were 1,220 — an increase of 37 on the previous year in child and family services. That does not take account of those in the batch of 60 who will start. I have given the following statistics before but total social worker numbers have gone from 2,189 in 2009 to 2,431 in 2010 to 2,441 in 2011.

The point was made as to whether social workers were moving from different areas but that decision must be made at a management level. I will give an example regarding adoption, where there is less demand and fewer people to be assessed. A number of social workers were involved in that process and some must move from that area to deal with highly pressurised areas, including child protection. There will have to be redeployment and flexibilities under the Croke Park agreement must be utilised in order to meet the challenges.

**Deputy Caoimhghín Ó Caoláin:** It will not be from community services.

**Deputy Frances Fitzgerald:** That is a management decision locally. It relates to how to best use the resources that are there. I agree that community social worker and social workers in primary care are very important as well. At a time of huge demands in the child protection area, it is clear that we have to make decisions. Local managers are making decisions about the best use of the social workers who are in place.

I would like to make a point about the implementation of Children First. The guidelines have been in place for ten years. People are respecting them. By the end of December 2011, some 94% of social workers had been involved in discussions and training about the new Children First guidelines. The HSE is coping with the referrals that are being made, albeit in a very difficult environment of increased pressures. Clearly, I would like more resources to be devoted to this area. I am pleased to have managed to get the kind of increase I have secured. Unquestionably, many demands are being made on the services at present. These guidelines have been in place for some time. People have been working towards them for ten years. I do not doubt that those who are concerned about a child who needs care and protection, or who genuinely and in good faith feel that a child could be sexually or physically abused or neglected, are making referrals at the moment. It is about managing the resources that are available as best we can. As the economic situation improves, we will have to ensure more resources are devoted to this area. In the meantime, we have to reform the services as well.

**Deputy Caoimhghín Ó Caoláin:** I asked the Minister about her use of the word “fortunately”. Will she respond to my worries and concerns that she will not actually follow this—

**Deputy Frances Fitzgerald:** I think the point I was making was clear. I was saying that 45 people were not leaving from a particular part of the service. It was in that context that I used the word in question. The local managers in each area will deal proportionately with the numbers that have left from that area and will come up with the necessary plans to deal with the situation.

**Deputy Caoimhghín Ó Caoláin:** Will they all be replaced?

**Deputy Frances Fitzgerald:** Where it is a priority for them to be replaced, that decision will be made by the local and regional management. Ultimately, it will be a matter for the director, Gordon Jeyes. It will depend on the resources that are available.

### **Garda Investigations**

59. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if she has received the report of the Garda Inspectorate on Garda investigations of sexual offences against children; if she is addressing on an ongoing basis together with the Department of Justice the shortcomings identified in the report, including turf wars between the Health Service Executive and the Garda allegations of abuse not being investigated quickly enough thus compromising child safety and poor record keeping with up to 65% of sex crimes against children reported to the Garda in recent years not captured in the figures; and if she will make a statement on the matter. [8501/12]

**Deputy Frances Fitzgerald:** I can confirm that I have received a copy of the report referred to in the Deputy’s question. The report was prepared by the Garda Inspectorate. It was submitted to my colleague, the Minister for Justice and Equality, who published it. I wish to make it clear that there is no “turf war” between the HSE and the Garda Síochána on the issue of sexual offences against children, nor is such a contention contained in the report of the Garda Inspectorate. This issue can be placed in its proper context by quoting directly from the report, which “recognises that turf issues will inevitably arise when work begins on a multi disciplinary response to child abuse”. That is the context in which the phrase “turf issues” was used. The report refers to possible “turf” issues in a general sense. This statement was not aimed directly at the HSE or the Garda authorities.

I am satisfied that the HSE and the Garda Síochána are totally committed to addressing the issue of child protection in a co-operative manner. That has been my experience since I became Minister for Children and Youth Affairs. Clear leadership is being shown at a senior level within the HSE and the Garda Síochána. The need for close co-operation on child protection matters is being promoted throughout both organisations. The Garda Inspectorate report acknowledges “there is no doubting the declared commitments of the (then) OMCYA, the Garda Síochána and the HSE to the protection of children from abuse”.

Having read the report, Deputy Ó Caoláin will be aware that it places a strong emphasis on inter-agency co-operation and the sharing of information. This is critical. It is why a strong emphasis on the development of inter-agency co-operation and the sharing of information has been included in the Government programme. That will underpin the legislation. There have been very positive developments since the report of the Garda Inspectorate came out. There is no doubt that many of the recommendations that were made in the report have been implemented. The new Children First guidelines have been drawn up and a new cross-departmental group, on which the Garda is represented, has been established. The Garda has taken

[Deputy Frances Fitzgerald.]

many initiatives with which the Deputy is familiar, for example, an assistant commissioner has been placed in charge of this area and extensive training has been provided within the force. In recent weeks and months, the Garda has been providing updated training on the new children first guidelines, interview suites have come into operation and joint training for the interviewing of young victims has been provided jointly by the Health Service Executive and Garda Síochána.

Members of the Garda, HSE staff and I were present at meetings held around the country recently, which were attended by hundreds of front line social workers. While there is always room for improvements in this area, I am satisfied that good co-operation is taking place and that there is a strong commitment at the highest levels of the Garda Síochána and Health Service Executive to ensure child protection issues are prioritised.

**Deputy Caoimhghín Ó Caoláin:** The report of the Garda Inspectorate was commissioned in 2009 by a former Minister for Justice, Equality and Law Reform. Following its presentation to the then Minister in late 2010, it was not made public, allegedly owing to so-called legal constraints. Will the Minister advise the House as to the reason we had to wait for so long before the report was placed in the public domain? What legal constraints prevented its publication at the time? Does the Minister consider the report shocking? I find it shocking because it has thrown light on the fact that only slightly more than one third of the child sexual abuse cases reported to the Garda have found their way into the figures released by the Garda across its 112 districts. This finding calls into question all of the statistics on child sexual abuse across the State.

A question also arises in respect of the time factor involved in Garda investigation and address of cases that are reported. This must be a matter of concern because failure to address cases in which an offender is involved places not only the children involved at further risk but also places other children at risk.

**Deputy Frances Fitzgerald:** I do not have information on the reason the previous Government did not publish the report. I understand the points Deputy Ó Caoláin makes as it is extremely important that cases are acted upon with the greatest possible urgency and priority. It is also important to recognise the changes that have taken place. In recent years, the Garda has attached a high priority to work in this area. For example, Garda policy now specifies the immediate creation of a PULSE record and requires that front line gardaí know exactly what is required of them in such circumstances.

The Deputy referred to the timeliness of investigations. It is my understanding that the Garda accords a very high priority to the investigation of child sexual abuse and will continue to co-operate with other agencies to ensure investigations are completed as quickly as possible. A high level group has been established involving the Garda and HSE to examine policy and procedures and the manner in which cases are dealt with in this area. This is a positive development.

A number of serious abuse allegations came to my attention recently. I asked the Health Service Executive to investigate and it did so with the Garda. Both organisations are working together closely on the matter.

**Deputy Caoimhghín Ó Caoláin:** Given the seriousness of the deficiencies highlighted in the Garda Inspectorate's report, will the Minister ask for an update report on the joint efforts being employed by the Garda and Health Service Executive to address them? It is not sufficient to presume or assume these matters have been dealt with in the manner in which one would expect them to be dealt with. Will the Minister ask that a report on the matter be presented

and will she share the report with the House in order that Deputies with responsibility for addressing issues relating to children are kept informed?

The Minister referred to a Garda assistant commissioner. One of the recommendations of the inspectorate's report was that a Garda assistant commissioner be given special responsibility for child protection. Has that step been taken? The Minister can confirm that such is the case. Could the Minister circulate the information on the holder of that responsibility at her convenience?

**Deputy Frances Fitzgerald:** That action has been taken. It is reasonable that Deputy Ó Caoláin would request a response to the various recommendations that were in the report and I would be happy to get the response and give him the information on the action that has been taken on the main recommendations of the report.

*Question No. 60 answered with Question No. 58.*

### Children in Care

61. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs her plans to provide guardians to all unaccompanied children; and if she will make a statement on the matter. [8298/12]

**Deputy Frances Fitzgerald:** Appointment of a guardian *ad litem*, GAL, is provided under section 26 of the Child Care Act 1991. Under this provision, the court may appoint a guardian *ad litem* to a child who is the subject of care proceedings, if it is satisfied that it is necessary in the interests of the child and in the interests of justice to do so. They are always appointed where a child is subject to special care proceedings. I should point out that I do not have a role in the appointment of guardians. That is a matter for the courts.

Under the Child Care Act 1991, the Health Service Executive, HSE, is responsible for the care and protection of separated children seeking asylum until they reach 18 years of age. Their immediate and ongoing needs as well as their application for refugee status are the responsibility of the Health Service Executive in accordance with the Refugee Act 1996 (as amended) and the Child Care Act 1991. Where children are identified by An Garda Síochána, at the point of entry, their circumstances are investigated and if there are any concerns about their welfare, they are placed into the care of the HSE. In the majority of cases, separated children seeking asylum are not subject to court proceedings as the HSE accepts them into care on a voluntary basis.

When a separated child seeking asylum comes into care, he or she is allocated a professionally qualified social worker. The child's needs are assessed and he or she is placed in the most appropriate placement. A social worker also assists the young person with his or her application for asylum. The social workers allocated to separated children seeking asylum have received specialised training in this regard.

There is a national policy on standards for separated children. The policy states — it did not always say this but it does now — that those children should be treated equally with other vulnerable children and that there will be no differentiation of care provision, care practice, care priorities, standards or protocols for those children. That is extremely important. The number of children seeking asylum has steadily declined since its peak of 1,085 in 2001 to just 105 in 2010.

*Additional information not given on the floor of the House.*

The Implementation Plan on the Report of the Commission to Inquire into Child Abuse, 2009, contained a commitment that the HSE would end the use of separately run hostels for

[Deputy Frances Fitzgerald.]

separated children seeking asylum and accommodate children in mainstream care, on a par with other children in the care system. In accordance with this commitment, the HSE phased out hostel type care for separated children seeking asylum and since January 2011, hostels have not been used to accommodate unaccompanied minors. Instead each child is cared for either in a foster care placement or a children's residential centre. Social workers, residential staff and foster carers are trained in the needs of separated children seeking asylum and are attentive to children who are not settling in a placement or those who may be particularly vulnerable due to past abuse or other trauma.

**Deputy Charlie McConalogue:** I thank the Minister for her reply on this matter. The key issue at stake here is how we deal with unaccompanied minors, that is, those presenting as children with no parents along with them, coming in to this country. As the Minister stated, the numbers have decreased, from over 1,000 in 2001 to just 105 last year. However, of the 79 unaccompanied minors in State care as of January this year, only eight had guardians appointed.

An issue of particular concern is that, between 2000 and 2010, 512 unaccompanied children seeking asylum went missing from the HSE. Of those, only 72 have been found, which means that 440 of those 512 children who disappeared from the care of the State in those ten years have never been found. My concern is that we ensure we look after those children and they get the proper care, but also that we ensure our country is not open to those who might want to engage in child trafficking. When so many children come into the country and then disappear — as I stated, 440 in ten years — not to be found by the HSE, that gives rise to serious concerns as to the safety of this country and ensuring it is secure from child traffickers. Although I would not in any way suggest that such activity is what is going on in the majority of these cases, it is something about which we must be careful. According to the Immigrant Council of Ireland, there is some evidence that child trafficking is taking place. What does the Minister plan to do to ensure the safety of children presenting in this country?

**Deputy Frances Fitzgerald:** I share the Deputy's concern about this vulnerable group of young people. I wrote a report on unaccompanied asylum seekers and young people in this country. I was appalled at what I found and made a number of recommendations at the time, which was a number of years ago, including that these young people should be treated the same as Irish young people in care and that the same procedures, standards and support should be available. That was not the case a number of years ago and what has happened over the past ten years is disturbing.

These young people are not now placed in hostels, where they were very vulnerable. Some 105 unaccompanied young people came into this country last year and they are assigned a foster care placement or a children's residential centre if a foster home is not available immediately. That is a much better situation than what existed previously. Children were in hostels that were unsuitable and did not have the supervision they needed. They could have been vulnerable to trafficking or other dangers. Today, the situation is much clearer and the standards that apply are higher than what applied previously. The placements are better and more supervised and I pay tribute to the social workers who have worked in difficult circumstances over the past number of years. A specially trained team of social workers work with these children, who were in the most vulnerable situation. They deserve the very best care when they find themselves in this isolated situation where they are unaccompanied coming into this country.

**Deputy Charlie McConalogue:** I understand three unaccompanied minors went missing from HSE care in 2011. Ensuring that our services are strong so that this does not happen is critical to ensuring this country is not seen as somewhere open to child trafficking. I encourage the Minister to ensure we make every effort so that we have a robust service to ensure children are kept safe.

**Deputy Frances Fitzgerald:** I agree and it is important these young people get the very best care. They are very vulnerable and the situation I have outlined to Deputy McConalogue is a huge improvement. ComReg recently made a decision on the missing children hotline and it will be available later in the year. It is a small but important element.

Regarding the number of missing children, sometimes children leave residential care and are two or three hours late coming back. These situations are reported and I have had discussions with HSE and the Garda Síochána about the appropriate management of children who might be at risk. There are many routine referrals when children are a few hours late and turn up in the residential centre. I take Deputy McConalogue's point on supporting these young people.

*Question No. 62 answered with Question No. 58.*

### Other Questions

---

#### Homeless Persons

63. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs the position regarding her efforts to address youth homelessness. [8065/12]

68. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs the number of known homeless children in the State. [8066/12]

**Deputy Frances Fitzgerald:** I propose to take Questions Nos. 63 and 68 together.

The national youth homelessness strategy was developed in 2001. It is therefore appropriate that, some ten years later, we review progress and set new targets. A review of progress in 2008 by the HSE in conjunction with other agencies found that significant progress had been made, especially in interagency co-operation, early prevention and an out of hours service. These improved practices led to earlier identifications and interventions with children and young people under 18 years within their communities.

There has been an information deficit in this area, which is surprising because there should not have been. Work is under way to improve the quality of information on the number of young people under 18 who are homeless in order to establish in what areas services are working well and where further improvements are needed. It is encouraging that the Dublin region homeless executive informed the HSE that it did not find any child under 18 years of age sleeping rough in Dublin during the sleeping rough headcount in November 2011.

We need better information. I have set up a system and will be able to give Deputies further information at the end of March. The information now being collected will tell us the number of children placed in youth homelessness centres for more than four consecutive nights or more than ten separate nights over a year, the number of children in care in a specified youth homeless centre, the number of referrals being made to emergency out of hours place of safety services and the number of children placed with the emergency out of hours safety service. Those figures will tell us a lot more and give a more complete picture of the experience of young people in regard to homelessness.

[Deputy Frances Fitzgerald.]

Children who were referred to as homeless fall into three groups: children who mainly reside with their families but due to an emergency need care and accommodation immediately; children and young people who are defined as at risk of homelessness, such as children who might be staying with friends but do not have a stable base; and children and young people who are found to be sleeping rough.

**Deputy Caoimhghín Ó Caoláin:** I would not take any solace from that. I am of the view that whatever methodology is employed is missing out on real situations. I have no doubt that is the case. It may very well be that young people, in particular, may not gravitate towards the city centre and if they are from suburban city areas they may very well find themselves an opportunity to sleep rough closer to home and the community from whence they come.

The Minister indicated some time ago that she was having discussions in the Department on the most effective model to review the youth homelessness strategy to which she referred in a previous reply. She said it was intended that the review would form the basis for the development of an implementation framework for youth homelessness for the next five years. What is the status of that?

In May 211 the Minister established the advisory group on youth homelessness. I would like an update on that work. I ask the Minister not to depend on the November figures. Earlier questions referred to the failure to reflect the situation of children in regard to a reduction in the Garda numbers and system. I am not sure we can have confidence in the information that no young people under the age of 18 were homeless last November.

**Deputy Frances Fitzgerald:** We examined one of the ways of reviewing the homelessness strategy. There was a meeting with all of the stakeholders and it was felt the time was right and that it was essential to review the strategy and see how we could re-prioritise this area. The Deputy is correct; important data needs to be collected. It is remarkable that in the ten years since the adoption of the 2001 youth homelessness strategy there has not been regular data collection on the number of young people aged under 18 who are homeless. That is why I have prioritised the need for better data collection and management. As a result, we will have better data for 2012 next month. I am also getting extra data, to which I referred. The figures will be more helpful and comprehensive.

To answer the question on the future of the strategy, I have asked the Centre for Effective Services to do a high level review of the implementation of the 2001 strategy. We want to examine what has been successful, the blockages, the current challenges and what has not been done. Consultations are being held with the relevant service providers, NGOs and young people as part of this process. The review will be completed before the summer and will inform the development of the framework to address youth homelessness in the next five years. When all of that is put together we will be in a position to move forward in a comprehensive way with better quality data.

**Deputy Caoimhghín Ó Caoláin:** I welcome the Minister's indication that she is engaging with stakeholders in the widest sense, including NGOs. I presume she is referring to Threshold, Focus Ireland and the Society of St. Vincent de Paul. Can she indicate whether the process is already under way? The level of proactivity required in this area should be employed in this instance. It is hugely important.

If one was to listen to the contributions of many older people who are homeless in the city today, one would find many indicated they were in that position from their mid to late teens. It cannot be the case that no teenagers are homeless today. We must learn lessons from the

past and be proactive. NGOs have a huge role to play in that and I welcome that the Minister is engaging with them.

**Deputy Frances Fitzgerald:** The data work has begun. The Centre for Effective Services has started its review of the strategy. I met with Focus Point and will meet other groups. Consultation with stakeholders will take place and accelerate once we have the information from the centre.

I acknowledge what the Deputy said about the vulnerability of some children in regard to homelessness, despite the fact the headcount in November found no children aged under 18 were sleeping rough. A number of emergency out of hours placements are being sought by young people and there is pressure on that service. Clearly, there are young people who are out of home, need help and are on the fringes. That is the group on which we need to focus.

### Departmental Reports

64. **Deputy Martin Ferris** asked the Minister for Children and Youth Affairs the date on which she will publish a new national children's strategy; the consultation process that will be used alongside it; and if she will make a statement on the matter. [8063/12]

**Deputy Frances Fitzgerald:** My Department is developing a new strategy for children and young people. It will build on Our Children — Their Lives, Ireland's first children's strategy which was published in 2000. It will cover the period 2012-17. It is being developed in a holistic way to comprehend the continuum from early infancy, through early and middle childhood, to adolescence and early adulthood, in keeping with the Department's responsibility for children and young people.

For the first time we will have an early years strategy and I intend to appoint an expert group to advise me on this area. It is surprising, and tells us quite a lot, that we do not have a comprehensive early years policy strategy for young people in Ireland. It is needed and I intend to ensure that, under the new children's strategy, we have a comprehensive early years policy framework in place.

I want to ensure the new policy framework deals with emerging issues which affect children, like the impact of new technologies, the media and consumerism. It is important that we have a very broad approach to the development of the new strategy. It also has to be cross-departmental because while we have certain core functions which have been taken into the new Department of Children and Youth Affairs, there are also important linkages which need to be made.

For example, it is important that action is taken on obesity across a number of Departments, such as the Departments of Arts, Sport and Tourism; the Environment, Community and Local Government; Health; Education and Skills; and Children and Youth Affairs. If we do that we will get a fresh impetus and a whole Government approach to dealing with issues such as child poverty and healthy lifestyles.

**Deputy Caoimhghín Ó Caoláin:** In my question I asked for the date on which the Minister will publish the new national children's strategy. Could the Minister elaborate on that? What level of civil society engagement will be included in the consultation process and what resources will be allocated? Will there be an implementation plan to go alongside it? Are we waiting for the end of the process or can we do things along the way with newer and fresher thinking, for which I commend the Minister?

I am minded to refer to the third goal of the current national children's strategy, and I do so because of something I was exposed to this morning. It states that children will receive

[Deputy Caoimhghín Ó Caoláin.]

quality supports and services to promote all aspects of development. The Minister will agree that particular goal has not been achieved in the cases of far too many children heretofore. This morning I met a delegation of mainly young parents of children with Rett syndrome, a rare disease affecting some 60 children across the entire island of Ireland; we did so in the context of International Rare Diseases Day on 29 February. This morning we heard the reality of what those parents must cope with. These are children who are not only physically disabled but intellectually disabled as well. It is terrible to think the system in any way would create a hierarchy of disability and address a particular cohort first. These young children, virtually all of them female, present after 15 to 18 months of a normal infancy. This is very important and I urge the Minister, in the context of International Rare Diseases Day, to look at the needs of children with disabilities as an important focus in the national children's strategy. Those needs cannot be left as an equality issue under the Department of Justice and Law Reform or a health issue under the Department of Health. Children with special needs, particularly those with an intellectual and physical disability, should have their needs and interests loom large in the consideration of the new strategy.

**Deputy Frances Fitzgerald:** I intend the strategy to be available towards the end of this year. It is important we consult with young people as well. I launched a consultation last year and I am pleased to say 67,000 children took part. I also thank the teachers and national schools that participated in that, giving us a rich body of data from young people about what they like about living in Ireland and what they would like to see improved. That is an important part of the consultation on the national children's strategy and I expect that towards the middle of this year, we will ask for submissions from a broad range of civic society on what should be in the strategy. I refer to this often when I meet groups, including those working with children with disability.

There is important work to be done to increase the focus on children's health issues. For example, basic screening for sight, hearing and speech will identify the one in six or seven children who will have difficulty in those areas. It is important that we screen at an early stage, that we have a focus on children with a disability and that we have an integrated approach. I was reading research recently that showed that children with a disability who receive early care and education make much better progress than would otherwise be the case. That is why the ECCE scheme plays a role in supporting families where children have a disability. I must work with other Departments but this must be an area where there is focus because we have not had integrated services in the past. I gave the example of the early childhood care area and working with families. There is potential there that would mean we would be to work with those children at an earlier stage, which would mean they make better progress than if the help had come at a later point.

3 o'clock

**Deputy Caoimhghín Ó Caoláin:** I welcome the Minister's response.

**Deputy Mick Wallace:** I am glad to hear the new strategy will involve a comprehensive early years policy. How will the new strategy address the alarming rates of child poverty in Ireland, with over 19% of children at risk of poverty and 9% of children living in consistent poverty? What are the Minister's views of the fact that measures introduced in the budget may result in an increase in these rates, given there were cuts in child benefit for third and further children, cuts in the back to school allowance and that one parent families have been hit by the budget, where 65% of the poorest children come from? Will the new strategy deal with this problem?

**Deputy Frances Fitzgerald:** This area needs particular focus because when it comes to poverty, children are vulnerable. There is no doubt the best way out of poverty for a family is to

have a job. The creation of jobs and the managing of the economy are the best supports we can give families. The support services we are offering throughout the country, the money that is going to the voluntary sector to support these families, is very important. Vital work is being done in parenting courses, support services and in the ECCE programme, in which we are investing €160 million. That is a huge support to the families the Deputy mentioned but clearly the financial situation has huge consequences for all families and we must be mindful of the vulnerability of young children and must try to intervene and support families as much as possible.

### Health Service Staff

65. **Deputy Barry Cowen** asked the Minister for Children and Youth Affairs the number of social workers she intends to have in post at the end of 2012; and if she will make a statement on the matter. [8093/12]

**Deputy Frances Fitzgerald:** The HSE compiles a monthly census of employment in the public health and social care sector. The latest data available is in respect of December 2011. This shows that the total number of social workers employed in the HSE and in directly funded agencies at that time was 2,442 whole time equivalents.

The HSE made provision for the recruitment of an additional 62 social workers in 2011 and advised in December that all of these posts were either filled or accepted. I understand from the HSE that not all of the 2011 cohort of additional staff are reflected in the employment census as yet owing to the time lag between candidates being offered positions, taking up duty and appearing in the employment census returns.

The HSE national service plan for 2012, which was recently approved by the Minister for Health, includes provision for 3,142 whole time equivalent staff across the Children and Families Service, including social workers. This compares with a projected 2,011 return of 3,118 whole time equivalents.

The HSE national service plan sets out a range of reforms and performance measures to guide the improvement of child welfare and protection services. Other priorities in the 2012 service plan include delivery of consistent family support services and development of a national protocol on supervision orders; improving the collection of accurate data on services and on children in care, including procurement of the National Child Care Information System; establishing a national child protection register; developing consistent risk assessment and measurement tools; a greater focus on quality assurance and auditing of workloads; preparing and implementing a workforce development plan for child and family services; and continuing the implementation of national standards for pre-school services.

The Government has made additional budgeting provision for these services compared to the funding made available last year. This provides a further impetus to the comprehensive reform of service delivery which is underway and which is aimed at generating the best possible outcomes for vulnerable children and families. Extra funding has been made available, amounting to €21 million this year. There is a reform process under way and a very big job to be done delivering what is outlined in the HSE's service plan.

**Deputy Charlie McConalogue:** The Minister outlined many challenges that must be addressed in regard to child protection services. I agree with her entirely in this regard. One of the challenges she has had to address in the past year is the appointment of the 60 additional social workers. According to her figures, ten of the 60 were in place at the end of 2011. My question is very specific — how many social workers does she plan to have in place by the end

[Deputy Charlie McConalogue.]

of 2012? She stated the number for the end of 2011 was 2,442. What will the equivalent figure be at the end of 2012?

I was very disappointed to hear the Minister state in her earlier contributions on the retirement of social workers that, despite the Ryan report recommendation to engage in a process of recruiting social workers, she did not outline any plan as to how the staff will be replaced. She stated it will be the task of the HSE to decide whether each should be replaced. This is totally in contradiction with the recent work on trying to increase the number of social workers. From my assessment of the HSE figures, there were 71 social workers to leave. The Minister's number is lower. I would be interested in knowing which of the 71 staff would not be regarded as being at the front line by the Minister. Will the Minister state specifically how many social workers in the area of child protection will be in place at the end of 2012? There were 2,442 at the end of December 2011.

**Deputy Frances Fitzgerald:** I will repeat my remarks because the Deputy seems to have difficulty understanding them. I got the funding for the 60 social workers by the end of last year. Twenty-five of the 60 — ten is a different figure — have been recruited. All of the others have been offered or have accepted posts. I could not be clearer. The 60 social workers will be in place over the next few weeks, and that is extremely important.

I have succeeded in having €21 million extra allocated for child services and protection as opposed to the €14 million reduction that the last Government oversaw. I have succeeded in recruiting 60 additional social workers, 25 of whom are already in place.

I have told the Deputy the number of staff in place at present. The national director of children and family services, Mr. Gordon Jeyes, will be examining the gaps caused by the 45 staff who are leaving. The local and regional managers are assessing the impact of the retirements. Decisions will be made on a case-by-case basis depending on the priorities that are deemed necessary and on what the local and regional managers say to Mr. Jeyes. I certainly want to maintain the numbers in place and to ensure that, where there are priority needs, the director will have discretion. Since the director has the budget at present, he has the discretion to replace those deemed to be in priority positions. I have reached agreement on the recruitment of the new multidisciplinary team for the children in special care. The initiatives are taking place. They will all mean the referrals in the HSE will be dealt with as comprehensively as possible.

**Deputy Charlie McConalogue:** The Minister is now saying there is no plan for establishing the number of social workers to be in place at the end of 2012. Despite all the work over recent years, the recommendation of the Ryan report stating there should be 270 additional social workers employed, and the Minister's stating in the Dáil over the past year that she was working towards delivering these posts by the end of 2011, she is now saying there is no longer a target for the number of social workers who will be employed in the area of child protection. She is saying she will transfer responsibility in this regard to the HSE, thus absolving herself of responsibility. It makes a mockery of what we have been doing.

The Minister needs to take responsibility for this. We need a plan for the replacement of the social workers who are retiring. We need an acknowledgement that they are essential to a robust child protection and welfare system and that they will, as a consequence, be replaced. We need to know the Minister will come up with a plan to ensure this.

**Deputy Frances Fitzgerald:** I repeat that there is a very clear plan in place. It has included the successful recruitment of the 60 social workers whom I have said would be recruited, resulting in a total of 270 social workers. The number was reflected in and required by the

Ryan implementation plan. Some 260 of the 270 social workers have been recruited and are about to take up their positions. The Deputy seems to find this very hard to understand. The remaining 25 of the 60 have taken up their positions and the rest will do so. They have accepted their positions and will be in place.

The multidisciplinary team will be in place. It has been needed for many years and was never put in place. The team will be recruited this year. The budget is in place. There has been an increase of €21 million, as opposed to a decrease of €14 million under the previous Government, for work in child and family services. An extra 37 social workers are working in child and family protection. There is, therefore, a very comprehensive plan in place. There is a clear plan to collect the kind of data that were never collected over the past ten years. It is very difficult to plan if one does not collect the data and if one cannot compare what is happening in one part of the country with what is happening in another. All that work is under way. The data are being collected in a much more comprehensive way. This means we can plan the services more comprehensively and, therefore, meet the needs better.

I have maintained and increased the number of social workers and the budget in this area at a very difficult time in our economic history.

### Leaders' Questions

**Deputy Micheál Martin:** As Members are aware, 256 residents, involving approximately 64 families, were compelled last October to leave their homes in Priory Hall in Donaghmede following a High Court order relating to fire safety. For the past four months, those residents have essentially been homeless. We have read about the developer being before the courts, receiving fines and suspended prison sentences and ultimately being declared bankrupt in London. Meanwhile the horrific misery of the residents continues.

Dublin City Council has identified contractors but there was no agreement on who would pay for any of the workers required to enable the families to be housed adequately. During all the claims, counter-claims and court hearings, the people remain out of their homes. They have, by any yardstick, been treated appallingly and unacceptably. To add insult to injury, the Minister for the Environment, Community and Local Government, Deputy Hogan, has refused to meet the residents, citing the legal proceedings as an excuse. I suggest to the Taoiseach that this is passing the buck. The very least the Government could do is meet the residents. By not doing so, it is being dismissive and is guilty of ignoring the core of the residents' plight. The Government needs to think outside the box, intervene and work to resolve this issue.

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

**Deputy Micheál Martin:** It can be done because where there is a will there is a way. A number of scenarios have been suggested but hiding behind the courts will not resolve this. A huge amount of money has been already spent on temporary accommodation. The authorities have statutory duties and obligations. Will the Government intervene to resolve this unacceptable situation on compassionate and humanitarian grounds? It should be resolved for the residents, once and for all.

**The Taoiseach:** I thank Deputy Martin for raising this matter. In this case everybody has sympathy for the families who have been caught in this legacy of incompetence and greed. It is a symptom of the mess the Government has inherited. I understand this is not the only such case and that there may well be more. The Deputy did not make a proposition concerning the numbers to which he has referred, but I am willing to listen to what he has to say about how this might be sorted out. The Deputy is aware that Supreme Court proceedings are due shortly, which will adjudicate on a number of issues. Deputy Martin would not expect me to pre-empt

[The Taoiseach.]

what may happen or how the court will decide this. The Minister of State, Deputy Jan O'Sullivan, who has responsibility for housing, met some of the residents to discuss their concerns. I understand that the ESB was concerned about a number of safety issues and that it is not its intention to cut off the supply. Dublin City Council sought an early hearing in the matter of its appeal to the Supreme Court against the order of the High Court. The issue in the appeal is whether the High Court was entitled to make orders under section 23 of the Fire Safety Act 1981. The order to pay such costs has serious implications for the taxpayer. I know the builder-developer has been declared bankrupt in England. There are also implications for Dublin City Council in its role as the fire authority. By mid-December 2011, the council had already incurred charges of more than €350,000 for accommodation on foot of that order.

It would be wrong to speculate on what the court may decide on the issues before it. The overriding priority is that a successful conclusion should be brought to this matter for the residents of Priory Hall as quickly as possible. The Minister has repeatedly asked Dublin City Council to do what it can. I understand there is constant contact between the council and the residents in this case. The Minister's responsibility is to set out the minimum statutory requirements and technical standards a building like this requires. It is outrageous that this kind of edifice was allowed to be constructed without yea or nay in so far as competence, conditions, safety standards or building requirements were concerned.

The builder has been declared bankrupt in England, while the residents have had to move out due to safety concerns and the case has ended up in court. I do not want to see this matter continuing indefinitely. I would like to see these people back in their homes. Nor do I want to see the taxpayer screwed left, right and centre because of the gross incompetence and sheer drive for more money by builders who carried on recklessly in putting up an edifice like this in the first place. I understand there are more out there as well.

**Deputy Micheál Martin:** Sympathy, and outrage at the developer, are no longer good enough. The residents' clear view is that their plight is not the overriding priority of Government or of the institutions of the State, be they local or national. There is no sense of that among the residents who feel they have been abandoned by the institutions of the State. It is accepted, of course, that the developer has behaved in a despicable manner. Irrespective of the state of the economy, there is no justification for what he did. The key issue is that someone must take a proactive stance on this matter. After the court cases, the fundamental issue will still remain — how one deals with the Priory Hall situation by rehousing the residents. It will come before the State in some shape or form down the line — be it through welfare, housing or the local authority. There is no way out of doing this for the sake of the residents on humanitarian and compassionate grounds.

**An Ceann Comhairle:** A question please. We are over time.

**Deputy Micheál Martin:** The Taoiseach has asked us for solutions. Senator Averil Power spoke to the residents at last week's meeting. She told me that in Belmaine and Clongriffin there are currently many empty NAMA houses in estates. Surely some creative thinking can go into this whereby people could work with the city council, NAMA and others to do the humanitarian thing. This is an exceptional situation. I have not come across a situation like this where more than 60 families, including 256 residents, have had to leave their homes.

**An Ceann Comhairle:** Thank you, Deputy. We are over time.

**Deputy Micheál Martin:** We all agree about the appalling way they have been dealt with, but they need more than sympathy. We need intervention and action to deal with an excep-

tional situation. If people put their heads together they could bring about a resolution that would be satisfactory to the residents. It would also meet with the approval of people across the country.

**The Taoiseach:** Yes, I agree with Deputy Martin that sympathy will not rehouse these people, and neither will condemnation of the developer. However, we have a process in our democracy whereby the courts are entitled to make decisions on questions before them.

**Deputy Micheál Martin:** The courts are not dealing with the core issue.

**The Taoiseach:** Hold on a second. The Deputy knows as well as I do when Priory Hall was built. The Building Control Act of 1990 clearly places responsibility for compliance with building regulations on the owner of the building concerned, and the builder and developer. We know the builder and developer has now been declared bankrupt but the enforcement of building regulations is the responsibility of the 37 local authorities. I agree that heads should be put together. The Minister for the Environment, Community and Local Government has been in touch and NAMA has offered some accommodation, as the Deputy knows. The Minister of State met some of the residents to hear their genuine concerns. There is a court case coming up and there are questions to be decided by it. I would like to think that heads could be put together once the issues decided upon by the Supreme Court become clear. This is not exceptional, however. It is very difficult for the people who have had to stay in hotels or other city premises with their families and belongings, and all the pressure that brings.

**Deputy Micheál Martin:** There comes a time when a solution has to be brought forward and the courts will not do it.

**The Taoiseach:** I would like to think we could have a conclusion by a particular date and that these families will be back in the homes, for which they are paying mortgages. The taxpayer has been already exposed to a liability of more than €350,000 which is continuing to mount. Therefore, we need clarity from the court on the issues before it and we need to know about the local authority's responsibility for enforcing the building regulations and requirements under the 1990 Act. I would like to see this matter ended but I understand it is not exceptional.

**Deputy Gerry Adams:** May I begin by wishing the Taoiseach a very happy Valentine's Day?

**The Taoiseach:** Thanks.

**Deputy Michael Ring:** Deputy Adams has shown a lot of love in his time.

**Deputy Gerry Adams:** And you too, a Cheann Comhairle.

**An Ceann Comhairle:** Thank you very much. It is reciprocal.

**Deputy Gerry Adams:** I also want to welcome the Government's renewed focus on the jobs crisis, and the Taoiseach's announcement yesterday of a jobs action plan. It is particularly good that he is taking personal responsibility for the delivery of this. I look forward to his reports. I note that this is the third or fourth time the Taoiseach has announced some of these proposals. I am going through this as constructively as possible because Sinn Féin wants to be constructive and positive on these issues.

**Deputy Pat Rabbitte:** Come on now.

**Deputy Gerry Adams:** There is no new money and no meaningful targets have been set thus far. Having pondered the issue, the reason no new money is available is that the Government

[Deputy Gerry Adams.]

remains totally committed to this austerity programme. The Government has been in power for almost a year and during that time unemployment has been around 440,000. Some 1,640 businesses have closed and 76,000 citizens have been forced to emigrate. Tá a fhios ag an Taoiseach go bhfuil clubanna de chuid Chumann Lúthchleas Gael nach bhfuil ábalta foirní a chothú toisc go bhfuil na himreoirí thar sáile. Tá páistí sa Ghailearaí, in éineacht lena múinteoirí agus a dtuismitheoirí, ó Ghaelscoil Bharra, atá ag obair i seomraí réamhdhéanta le seacht mbliana déag, gan áras ar bith mar scoil.

The amount the Government has invested in the IDA, Enterprise Ireland and county enterprise boards is less than a half a billion euro.

**An Ceann Comhairle:** Has the Deputy a question?

**Deputy Gerry Adams:** Yet next month the Anglo Irish promissory note will cost the people of this State €3.1 billion. Is that not the problem with the Government trying to tackle this jobs crisis but then giving so much money over to these banks and bankers with nothing meaningfully being put into jobs creation stimulus packages and regenerating the economy?

To get some sense of this, how many citizens will be taken off the live register by March, June, September and the end of this year under this jobs plan?

**The Taoiseach:** Some times I get a little concerned when I hear Deputy Adams talking about Valentine's Day. I am not sure whether it is romance or massacre he is talking about.

**Deputy Finian McGrath:** He will send the Taoiseach a card later.

**Deputy Billy Kelleher:** That was a kibosh instead of a whitewash.

**The Taoiseach:** Deputy Adams covered a number of areas in his question on the action plan for jobs announced yesterday by the Government. He covered several areas including imirce agus cúrsaí CLG agus seanfhoirgnimh i nDún na nGall. Tá a fhios aige go bhfuil airgead sa bhreis curtha isteach sa Vóta ó thaobh cúrsaí oideachais de chun foirgnimh nua a thógáil. Má labhraíonn an Teachta leis an Aire Stáit ansin, an Teachta McGinley, cuirfidh sé in iúl do cad tá i gceist maidir leis an scoil sin.

The difference between this action plan and the accumulation of others that have been published over the years is that this one will be implemented.

**Deputy Timmy Dooley:** Like the NewERA one.

**The Taoiseach:** The reason it will be implemented — and Deputy Adams can hold me to this — is because I will oversee its implementation from the Department of the Taoiseach.

**Deputy Niall Collins:** Ministers are shaking in their boots over there. All the heads are down.

**The Taoiseach:** Deputy Ó Caoláin can shake his head but he knows I am serious about this. Jobs are every Minister's priority and that of the 36 State agencies involved.

It has started already with arrangements made for the first meeting of the implementation group. As I said yesterday at the plan's launch, we will have our Succeed in Ireland campaign launched before St. Patrick's Day. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, has begun to establish the exporters' section in Enterprise Ireland.

When Deputy Adams claims there is no new money in this plan, he should understand we have outlined from where the funding within the plan will come. The big difference is that this

plan is focused on exports. A 1% increase in exports is worth €1.5 billion. Exports are where it has to be.

**Deputy Niall Collins:** Is there a time limit for a reply, a Cheann Comhairle?

**The Taoiseach:** When I am told by people across the country that they want to get back into investing in their businesses, taking on extra people and exporting, I understand the problems they face. The problem in the past was we had brilliant launches at great expense to the taxpayer but nothing ever happened afterwards.

**Deputy Barry Cowen:** Five point plans.

**Deputy Micheál Martin:** Yesterday's plan was all done before the Taoiseach got into office.

**The Taoiseach:** This action plan was launched in a working plant, ICON, which employs more than 8,500 people in 40 countries. All of those young people are dealing with the future.

**Deputy Micheál Martin:** It will cover ten years.

**An Ceann Comhairle:** Please, this is Deputy Adams's question.

**The Taoiseach:** It will not be over ten years because we have 270 proposals on job creation. I will publish a quarterly progress report so that—

**Deputy Barry Cowen:** Report cards.

**The Taoiseach:** —every Minister and every State agency knows their responsibility and gets on with it.

What we are at is opening the doors for business and industry. It is about creating an environment and atmosphere where jobs can be created, where work can follow, where people can indulge themselves in that and contribute to their country and their local economy.

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

**The Taoiseach:** We do not have extra money to spend or borrow. Considering the circumstances in which we are, this action plan will change the environment and atmosphere for industry and job creation to flourish in this country. I want it to be and prove it to be that Ireland will be best small country in the world in which to do business by 2016.

**Deputy Gerry Adams:** The Taoiseach should bear in mind he has money to give to the banks. That is the choice he is making.

Bhí an Taoiseach ag tabhairt amach fúm ag caint faoi Ghaelscoil Bharra. Rinne Fine Gael agus Páirtí an Lucht Oibre gealltanais foirgneamh nua a cheadú fá choinne na scoile ansin.

Let me be positive, however. It is a good day despite the Taoiseach's rejection of my love earlier.

*(Interruptions).*

**Deputy Gerry Adams:** The Taoiseach may have noted the Executive in the North, with the active support of Sinn Féin and under the leadership of Peter Robinson and Martin McGuinness, announced a €700 million investment programme in hospitals and roads infrastructure. This is despite the Tory British Government cuts, a reduced block grant and limited

[Deputy Gerry Adams.]

fiscal powers. It is also real investment in jobs and economic growth which is in stark contrast to the Taoiseach's Government putting only €750 million into capital projects.

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

**Deputy Gerry Adams:** I wish him well in all the other proposals. However, the North's type of initiative and scale of investment is the only way.

The Taoiseach promised 100,000 net new jobs. Again, how many citizens will be off the dole by this time next year? Does the Taoiseach accept there is a huge contradiction in launching a jobs plan while sticking to austerity policies which are further depressing the economy, pushing down growth——

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

**Deputy Gerry Adams:** ——and restricting the Government's ability to stimulate the economy?

**The Taoiseach:** Tá a fhios ag an Teachta go bhfuil airgead sa bhreis curtha isteach chun scoileanna nua a thógáil. Níl a fhios agam ag an bpointe seo cad é go díreach an scéal faoin scoil a raibh an Teachta ag caint fuithi. Tabharfaidh an tAire Oideachais agus Scileanna freagra iomlán don Teachta má chuireann sé síos ceist faoin scoil.

I recognise the announcement made by Northern Ireland's First Minister and Deputy First Minister which will be a €7 billion programme over four years. It includes the development of the road to Letterkenny which is very welcome. While the Government here is constrained somewhat in the moneys available to it, we have made available €50 million over two years between 2015 and 2016 for cross-Border infrastructure projects which has been accepted and agreed by the Northern Ireland Executive.

Our programme is a €17 billion capital programme, a significant amount. The Government is also examining other opportunities in public private partnerships for road development, school clusters and other projects.

I note David Begg's comments this morning about stimulating demand. We have had discussions about pension funds being made available for investment in various infrastructure projects. This is a valid discussion we can have.

**An Ceann Comhairle:** Thank you Taoiseach.

**The Taoiseach:** For now, there are 270 proposals covering 15 Departments and 36 State agencies.

**Deputy Gerry Adams:** How many people will be taken off the dole? What is the target figure?

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

**The Taoiseach:** Deputy Adams asking how many people will be off the dole by this time next year is like asking how many seagulls flew over the Phoenix Park in the past three weeks. It is a daft question, which the Deputy knows.

**Deputy Gerry Adams:** This is a plan. A plan has to have objectives.

**The Taoiseach:** All one needs to do is create an atmosphere and an opportunity in which business can flourish. When I go around the country, people tell me they have ideas for job creation. In so far as we can respond to them through the Finance Bill and changes to various taxation measures, we intend to open the doors for businesses to take on employees, make it easier for them to hold on to current employees and get back into the business of exporting. That is why the Minister for Finance made special arrangements available for people who market Ireland abroad, particularly in the BRIC countries, Brazil, Russia, India and China. Changes were made in the budget and the Finance Bill to stimulate that.

Deputy Adams gets the same communications that I do in which people ask why they cannot get access to credit from the banks.

**Deputy Niall Collins:** A Cheann Comhairle, is there no time limit for replies?

**An Ceann Comhairle:** Sorry, Taoiseach but we are way over time.

**The Taoiseach:** Quite a number of small and medium-sized enterprises are unable to give their cash flow projections for the next three months.

**Deputy Gerry Adams:** It is because the banks will not give them credit.

**The Taoiseach:** No, it actually makes it difficult for a willing bank manager to allocate credit funding in such a scenario. We recommend accountants, when doing the books at the end of the year, should put in place a system of indicating what a company's future cash flow projection will be, based on past trends.

It is true to say — I have evidence of this — that many small companies looking for funding from banks cannot state what their cashflow projections for the next three months might be. We are due to meet the banks shortly to discuss the principles and structures for lending so we can ease this somewhat more for businesses. We are serious about this proposal.

**Deputy Gerry Adams:** Out of curiosity, how many seagulls flew above the Phoenix Park?

**An Ceann Comhairle:** I call Deputy Finian McGrath.

**The Taoiseach:** I cannot answer that no more than the Deputy——

**An Ceann Comhairle:** Do not spoil St. Valentine's Day. I have called Deputy Finian McGrath.

**Deputy Michael Ring:** Share the love.

**An Ceann Comhairle:** We do not want to fall out of love with each other at this point.

**The Taoiseach:** The late Noel Lemass put the same question to my father.

**Deputy Finian McGrath:** I want to ask the Taoiseach——

**Deputy Pat Rabbitte:** Ar aghaidh leat, Deputy.

**Deputy Finian McGrath:** ——a number of questions about the action plan for jobs. Earlier today a group of Independent Deputies met the US ambassador and one of the issues we discussed was the action plan for jobs. Three issues arose during the discussion which are relevant to today's debate. I asked how the US managed to start reducing unemployment over the past several months and the three reasons given were stimulus, banks starting to lend and

[Deputy Finian McGrath.]

an acceptance that austerity did not work. These are three sensible options which have reduced unemployment in other countries.

In broad, general terms, I welcome any plan that creates jobs. It would be easy for me to start jumping up and down to score points for the sake of it but that would not be good for the unemployed or the country.

**Deputy Tom Hayes:** Good man.

**Deputy Finian McGrath:** In respect of the objectives for jobs, how will the Government deal with austerity and the consumer confidence and spending factors? The elephant in the room in this debate is the black economy. Small businesses and the Revenue Commissioners estimate that we are losing €5 billion per annum in taxes. Businesses and the State are losing out to rogue operators. How will the Taoiseach respond to that issue given that it is costing €5 billion?

The report refers to county enterprise boards. I urge the Taoiseach to be careful in this regard because some of the county enterprise boards have been very successful at creating jobs.

The Taoiseach appears to have run away from reform of the existing upward only rent review leases. This was promised by the Government prior to the general election. Approximately 200 small businesses close every month because of rates, charges and high rents.

Did he say the Government has no role in creating jobs? Does he not see a role for the State or semi-State sector in creating jobs in Ireland?

**The Taoiseach:** I am glad the Deputy welcomes the fact that a plan has been produced. This plan is going to be implemented and it is my view and that of the Government that it will vastly improve the climate for the development of jobs and exports. We pointed out yesterday that we expect 10,000 jobs in the green economy by 2015, 7,200 jobs in food added value by 2020, 2,500 in digital gaming by 2014 — the Deputy will be aware of recent announcements in that regard — 10,000 jobs in international financial services by 2016 and 12,500 jobs in the new IDA supported areas by 2012. A recent report produced by Microsoft said cloud computing has potential for creating 8,500 jobs by 2014. Clearly this is an area with massive opportunity and the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, addressed it with the EMC company yesterday in terms of cloud computing.

I too met the American ambassador yesterday. I was proud to meet Mr. Rooney given the work he does for relations between Ireland and the United States. At the meeting convened by former President Clinton in New York last week, the point was made clearly by serious investors from around the world that two issues are important to bear in mind. When rating agencies look at countries they investigate political stability and the capacity for generating economic growth. At least in this country the contract between Fine Gael and the Labour Party in government acknowledges this is a challenging time which is not easy for many people but when we get through this economic challenge the rewards and benefit for the country will be great. We have many hundreds of engines in this country to drive our economy. We must have a sense of creating that environment and atmosphere, and a sense of belief and conviction to carry it through. For investors from abroad, these characteristics are very strong and they put Ireland in a different place than that of many other countries. They should never be forgotten in that context.

Austerity on its own is never going to work but we have a problem in that we have to close a gap because we are spending €16 billion more than we are taking in. As I have stated previously, if we never had a problem in Europe, that would be a problem for us. The money

we can save when we deal with that can be spent on jobs, hospitals, schools and other things that are important to our people.

The Government does not have all the answers but we have made 270 proposals which I intend to see implemented and will oversee with all the Ministers and 36 State agencies. I hope the consequence is that young men and women will have the opportunity to work and live in their own country, if that is what they wish.

**Deputy Finian McGrath:** I am glad the Taoiseach accepts austerity is not working and will not work. However, may I ask about the details of the action plan? Approximately 135,000 people, or 7.5% of total national employment, are currently employed in agri-food production. In respect of the section of the report on agri-food, where is the response to the proposal to create 5,000 jobs in the sugar industry? I understand a costed plan to create 5,000 jobs was put on the Government's table before Christmas. Is that concrete proposal now dead?

In respect of the arts sector, which supports 21,000 jobs, are any new, huge events planned to create jobs or bring in tourists over the next 12 months? Is there a big ticket item in this report which the Taoiseach can tell the Dáil and the people of Ireland will create a couple of hundred or a couple of thousand jobs?

I ask the Taoiseach to have a serious word with the Minister for the Environment, Community and Local Government. I have just received news that he refused to meet a businessman from County Wicklow who has an idea to create thousands of jobs. That is appalling and unacceptable.

**An Ceann Comhairle:** That is a separate issue.

**Deputy Tom Hayes:** Deputy Timmins may have something to say about it.

**The Taoiseach:** I have no idea who the eminent gentleman from Wicklow may be. I do not know anything about the issue Deputy Finian McGrath raised.

**Deputy Billy Kelleher:** The Taoiseach will meet him in Punchestown shortly.

**The Taoiseach:** I receive lots of queries from people who have ideas. One individual approached me the other day to tell me he had a great plan that can be applied globally. When I asked him what it involved he said he would remove fog from all the airports. I am not sure how it works but I might find out later.

**Deputy Pat Rabbitte:** Deputy Finian McGrath should try to get his head around that.

**Deputy Mattie McGrath:** There is fog over there.

**Deputy Billy Kelleher:** The Government is closing the airports.

**An Ceann Comhairle:** Settle down.

**The Taoiseach:** Austerity on its own cannot work.

**Deputy Pat Rabbitte:** I can see clearly now.

**The Taoiseach:** It has to be balanced by stimulus to create demand. The Minister for Finance is working on a structure for that in the context of what we have to do this year and next year. The Minister for Transport, Tourism and Sport is working very hard——

**Deputy Niall Collins:** Well done, Deputy Varadkar.

**The Taoiseach:** —to stimulate demand to bring people in here. That is why—

**Deputy Finian McGrath:** Give us one big event.

**The Taoiseach:** —this year, as a good Galway man, I hope Deputy Finian McGrath will watch the conclusion of the Volvo race in Galway, which I understand is expected to draw 800,000 people to the western capital and city of the tribes.

**Deputy Billy Kelleher:** If the fog does not come in.

**The Taoiseach:** I hope he will be here when the tall ships come to Dublin.

**Deputy Niall Collins:** What did the Taoiseach say to the man with the fog plan?

**The Taoiseach:** I hope he will join the preparations for the Gathering in 2013 when we expect a huge number of the diaspora to come back to our homeland—

**Deputy Finian McGrath:** The Battle of Clontarf.

**The Taoiseach:** I hope that we can implement our programme to abolish the travel tax if the airlines measure up in the context of that commitment. As the Deputy is aware the opportunity created by reducing the VAT in the hospitality sector and reducing the PRSI for employees on low wages was evident in 6,000 extra jobs being created in the last quarter.

**Deputy Micheál Martin:** The Government also got rid of the volcanic ash, in fairness.

**The Taoiseach:** The hospitality sector now has the opportunity to give good value to those who come to our country or those who visit internally and give them a quality experience so that—

**Deputy Mattie McGrath:** One could fall asleep in the Visitors Gallery.

**The Taoiseach:** —they will talk about it and our reputation climbs again. It is not necessary to have exorbitant rates and fees for everything and I am glad to say that has altered considerably. The opportunity exists and we can go through all the items in the action plan when we debate it here in the House.

## Ceisteanna — Questions (Resumed)

---

### Constitutional Amendments

1. **Deputy Micheál Martin** asked the Taoiseach the political representatives from the Northern Assembly to whom he has written in relation to the promised constitutional review; if they will be given a formal role in the process; and if he will make a statement on the matter. [3294/12]

2. **Deputy Micheál Martin** asked the Taoiseach the way he plans to involve a representative range of political and community views from the North of Ireland in the upcoming constitutional review; and if he will make a statement on the matter. [3295/12]

3. **Deputy Gerry Adams** asked the Taoiseach the date on which he plans to meet with other party leaders in relation to the forthcoming constitutional convention. [3305/12]

4. **Deputy Mary Lou McDonald** asked the Taoiseach when the first meeting of the constitutional convention will be convened. [3793/12]

5. **Deputy Mary Lou McDonald** asked the Taoiseach when he intends to meet with the opposition to discuss the constitutional convention. [3806/12]

6. **Deputy Gerry Adams** asked the Taoiseach his plans to meet opposition leaders in relation to the constitutional convention. [5150/12]

7. **Deputy Gerry Adams** asked the Taoiseach his plans in relation to the convening of the constitutional convention. [5151/12]

8. **Deputy Micheál Martin** asked the Taoiseach if he intends to consult other parties or outside organisations in advance of presenting a formal proposal for the constitutional convention. [6192/12]

9. **Deputy Micheál Martin** asked the Taoiseach the intended timetable for the establishment and work of the constitutional convention. [6193/12]

**The Taoiseach:** I propose to take Questions Nos. 1 to 9, inclusive, together.

The programme for Government contains a commitment to establish a constitutional convention and indicates areas for it to examine. Work is proceeding on proposals to set up the convention and these will address, *inter alia*, the structure, operation and membership of the convention, including possible representation from Northern Ireland.

I previously signalled my intention to invite Opposition leaders to meet me to discuss the Government's proposals. I intend to hold this meeting in the next few weeks. It is my intention that the convention will be set up as soon as possible.

**Deputy Micheál Martin:** I have a number of questions on the constitutional convention. Nine months ago the Taoiseach first promised the House that he would soon consult the Opposition on the terms of reference and composition of the convention. On 3 May 2011 he told me he was sick of the days where the Oireachtas was the last to know about things. On the same day he promised to consider the inclusion of Northern representatives. Will there be consultation on the terms of reference and the composition of the convention or will that consultation happen after all the decisions have been taken? Given all that has been said over the past nine months why has not the slightest effort been made to consult with the leaders of the Opposition parties or with Parliament? I want the Taoiseach to give an assurance that no effort will be made to prevent the convention from considering more radical reforms such as the makeup of Cabinet and Government control of the agenda of the Oireachtas itself, which is a fundamental issue that needs to be radically examined because the situation is getting worse in many respects.

How many referenda does the Taoiseach envisage emanating from the constitutional convention? Is it still his intention to hold the referendum on the abolition of the Seanad outside the remit of the convention? The Taoiseach has spoken about the limited opportunities per year to put referenda to the people. How does he reconcile that reality with the work of the convention and the reforms it might propose to implement?

**The Taoiseach:** I regret that I have been unable to bring this to a conclusion before now but I was otherwise occupied by many other matters. Work is proceeding on the referendum on the abolition of the Seanad but it is outside the remit of the constitutional convention. It is part of the programme for Government and is being dealt with separately as is the issue of the

[The Taoiseach.]

referendum on child protection, which the Minister for Children and Youth Affairs is advancing with the Attorney General. I want to get the structure right here so that when it begins its work it will be able to do so properly. At the first opportunity I get in coming weeks I will brief Deputies Martin and Adams on the composition; the numbers; the breakdown between public representation and citizens; the impact and the question of representation from Northern Ireland; citizens to be included and citizens to be excluded; the range of and how it should go about its work; the numbers to serve on it; and how it is to be serviced from the public service so it can do its job properly.

The Deputy will be aware that the programme for Government sets out a number of areas we would expect the convention to address. My view is that it should start work on one or two of those and then examine the weaknesses or inefficiencies in the system so that consideration could be given to how it might be improved if that is necessary. I would be prepared to discuss the extension of its remit with Opposition leaders when that arises. We also need to define the setting up of the constitutional convention by resolution of the House here and by resolution of the Seanad. I am anxious to have it established, but I also want to discuss with Deputies Martin and Adams what is in my mind in the context of having a structure that will work effectively. We should then give it time periods to deal with each of the issues set out in the programme for Government. I hope we can have that in the next two weeks.

**Deputy Micheál Martin:** It has been nine months since the commitment was made to consult the leaders of the Opposition and there has been no consultation whatsoever. Is it the Taoiseach's intention to just brief Members about what has been decided or will there be a genuine offer to the leaders of the Opposition parties to have some input into the terms of reference and the matters that would come under consideration by the convention? Will there be genuine consultation at that level?

**The Taoiseach:** When I discuss this with Deputies Martin and Adams I cannot give a guarantee that I will take on board the issues they might raise or the proposals they might make. However, I will proceed in the next two weeks and it will be a genuine consultation. I will be happy to listen to what they have to say on behalf of their parties.

**Deputy Gerry Adams:** While I know the Taoiseach has been very busy, I find this matter frustrating. We have spoken about it many times in this Chamber but it has never got past where we are now. To compensate for the Taoiseach's unavailability, I wrote to him and outlined some ideas. I again welcome the commitment to his having a meeting with us on the matter. I also welcome the Taoiseach's previously stated commitment that the convention will consider extending the franchise for presidential elections north of the Border.

As the Good Friday Agreement enshrines in the Constitution the right of the people in the North to Irish citizenship, the constitutional convention must consider how they can fully exercise their citizenship. We have also often discussed the diaspora, which I value as does the Taoiseach. Citizens across the diaspora must also have some part in this constitutional convention. The Taoiseach must have some plans, ideas or notions he can share with the Dáil. For example, will the proposals of such a convention be put to the people in a referendum or will they go back to the Government? I have advocated consultations across the State and across the diaspora, which can be done by using our diplomatic services. Will voluntary social community organisations be able to have a part?

The programme for Government defines the remit as being to consider comprehensive constitutional reform.

Given what has happened across the island since the 1937 Constitution was written, will the Government consider allowing the convention to recommend an entirely new constitution for the 21st century? This could be a new re-imagining of Ireland, including a look at Ireland throughout all 32 counties and how we can move to reflect the wishes for Irish unity, while being sensitive to Unionist concerns, and to protect and have a human rights based protection of citizens' rights. If a republic is nothing else, it is about the rights of citizens.

**The Taoiseach:** As I said to Deputy Martin, I am happy to sit down and discuss the proposals I have with the leaders of the respective parties and to discuss what they have to offer, what they have to brief Government on and what they have to say. The remit in the programme for Government is clear about what the constitutional convention will be called on to examine. Let us suppose the constitutional convention were to examine a reduction in the period of the presidency from seven to five years and an associated recommendation were to come before Government and the Government decided that it was worthy of doing. One cannot change the Constitution without a referendum. In the event that proposals from the constitutional convention were acceptable to Government having been deliberated on by it and so on, a referendum could be required in a range of areas. I cannot say what the constitutional convention might decide in any of these cases. We must consider carefully how the structure of this will work.

Deputies will be aware of the work of the National Forum on Europe which has taken hearings throughout the country. In some cases the meetings were well-attended and packed and in other cases the meetings were rather small. It depends on how one services that structure. One must appoint a chairperson for the operation and provide it with adequate resources to do its job. I do not foresee it drafting an entirely new constitution in this context. We have had recommendations in the Oireachtas for this at various times during the past 30 years. There is a specific requirement in the programme for Government and we will see this materialises and get under way. I hope to brief Deputy Adams and Deputy Martin in the next two weeks.

**Deputy Gerry Adams:** The length of time a President serves may be important but it is not the most important thing facing citizens at present. One of the positive things people are doing at this time of economic crisis is questioning what type of country we live in, the type of state we have and what our society is about. Increasing numbers of people are looking at re-imagining Ireland, building a real republic and building a society that enshrines citizens' rights. Surely the constitutional convention should examine that. The Government should consider an entirely new constitution. In the Taoiseach's response to my earlier question he did not elaborate on the role the diaspora could play in this. The global citizens of most other states, including the USA, can vote in presidential elections. The French can do so as well. Latvians did it in the North during our presidential elections. I call on the Taoiseach to elaborate on some of these points.

The fact that citizens have few rights is pressing down on people at present. When one weighs it up, there is a two-tier republic: there is a two-tier society with elites and people at the bottom of the ladder. We do not have certain social guarantees. A republic should look after and cherish all the children of the nation equally, especially those who suffer from disadvantage, mental or physical disability, those who live in remote areas or who do not have the same resources as others. I would prefer to think we have the ability not only to examine and invite in citizens to have these discussions but to start to build a new Ireland, a new republic and, to use the Taoiseach's phrase, to build a country that everyone can be proud of by 2016.

**The Taoiseach:** I agree that the reduction of the period of presidential service is not the most important issue. I was simply responding to Deputy Adams's question about whether

[The Taoiseach.]

referendums will result from this and I gave the example that if the constitutional convention were to make such a recommendation and it was to be accepted it would require a change in the Constitution and that could take place only by referendum.

I intend to announce the Succeed in Ireland campaign before St. Patrick's Day. One issue taken on board by the Government, and by the Tánaiste in particular, is the need to connect to the Irish diaspora. The technological revolution gives us that opportunity.

I hope the efforts we are making with business people and chief executives who go abroad to meet their peers throughout the world and who discuss Ireland and the international recognition given to us and our diaspora by eminent people throughout the globe speak to the changed perception of this country held by people from abroad. When I have the opportunity to meet people involved in business and positions of influence abroad, I notice that their view of Ireland and the Irish people is of a higher order than some of the stuff I hear at home. I would prefer Deputy Adams to say that we live in one of the best countries in the world. We have a problem at the moment and we must clean up an unmerciful mess. We are focused on doing so and on building the type of country I have spoken of. For some time my mantra has been to make us the best country in the world in which to do business and to prove it by 2016. It has also been to change the structures of governance and governmental competence and to apply an effective spend to taxpayers' money so Ireland can be the best place in which to raise a family and to grow old with a sense of dignity and respect. I know the problems we have, as does Deputy Adams and everyone else. However, Sinn Féin's economic policies cause fear and shock in people. We have a country and a Republic. It is not as fine as it should be in some respect but we will rectify that. What Deputy Adams speaks of is an imagined land that many people here wish never to see materialise.

**Deputy Micheál Martin:** As part of Question No. 9 I asked the Taoiseach about the intended timetable for the establishment and the work of the constitutional convention, whether one exists and, if so, whether it will be put before the House. As the party that brought in the 1937 Constitution, a republican constitution emulated by others throughout the globe, the challenge facing us is to enhance it. It is an organic constitution that grows, evolves and develops. The Supreme Court interprets it and creates new rights emanating from the basic document. The challenge facing us is to enhance the Constitution for the people. I put it to the Taoiseach that the Government has not been good at consulting the Opposition on such fundamental issues.

Since the bail referendum in 1996, there has been a tradition of Governments seeking the maximum amount of cross-party agreement possible across the board on fundamental issues before publishing proposals. A fundamental look at the Constitution is one such issue. There should have been a greater degree of bilateral consultation before now, like what happened in the case of the European referendums. Pro-European Union parties were always consulted. Governments tried everything to be non-partisan but that is not happening at the moment. I put it to the Taoiseach with the greatest of respect that Ministers must work far more constructively with Opposition parties.

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

**Deputy Micheál Martin:** There is an issue in terms of how many referendums the Government can get through. The timetable of the convention is important because one year of the lifetime of this Oireachtas has gone. The Oireachtas needs reform. If anything, things are going backwards in terms of parliamentary democracy. The Seanad is a separate question but the Taoiseach has stated that it only makes sense if it is accompanied by serious reform of the Dáil as well. Has the Taoiseach considered allowing the constitutional convention the capacity to

recommend the retention of a second chamber if that is its view or to tease out properly the fundamental issue of whether we should have a one-chamber or two-chamber democracy?

**An Ceann Comhairle:** There is a question coming up on that later.

**Deputy Micheál Martin:** I appreciate that, but my question relates to the work of the constitutional convention. Will it be denied the opportunity to tease out that issue and to put its views?

**The Taoiseach:** No, I have not. That is a clear and separate part of the programme for Government and there is no going back on it. The constitutional convention is a specific part of the programme for Government, as is the list of issues the Government would like it to consider.

I will sit down with both Deputy Martin and Deputy Adams before the Government finalises its views on this to hear their proposals and ideas and we will tease out the matter as best we can. I agree it is important that the people sent here by the electorate have the opportunity to discuss this issue. Our Constitution has been organic. The Republic declared by John A. Costello, from across the globe as Deputy Martin said, has had quite a number of changes brought to it in the past 30 years. The range of issues to be discussed by the constitutional convention has been set out in the programme for Government. What I am interested in is getting a structure that will work and be effective. We will decide how it will be allowed and funded to do its business, how it will complete its work and the form in which that work will be presented, whether by majority or minority reports. We will move on with it in that manner. I will take on board the Deputies' views and move on from there. Having had a significant number of issues to deal with up to now, I suppose I am somewhat at fault for not having pushed this harder. However, now I have a clear horizon and I expect to brief both Deputies in the next two weeks.

10. **Deputy Gerry Adams** asked the Taoiseach his plans for the holding of referendums this year. [3723/12]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach the referendums that he proposes to hold this year; and if he will make a statement on the matter. [6591/12]

12. **Deputy Micheál Martin** asked the Taoiseach the progress made regarding the proposed referendum to abolish Seanad Éireann; and if he will make a statement on the matter. [8006/12]

**The Taoiseach:** I propose to take Questions Nos. 10 to 12, inclusive, together.

Work is proceeding on the preparation of proposals for a referendum on the abolition of the Seanad. The proposal to abolish the Seanad was signalled by the Government parties prior to the general election and the Dáil and Seanad will have an opportunity to debate the necessary legislation fully, when it is published.

Proposals for a referendum on child protection, as promised in the programme for Government, are being progressed by the Minister for Children and Youth Affairs.

Deputies will be aware of the position regarding the treaty on stability, co-ordination and governance in the economic and monetary union. Now that we have a final text, the views of the Attorney General have been sought and the Cabinet will take whatever decisions are necessary on foot of her advice. If a referendum is required, one will be held.

**Deputy Gerry Adams:** I wished to ask a number of questions on the constitutional convention, but I presume I cannot go back to that now.

**An Ceann Comhairle:** We have moved on a bit, but I have no doubt the Deputy will always come back to it.

**Deputy Gerry Adams:** The big problem at the moment is that I meet citizens every day who do not have rights. I met a woman called Billie McDonnell who was the victim of symphysiotomy 60 years ago. She has no rights whatsoever and is still fighting 60 years later to try to have her issues dealt with. In a real republic, those rights, the rights of children and citizens would be protected, but they are not.

On the question of the Seanad, it is mentioned in 16 Articles of the Constitution and I believe the constitutional convention would be the appropriate place to have that discussion.

With regard to the treaty and an upcoming referendum, has the Taoiseach received clear guidance from the Attorney General as to whether a referendum is required for the austerity treaty? In terms of the core democratic issue involved, does he consider the treaty should be part of a referendum? If it is, will the referendum be held in tandem with others and is there a timescale for it?

**The Taoiseach:** I have been very clear about this. The process of agreeing a final text intensified from the Christmas period until the last meeting of the Council of Europe leaders at which the text was agreed and signed off on by 25 of the 27 countries. The day after that meeting, the Tánaiste wrote formally on behalf of the Government to the Attorney General seeking her legal and formal advice on whether the text is compatible with our Constitution. There is no timescale and no pressure on the Attorney General to conclude her deliberations. When she has concluded her deliberations, she will return to Government and it will take whatever steps are necessary following that advice. That has been the procedure in this country for a long period. As the Deputy knows, one only changes the Constitution if it must be changed.

**Deputy Gerry Adams:** On the issue of the children's referendum, the Taoiseach and the Minister may have noted that the report of the Children's Rights Alliance on the Government's performance in child related areas condemned the Government's failure to address child poverty and the impact the 2012 budget is having on young people and children. It also criticised the treatment of children detained in St. Patrick's Institution. These criticisms highlight the need for the Government to bring forward the children's rights referendum Bill as soon as possible.

**The Taoiseach:** In politics, no more than in life, one will always have those who will disagree and they have the legitimate right to criticise. Others will agree and say they think something is a good idea. It is important to recognise that this is the first Government that has set up a senior Department and Ministry for children. That is a statement of our priorities in its own right. It took some time to get this right and to extract from the different Departments the essential elements with which the Minister for Children and Youth Affairs must deal. It is a fledgling Department in that regard. It is also important to note that there has been no adoption legislation in this country. The Minister is anxious to progress that in the first instance and, as the Deputy is aware, it is complex legislation.

The Minister is working with a range of groups on child protection. With regard to this issue, I will not rush in here and say we have it all ready and everything is as it should be. This issue is so sensitive and serious that we must get it right. This issue and the issue of the Seanad

raised by Deputy Martin are two clear commitments in the programme for Government. I have no intention of rushing into the House with a Bill that is not complete and as comprehensive as we would like it to be on either. Therefore, I cannot give the Deputy a timescale. However, I will inform the House properly when the Minister for Children and Youth Affairs, the Attorney General and all involved have completed their work on it.

**Deputy Richard Boyd Barrett:** Based on answers to previous questions and on the Government's general commitment to a new republic, constitutional conventions and more open and accountable politics, one would imagine this means a political system that is more responsive to the popular will on key issues confronting the Government. Given the Taoiseach has committed the Government to supporting a treaty, which is not an EU treaty but an intergovernmental treaty, which will lock this country into crippling austerity for at least ten years and which will give this intergovernmental body the right to intrude on our budgetary process and to impose conditions on the ability of governments to frame budgets which will in the words of the treaty be "permanent and binding", thereby locking governments into them, it is difficult for me to understand how that is not worthy of a referendum. It is probably the most far-reaching treaty with the most profound impact on the citizens of the country and the Government's ability to exercise economic sovereignty in the State, so how can the Government think——

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

**Deputy Richard Boyd Barrett:** ——that does not require a referendum? It is beyond me. With all the love circulating on St. Valentine's day, does this extend to the majority of people in this country, who have indicated they want a referendum on this treaty, and will the commitment to new and open democratic politics lead the Taoiseach to conclude that we should have a referendum as a matter of priority? If the Government or the Attorney General decides we need a referendum, will the Taoiseach indicate when that referendum might take place?

**The Taoiseach:** The Deputy comes in with the same old blather every week. It is the same old story.

**Deputy Richard Boyd Barrett:** I listen to the Taoiseach blather on every week. What is the difference?

**The Taoiseach:** That old record is getting a bit stale. I will repeat for the Deputy the process in this country, much of which he does not like. The Attorney General of the day would be asked for formal legal advice and the Government has followed that path absolutely correctly.

**Deputy Richard Boyd Barrett:** I am for Connolly's Republic.

**The Taoiseach:** We will await the deliberations and formal advice from the Attorney General. As I repeated before, this country, unfortunately, is in a programme which will continue for two further years. There is nothing in the fiscal compact that affects the figures and structures set out as part of our programme. As Deputy Boyd Barrett is aware, we have had four serious analyses by the troika and have measured up in those, although it has been difficult for our people.

When the Deputy speaks about condemning the country to ten years of austerity, the fiscal compact requires countries to reduce their debt to GDP ratio to 60% over the next 20 years, and the formula is to be worked out in respect of each individual country. I remind Deputy Boyd Barrett that far from relying on austerity to do that job, we will rely on export growth potential, which is central to yesterday's jobs action plan. Between 1991 and 2000, our debt

[The Taoiseach.]

increased from €36 billion to €40 billion but our debt to GDP ratio in the same period declined from 95% to 35%; that was not because of austerity but because of strong growth.

The Government has a responsibility to deal with the public finance problem but the opportunity to deal with the other issues will rely mainly on growth. That is why we have put jobs and growth central to the agenda for the European Heads of Government meetings from now on. That will start in the middle of April with the task force dealing with youth unemployment for countries where the rate of unemployment of young people is above the European average; unfortunately, Ireland is part of that group with a figure of 29%.

We are in this programme until the end of 2013 and the export-driven potential of what is to be unleashed when the action programme is implemented to improve the atmosphere and the environment for business to work and create jobs is very far removed from the sort of weekly rant from the Deputy, with everybody being scarified and driven into penury by a programme of austerity. It is far from that.

**Deputy Richard Boyd Barrett:** Has the Taoiseach read the growth rates?

**The Taoiseach:** We will rectify our public finances, grow our country and give our people the opportunity to get back to work. I am sure even the Deputy would like to help us in that regard.

**Deputy Micheál Martin:** My question related to the progress made in regard to the proposed referendum to abolish the Seanad, and I did not get much beyond a statement that work is proceeding, which has been the line for the past 12 months. There seems to have been very little work put into this in advance of the election and one could be of the view that this proposal was tabled with a view to electoral popularity as opposed to being well thought out.

Our view is that the broader issue of fundamental reform of how Parliament does its business is required in regard to the proposed constitutional convention. We should consider whether we need a bicameral or unicameral Parliament. For example, if there was only one Chamber with the current Oireachtas, there would be a very unhealthy scenario with the Government having a significant Dáil majority, ramming legislation through and imposing guillotines, with no opportunity for debate in a second Chamber.

Will the Taoiseach produce an interim paper as internal work must be ongoing on options? How many articles will need to be amended, for example, and what is the impact of the proposal on the wider Constitution? What kind of ideas are being formulated? If an interim paper could be published on a proposed constitutional amendment to abolish the Seanad, it would be helpful to the debate. Many people have different views on the issue and the failure of this Oireachtas, for example, to deal adequately with European Union affairs on an ongoing basis or properly embrace the all-island economy and the North-South relationship, in conjunction with evaluating legislation.

There is also a need to radically reform how this House works. The collapse of the financial and banking world was global and not restricted to this country, and even now Spain, France and other countries are beginning to own up to their banking issues. Nevertheless, banking was only discussed once in this House in 12 years before the crisis. What does that teach us and what are we learning from that? It is not an example of a House working properly, irrespective of who occupies certain seats.

A constitutional convention relating to the abolition of the Seanad should not be done in isolation of more fundamental reform of this House. There should be real separation of Parliament from the Executive, and the Parliament should not be controlled by the Executive, as it

has been almost from the foundation of the State. Perhaps members of the Government should no longer be Members of Parliament when they take up office. Those are the kinds of radical ideas we would like considered. We could examine the possibility of direct franchise to a second Chamber.

With regard to the fiscal treaty, I would like the Taoiseach's comment on the breaking news that French Prime Minister François Fillon has apparently stated that a referendum will be necessary for France to adopt a fiscal rule to balance its budget. Last July, the National Assembly and the Senate independently approved writing a fiscal rule into that country's constitution, although it was never taken to the congress of both houses, a necessary step to change the French Constitution. It is interesting that Mr. Fillon believes it necessary to hold a referendum on writing a golden rule for the budget into that constitution. In other words, there are varying political views on the issue and I would appreciate the Taoiseach's commentary on that development regarding the fiscal treaty.

**The Taoiseach:** I do not speak for Monsieur Fillon or President Sarkozy but I make the following point. The French system is very different and the French people voted down the Lisbon treaty referendum.

**Deputy Richard Boyd Barrett:** It was the European constitution.

**The Taoiseach:** As a candidate in the presidential campaign, Mr. Sarkozy said that if he were elected president, he would implement the Lisbon treaty by parliamentary majority, which is what he did. The French Government and system is their own and not for me to comment on. We have made clear issues of change by referendum here.

The other question related to the Deputy's party's set of proposals prior to the last election concerning parliamentary reform, some of which were very different and radical. It is part of the programme for Government that we intend to carry through. The drafting of a Bill to abolish the Seanad by way of referendum will require the deletion of all references to the Seanad in the Constitution, including Articles 18 and 19, which refer to the composition of the Seanad. There would also need to be amendment of all direct, indirect or implied references to the Seanad, including references to either or both Houses, as well as all references that vest specific functions in the Seanad or its Members. With this point, it would be necessary to consider, for example, if any functions currently constitutionally vested in the Seanad or its Members would need to be performed differently. The types of functions I refer to include, for example, the Presidential Commission, of which the Cathaoirleach of the Seanad is a member owing to Article 14. There is also the case of money Bills, as the Seanad triggers the process for determining whether a Bill is a money Bill. This is provided for in Article 22, but has never happened. The Seanad moves motions for the early signature of Bills by the President, as provided for in Article 25. Under Articles 12, 13, 33 and 35 of the Constitution, the Seanad has a role in the removal from office of the President, the Comptroller and Auditor General and judges. The current constitutional mechanisms safeguard the independence of these offices. Clearly, these principles will need to be carefully considered in the context of the proposed abolition of the Seanad. These issues are not to be taken lightly. From that perspective, when the Bill is prepared, it will have to ensure the Constitution is, in effect, squeezed dry of all direct or indirect references to the Seanad, implied or otherwise. No right or facility currently available through the Seanad under the Constitution should be lost by means of the changes that are to be made to the Oireachtas. That is an issue on which I am deliberating. As I said when we discussed the child protection referendum, we do not want to produce something that has not been fully thought through. These are some of the issues with which I have to contend. Obviously, many of them are not to be taken lightly.

**Deputy Micheál Martin:** Could the Government produce an interim paper on the challenges relating to any constitutional proposal to abolish the Seanad? The Taoiseach has just articulated some of the challenges in question.

**The Taoiseach:** I do not mind setting out some further thoughts on this for Members. I want to make it clear that this is included in the programme for Government.

**Deputy Micheál Martin:** Yes.

**The Taoiseach:** We intend to follow through on it. I do not object to the Deputy's suggestion.

**Deputy Joe Higgins:** Will the Taoiseach agree that historically, Fine Gael has used the Seanad as a rest home for some aging politicians and a nursery for others? In my memory, the Seanad has never seriously challenged a Dáil majority.

**The Taoiseach:** The Deputy's memory is lapsing.

**Deputy Joe Higgins:** Does the Taoiseach agree that, contrary to what Deputy Martin seemed to suggest, the Seanad does not have any legitimacy as a check on this Chamber? Does he agree that as an institution, the Seanad does not have democratic legitimacy, given that its Members are selected in a totally undemocratic manner by a very select electorate? Does he agree that we should see the end of it as soon as possible? In three weeks time, the Taoiseach will mark the first anniversary of the formation of his Government. Given that he has had a full year in office, he should set out a timescale for this process and give us a date for the referendum, rather than enunciating all the difficulties associated with it. The Taoiseach has accused the United Left Alliance of doling out "the same old blather" every day. We have to listen to the same blather from him when he restates his political positions.

**The Taoiseach:** Tá an Teachta ag blatharáil arís.

**Deputy Joe Higgins:** One of the aspects of the blather we hear again and again is the reference to the "programme".

**An Ceann Comhairle:** We do not want any blather on Question Time. The Deputy should ask a question.

**Deputy Joe Higgins:** It is as if the State is a helpless victim of addiction who is on a programme. Will the Taoiseach agree that a referendum is needed on the austerity treaty?

**Deputy Simon Harris:** It is not an austerity treaty.

**Deputy Joe Higgins:** He is living in cloud cuckoo land if he compares what happened with the national debt between the mid-1990s and 2007 in terms of the rate at which the economy grew——

**An Ceann Comhairle:** The Deputy is straying.

**Deputy Joe Higgins:** ——with what is happening during this period of depression in world capitalism. He is living in cloud cuckoo land if he thinks that can be repeated. Does he agree that a referendum is needed, especially to cure his delusion on this issue? We need a deep debate on the matter. Will the Taoiseach be specific on when the Attorney General will report to him or to the Government? When will he report to the people to allow the debate to start in a real way?

**An Ceann Comhairle:** Unfortunately, we are repeating ourselves here. Some of these questions have been asked already.

**Deputy Joe Higgins:** We did not get an answer.

**The Taoiseach:** I do not regard the Seanad as being a nursing home.

**Deputy Gerry Adams:** If it was, the Government would close it.

**The Taoiseach:** Many fine people have passed through its doors.

**Deputy Micheál Martin:** It is facing the same fate as many nursing homes.

**The Taoiseach:** I set out my views on the Seanad a long time ago. They are reflected in the programme for Government. We will proceed with that in due course, when the Bill is ready. The anniversary of the formation of the Government will fall on 9 March next. I do not have a date for the Seanad referendum. I will not attempt to give a date until I have it right. I mentioned some of the issues that need to be dealt with when I replied to Deputy Martin. I do not live in cloud computing land or cloud cuckoo land — I live in the land of reality.

**Deputy Micheál Martin:** The Taoiseach was in a dense fog an hour ago.

**The Taoiseach:** The point I made to Deputy Boyd Barrett was that the reduction from 95% to 35% in the debt to GDP ratio during the 1990s was not brought about by an austerity programme. It was brought about by a programme of growth. That is the fundamental issue in the action plan for jobs and business, which was produced by the Government yesterday. I was asked when the Attorney General will come back to the Government. If I were to say to the House that I attempted to influence the work of the Attorney General, Deputies would have a very different story to tell me, and rightly so. The Attorney General is a constitutional officer of this State. The Government has responded properly and formally to the requirement that she be asked for her formal legal advice on this matter. No pressure is being put on the Attorney General to complete those deliberations within a certain timescale. She will come back to the Government in her own good time. I will report to the House and to the people immediately, just as I did when I referred the text through the Cabinet to the Attorney General for her advice the morning after it had been agreed by 25 of the 27 EU member states.

**Deputy Joe Higgins:** It appears that unlike the Taoiseach's ministerial colleagues, the Attorney General is not given a date for the completion of her homework.

**Deputy Richard Boyd Barrett:** It is disappointing that the Taoiseach has descended to referring to views that are not in agreement with his own as “rant” and “blather”.

**The Taoiseach:** I referred to what happens every week.

**Deputy Richard Boyd Barrett:** Would it not be more accurate to use those words to describe the comments the Taoiseach made in Davos—

**The Taoiseach:** Go forward, Deputy.

**Deputy Richard Boyd Barrett:** —when he said the Irish people “went mad borrowing” and blamed them for the economic crisis?

**An Ceann Comhairle:** This is Question Time. The Deputy should ask a supplementary question.

**Deputy Richard Boyd Barrett:** Does the Taoiseach think the views of the majority of people in this country who want a referendum on this treaty, which will have a profound impact on our economy and on our society for years to come, are “rant” and “blather”? Regardless of the Taoiseach’s views on the matter, does he agree that is a legitimate demand for people to make? They know we are facing a serious crisis. They know nobody has the answers. The public has good reason to believe our masters in Europe do not have the answers because they have not provided them so far. I do not even know if the Government——

**An Ceann Comhairle:** Can we have a supplementary question, rather than statements?

**Deputy Richard Boyd Barrett:** Should the Taoiseach not respect the wishes of the majority of people who believe this treaty is so far-reaching and of such importance for them that a referendum should be held on it? The Taoiseach referred to the need for growth. I agree it is absolutely needed. Can he tell me what precisely in this treaty or in the Finance Bill 2012 will promote growth?

**An Ceann Comhairle:** We are not debating the content of the treaty.

**Deputy Richard Boyd Barrett:** Investment in the economy is needed if growth is to take place.

**Deputy Simon Harris:** That is set out in the jobs plan.

**Deputy Richard Boyd Barrett:** This treaty requires precisely the opposite.

**An Ceann Comhairle:** I suggest the Deputy should table a further question on the issue.

**The Taoiseach:** The fiscal compact is not the answer to Europe’s problems.

**Deputy Richard Boyd Barrett:** That is for sure.

**The Taoiseach:** It was never intended to be.

**Deputy Joe Higgins:** What the hell is it about so?

**The Taoiseach:** It creates a political situation whereby countries that sign on for the conditions of fiscal discipline will adhere to them. That allows the politics of Europe to focus on the extent of the firewalls that are necessary to prevent contagion and look at the question of the potential of the European markets, particularly through the impact of the Single Market. It is a €500 million market, as Deputy Boyd Barrett is aware. It was pointed out in the United States last week that the further €500 million market that potentially exists on the periphery of the EU, for example in African countries that are enjoying growth of 6%, 7% or 8% at the moment, presents an enormous opportunity for Ireland, in particular, and for Europe. European leadership and politics must focus on that potential and the future.

As I have stated before in the House, trust was lacking among European leaders for some time because markets did not believe Europe would follow through on the decisions it made. Now we have the agreement, except for some final adjustments in respect of politicians in Greece who made their decision. In addition, the fiscal compact, when it is ratified, will lock countries and the political arena into budgetary discipline and adherence to the conditions to which they signed up.

When Deputy Boyd Barrett speaks of growth I am sure he welcomes the €350 million from a major pharmaceutical company announced one month ago, the €150 million investment announced last week which will create 500 jobs and the debt swap conducted by the National

Treasury Management Agency which saw yields or interest rates being reduced from 14% to 7%, a significant factor and big signal in its own right. I am sure he also welcomes the fact that the country has returned to growth after a period of decline, the fact that there has been a surge in exports which, for the first time, has increased their value to over 100% of GDP and the fact that confidence in our banking system, as expressed by international investors, is leading to a return of confidence. We have a long way to go and I am not saying we do not face daunting challenges in the time ahead because we do. However, we are headed in the right direction and the action plan produced yesterday, which I will oversee from my Department, will create a new environment for companies to do business. I do not know how many times business people asked me, when I was in opposition, why I did not do something about this. While I do not have all the answers, we will try our hardest now. The difference this time is that at least this plan will see action and will be implemented.

**Deputy Joe Higgins:** The Taoiseach will not even provide a target for the first and second years of the plan.

**The Taoiseach:** It is by action and through expressions of hope and confidence that we will prove Ireland is serious about its business. As one serious investor said to me last week in the United States, Ireland must prove it is serious about its business. As leader of the Government, I expect to demonstrate in everything we do that we are serious about the nation's business. One year ago, people voted for this Government to sort out our public finances and create opportunities for jobs and careers. We will fulfil that mandate in the programme for Government, which people supported in unprecedented numbers.

**Deputy Micheál Martin:** Less hyperbole, exaggeration and partisanship might be a wiser position for the Taoiseach to take in the fullness of time. North American investors have realised we are serious for more than 30 years. That is the reason the top ten pharmaceutical companies in the world and some of the biggest names in technology are located in Ireland.

**An Ceann Comhairle:** Will the Deputy ask a question, please?

**Deputy Micheál Martin:** It is also the reason we have, across the West, the largest cluster of medical device companies in Europe. Solid industrial advancement has been made in the past 30 years and has stood the test of time. This sector of the economy has proven particularly resilient in the teeth of the worst global recession since 1929.

On the amendment on child protection, will the Government consider accepting the legislation on adoption proposed by Deputy Charlie McConalogue? The Bill the Deputy introduced had all-party agreement, having been agreed in the previous Oireachtas, and has the merit that it could be passed in a reasonably short timeframe.

In an earlier partisan comment the Taoiseach stated this Government was the first to establish an office. The bottom line is that the offices of the Ombudsman for Children and Minister for Children were established previously and progressive work was undertaken by previous Ministers of State with responsibility for children. That should be acknowledged. I do not know if the Government is having difficulty bringing forward a proposal for a constitutional referendum. The previous Government had a proposal which was passed by the Cabinet. Deputy McConalogue introduced a Bill on adoption, which is a subset of the agreed proposal on which there is general agreement. If we passed that legislation, it would at least bring some respite and resolution to those facing challenges in the area of adoption in the absence of an amendment to the Constitution. In the absence of a willingness to accept Deputy McConalogue's constructive amendment, will the Taoiseach provide a timetable setting out when we can expect a referendum on children's rights?

**The Taoiseach:** I fully appreciate the scale of investment from abroad over the past 30 years during which Ireland became both a centre for the manufacture of hardware and later a centre for the creation of software. We have a proven track record of entry into Europe. The attributes built up by this country over a long period, including our taxation system, talent pool, technology and track record, are of immense importance in the considerations of outside investors. The other end of that is that the indigenous economy has been very flat. That is the reason the Government's action programme is based on opportunities for exports from small and medium sized enterprises. That is a given that most people would support. We also set out the view that cloud computing, digital gaming and the whole information technology sector is of considerable importance. It was made clear to me in the Deputy's beloved city that 800 vacancies in information technology and other sectors cannot be filled. We need to be able to adjust ourselves, as a nation, to where the waves of change are coming from.

I may have misled Deputy Martin when I said there was not any legislation in respect of adoption. There have been legislative measures in place for many years. What I am referring to is the legislation that the referendum will require in regard to adoption and on which the Minister for Children, Deputy Fitzgerald, is working. I do not propose to accept the well intentioned legislation of Deputy McConalogue. This is something we must get comprehensively right. I do not want to venture a date until I am satisfied that the Bill in respect of the referendum is absolutely comprehensive. The legislation will take account of the well intentioned amendments of Deputy McConalogue, which I know were not introduced for political purposes. The Minister has taken a broad range of views on this matter and we must get the legislation right. That is the reason a senior Minister with responsibility for children is dealing with it in this fashion.

### Departmental Expenditure

13. **Deputy Micheál Martin** asked the Taoiseach the amounts paid month on month since march 2011 on photography in his Department; and if he will make a statement on the matter. [3597/12]

**Taoiseach (Deputy Enda Kenny) (Deputy Enda Kenny):** The total spend by my Department on photography since March 2011 is €30,629. Increasingly, my Department utilises its own staff to take photographs in-house, thereby reducing costs. The comparable cost in 2008, for example, was €83,398. However, for major events and inward State visits my Department continues to use the services of a professional photographic agency. There were a number of major events last year, including the visit of President Obama. Royal visit costs were met by the Department of Foreign Affairs and Trade.

The monthly breakdown of photography costs from March 2011 to date was as follows: March 2011, €2,559; April 2011, €0; May 2011, €160; June 2011, €14,051; July 2011, €7,090; August 2011, €1,015; September 2011, €683; October 2011, €0; November 2011, €561; December 2011, €4,510; and January 2012 to date, €0. Deputy Martin has all the photographs he wants.

**Deputy Micheál Martin:** The Taoiseach looked resplendent in all the photographs. My compliments to the photographer. I sought specific information and the answer speaks for itself.

**The Taoiseach:** We have tried to reduce photography costs by having in-house photography done by staff, except in the case of formal State visits and high level opportunities.

**Deputy Michael Healy-Rae:** Does the Department not have any more bills to pay for make up?

*Written Answers follow Adjournment.*

### Order of Business

**The Taoiseach:** It is proposed to take No. 5, Finance Bill 2012 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members' business which shall be No. 39, motion re stroke costs in Ireland, which shall take place on the conclusion of the opening speeches of No. 5 or at 7.30 p.m. whichever is the later, and adjourn after 90 minutes.

**An Ceann Comhairle:** I understand that order is to allow the main spokespersons to have their say.

**Deputy Richard Boyd Barrett:** In what?

**An Ceann Comhairle:** On the Finance Bill. For today, that is the way it is put.

**A Deputy:** Deputy Higgins can speak tomorrow.

**An Ceann Comhairle:** We are not having a debate. I am only clarifying that each spokesperson will be guaranteed that his or her contribution will be today and we are delaying Private Members' time until that happens. Is that okay?

**The Taoiseach:** Just for the opening slots.

**Deputy Joe Higgins:** May I share time?

**An Ceann Comhairle:** Yes, that is usual. Is the proposal that the Dáil shall sit later than 9 p.m. tonight agreed to? Agreed.

**Deputy Micheál Martin:** Family-friendly hours. It is St. Valentine's Day all right. The Government is really up for it.

**An Ceann Comhairle:** Deputy Martin on the Order of Business.

**Deputy Micheál Martin:** Would the Taoiseach outline to the House the legislative requirements that will be in order to implement the various commitments in the employment action plan, specifically, when the credit guarantee scheme Bill required will be published, and also whether the abolition of county and city enterprise boards will necessitate legislation and when we can expect that legislation to be brought before the House?

**The Taoiseach:** In respect of the loan credit guarantee scheme, the Minister has done quite a deal of work on the Bill itself. They have designed the model and tender for it, and an operator has been determined.

I cannot give Deputy Martin an exact date as to when he will bring it in here. Maybe I will get the Minister to give a more accurate fix on this. If I give the Deputy a date, I may be wrong. I would say eight to ten weeks. I might be a little off on that, but that is what I would expect.

**Deputy Micheál Martin:** This has been announced for approximately a year. Eight or ten weeks means one is looking at six months before this will be activated. It seems incredible that an operator has been identified but the House has not even had wind of anything. Also, the Minister might comment on the enterprise boards.

**The Taoiseach:** It is not an easy situation to get right given the range of businesses that are out there and the circumstances that apply in each case. The Minister has had to start from scratch here and devise a system that will cater for this. For every €100 million that will be leveraged through this credit scheme, 1,200 businesses will be enabled to do their business. That is my assumption. When I speak to the Minister and get a more accurate fix on it, I will let Deputy Martin know.

**Deputy Micheál Martin:** What of the country enterprise boards?

**The Taoiseach:** The position there is being conducted by the Minister for the Environment, Community and Local Government. There will be an enterprise desk in each local authority. The funding for that will be still ring-fenced from the Department of Jobs, Enterprise and Innovation and that will continue for some time to see exactly how this works.

**Deputy Micheál Martin:** Will there be legislation to abolish the existing boards?

**The Taoiseach:** The legislation is being worked on by the Minister for the Environment, Community and Local Government. I ask Deputy Martin not to ask me when the Minister will bring it into the House; I will let the Deputy know.

**Deputy Gerry Adams:** Seo ceist faoi reachtaíocht atá fógraithe. Legislation is required in order for the Government to ratify the treaty establishing the European stability mechanism. When does the Taoiseach expect this to be published, when will it come before the Dáil and does it have to be sent to the Attorney General for further legal advice?

**The Taoiseach:** This is being drafted. Clearly, there is a deal of work to be done in respect of the fiscal responsibility Bill which would give effect to Articles in the treaty and work is under way on that Bill. It is complex enough and we will report progress to Deputy Adams as it is being completed.

**Deputy Gerry Adams:** Is there a date set?

**The Taoiseach:** No.

**Deputy Gerry Adams:** I thank the Taoiseach.

**Deputy Michael Healy-Rae:** In the Garda Síochána regulations it is stated that a Garda cannot become insolvent. Has the Government any proposed legislation, perhaps in the Legal Services Bill 2011, to address this in law, as many new young gardaí, like many others in society, are in negative equity and are in difficulty with mortgages etc.?

**An Ceann Comhairle:** That is a matter for a parliamentary question, not promised legislation.

**Deputy Michael Healy-Rae:** I am asking if there is promised legislation.

**An Ceann Comhairle:** It is not promised legislation.

**Deputy Michael Healy-Rae:** Is the Ceann Comhairle sure——

**An Ceann Comhairle:** I am certain about it.

**Deputy Michael Healy-Rae:** ——that it is not in the Legal Services Bill 2011?

**An Ceann Comhairle:** The Legal Services Bill 2011 is going through the Dáil. How can that be promised legislation? Are we codding each other here? Hold on a second.

**Deputy Michael Healy-Rae:** If there is not promised legislation, there should be——

**An Ceann Comhairle:** Maybe there should.

**Deputy Michael Healy-Rae:** ——because it is a serious matter for the force.

**An Ceann Comhairle:** That is why I suggest Deputy Healy-Rae table a parliamentary question.

**Deputy Anthony Lawlor:** When is it proposed to introduce legislation for the regulation of the private clamping industry, since I was clamped a couple of weeks ago?

**Deputy Bernard J. Durkan:** That was unfair.

**The Taoiseach:** There is a proposition to bring in a Bill on this, but it will be the latter part of the year.

**Deputy Thomas P. Broughan:** The sea-fisheries and maritime jurisdiction (amendment) Bill, as the Taoiseach might remember, is a Bill to introduce administrative penalties for alleged offences at sea. When will that be introduced?

I heard the Taoiseach give a lengthy reply earlier this afternoon to Deputy Martin on Priory Hall. On Sunday last, 600 or 700 people were praying for the Taoiseach out in Donaghmede and asking him to urgently intervene, and for him to take responsibility to arrange a comprehensive settlement,——

**An Ceann Comhairle:** We dealt with that matter earlier.

**Deputy Thomas P. Broughan:** ——as Deputy Martin stated earlier, to re-house these people. I ask the Taoiseach again.

**An Ceann Comhairle:** A topical issue.

**Deputy Thomas P. Broughan:** I promise to ask the Taoiseach every day from now on about Priory Hall.

**An Ceann Comhairle:** Deputy Broughan will not be allowed.

**Deputy Thomas P. Broughan:** Will the Taoiseach bring this horrendous situation of people being refugees in their own country to an end once and for all in the coming days?

**An Ceann Comhairle:** The latter question is out of order. It is a matter for a topical issue or a parliamentary question.

**Deputy Thomas P. Broughan:** We have done a good few of those.

**An Ceann Comhairle:** One can go again. We must be in order here. The first question was in order. It was about promised legislation.

**The Taoiseach:** There is no date fixed for that fines Bill in respect of fisheries; it will be later in the year. Deputy Broughan can convey my thanks to the people for their prayers. God knows, these days I need them.

**Deputy Thomas P. Broughan:** The Taoiseach must deliver.

**Deputy Brian Stanley:** I ask the Taoiseach about the promised legislation on Irish water. On Saturday last, the *Irish Farmers' Journal* carried a quotation from the Minister for the Environment, Community and Local Government, reporting him stating that Irish Water “will oversee everything to do with water and septic tanks across the country”. I want the Taoiseach to clarify whether the Government has now decided that Irish Water will have a role in overseeing the legislation and regulation of septic tanks.

**An Ceann Comhairle:** Deputy Stanley will have to put down a parliamentary question.

**Deputy Brian Stanley:** If the Government does that to the Irish Water, there will be the Department of the Environment, Community and Local Government, the EPA, the river basin management committees and local authorities. The Taoiseach will be aware that that will be a bureaucratic nightmare stretching the whole way from the Customs House to Belmullet.

**An Ceann Comhairle:** Would Deputy Stanley resume his seat and I will get him an answer?

**Deputy Brian Stanley:** It is on forthcoming legislation. Will Irish Water have a role in overseeing,——

**An Ceann Comhairle:** That relates to content and we do not deal with that on the Order of Business.

**Deputy Brian Stanley:** ——as the Minister stated, according to the *Irish Farmers' Journal*, in the implementation——

**An Ceann Comhairle:** Deputy Stanley has made his point.

**Deputy Brian Stanley:** ——of standards of septic tanks——

**An Ceann Comhairle:** When is the legislation on Irish Water due?

**Deputy Brian Stanley:** ——because that would involve five separate bodies?

**The Taoiseach:** On the legislation in respect of Irish Water, that will be its remit in terms of the provision of proper clean and safe water at affordable prices.

**Deputy Mattie McGrath:** On something on the same basis,——

**An Ceann Comhairle:** No.

**Deputy Mattie McGrath:** It is about the Water Services (Amendment) Bill 2011 and enactment of same. When will we get the guidelines?

**An Ceann Comhairle:** On the Water Services (Amendment) Bill 2011,——

**Deputy Mattie McGrath:** When will the Minister give us the guidelines?

**An Ceann Comhairle:** ——Deputy Mattie McGrath can go to the committee and deal with the Committee Stage.

**Deputy Mattie McGrath:** The Minister promised to give them to us in Tipperary last week but he failed to do so.

**An Ceann Comhairle:** Deputy McGrath should not mind that.

**Deputy Mattie McGrath:** When will the Minister give us the guidelines?

**An Ceann Comhairle:** This is the Order of Business in the Dáil. We are not in Tipperary.

**Deputy Mattie McGrath:** I did not say that, but I am asking about promised legislation, the water services legislation. When will the Minister give us the standards?

**An Ceann Comhairle:** The Taoiseach is after telling the House about the water services.

**Deputy Mattie McGrath:** He did not.

**A Deputy:** He did.

**Deputy Mattie McGrath:** He did not.

When will he tell us the standards by which the Bill will be implemented?

**An Ceann Comhairle:** When is the water services Bill due?

**Deputy Mattie McGrath:** The regulations.

**The Taoiseach:** The Minister is working on that and we have not yet set a date for publication. It is a far-ranging and important Bill.

**Deputy Mattie McGrath:** The Taoiseach is straying into grey areas with grey water.

**Deputy Ray Butler:** Regarding the gambling Bill, which is proposed legislation, in light of the recent “Prime Time” documentary on unregulated online activities, serious consideration must be given to——

**An Ceann Comhairle:** Deputy Butler can ask when the Bill is due, not give a statement.

**Deputy Ray Butler:** I want to raise this issue——

**An Ceann Comhairle:** Then Deputy Butler should table a parliamentary question.

**Deputy Ray Butler:** I am going to finish now.

**An Ceann Comhairle:** I must be fair to everyone.

**Deputy Ray Butler:** When will the gambling Bill come before the House? This is a serious problem.

**The Taoiseach:** The heads of the Bill have not come before the Government yet so I do not have a date for its publication. Once the heads of the Bill have come to Government and been circulated, I will be in a better position to give the Deputy a true indication of the time.

**Deputy Bernard J. Durkan:** I refer to promised legislation on the DNA database system. This is of particular importance in tracking crimes that were committed some years ago. Unfortunately, we do not have that system set up here. Has the Bill been discussed in Cabinet and have the heads of the Bill been agreed? To what extent has it been advanced and when will it come before the House?

**The Taoiseach:** It has been discussed at Cabinet and I can confirm that considerable drafting has been done but I expect it will be the middle of the year before it is finalised.

**Deputy Billy Kelleher:** We are almost in a situation of crisis in the HSE in that no one is quite sure who is in charge. When will the Bill to restructure the HSE come before the Dáil?

[Deputy Billy Kelleher.]

Everyone seems to be passing the buck, the Secretary General of the Department is the chair of the board and the Minister claims he is in charge yet all queries are referred to the HSE. This is a crisis point and we want to know who is in charge and when legislation will be brought before the Dáil so that we can have a serious debate on the restructuring of the HSE, a central tenet and plank of the Government's commitments prior to the election.

**The Taoiseach:** The HSE governance Bill will come before the House this session. We know who is in charge.

**Deputy Micheál Martin:** Who?

**Deputy Billy Kelleher:** We do not know.

**An Ceann Comhairle:** We will have a chat about that later.

**Deputy Micheál Martin:** The Taoiseach is smiling, he does not seem to know.

**Deputy Timmy Dooley:** When can we expect to see the legislation underpinning the NewERA proposal, on which the Taoiseach's party was voluble in previous times? We had information yesterday on the jobs initiative and there seems to be a drastic lack of information on the opportunities to be provided by NewERA and the 100,000 jobs associated with it. If we had legislation before the House we would be able to establish if there is duplicity or if these are the same jobs. People are still expecting the creation of 100,000 jobs from NewERA and I can only assume that what was announced yesterday is in addition to the proposal that went before the people.

**An Ceann Comhairle:** Deputy Dooley's leader wants to go to dinner. It is Valentine's night.

**The Taoiseach:** NewERA operates under the NTMA and has a specific responsibility and remit for carrying out evaluations in respect of the potential sale of the State assets the Government will consider disposing of at an appropriate time, for appropriate remuneration and in accordance with the memorandum of understanding with the troika. When the Government decides to fix on the assets it will dispose of, NewERA will carry out evaluations on behalf of the Government and the implications for new jobs are very clear.

### Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy John Deasy — the decision to locate the vocational education committee headquarters in Wexford; (2) Deputy Patrick O'Donovan — the need to tackle obesity in order to combat diabetes; (3) Deputies Mattie McGrath and Michael Healy-Rae — the problems caused by banks not lending to businesses; (4) Deputy Michael McNamara — the Limerick northern distributor road; (5) Deputy Thomas P. Broughan — the operation and funding of the anti-litter and anti-graffiti awareness scheme; (6) Deputy Michelle Mulherin — the decision of the single electricity market committee to grandfather curtailment levels applied to windfarm output; (7) Deputy John O'Mahony — the measures being taken to alleviate delays in the renewal and issuing of medical cards; (8) Deputy Robert Dowds — the high cost of burials in Dublin and inadequacy of legislation for local authorities to regulate graveyards; (9) Deputy Luke 'Ming' Flanagan — the need for Tarmonbarry, County Longford, to retain its Garda station; (10) Deputy Ann Phelan — the need for food labelling in respect of fast food establishments nationwide; (11) Deputy Colm Keaveney — the need for Tuam, County Galway, to get access

to Leader funding; (12) Deputy Aengus Ó Snodaigh — the need to provide suitable alternative local drug treatment facilities in Ballyfermot, Dublin; (13) Deputy Michael Conaghan — the need to provide suitable alternative local drug treatment facilities in Ballyfermot, Dublin; (14) Deputy Joan Collins — the need to provide suitable alternative local drug treatment facilities in Ballyfermot, Dublin; (15) Deputy Jack Wall — the need to ensure the availability of surgical beds at Our Lady's Hospital for Sick Children, Crumlin, Dublin; (16) Deputy Brian Stanley — the need for the Industrial Development Agency to attract investments and jobs to the midlands; (17) Deputy Noel Harrington — the need to develop an area to harvest razorfish, cockles and clams at Berehaven, Castletownbere Harbour, County Cork; (18) Deputy Simon Harris — the need to address the ongoing violence in Syria; (19) Deputy Derek Keating — the need to maintain funding to drug task force services; (20) Deputy Billy Kelleher — the impact that budget cuts will have on the provision of services to persons with disabilities; (21) Deputy Mick Wallace — the announcement by the ESB to cut power to parts of the Priory Hall development, Dublin; (22) Deputy Clare Daly — the announcement by the ESB to cut power to parts of the Priory Hall development, Dublin; (23) Deputy Aodhán Ó Ríordáin — the need to find an appropriate site for the Dublin City Central Library; (24) Deputy Alan Farrell — the decision by FÁS to discontinue training courses in Balbriggan, County Dublin; (25) Deputy Niall Collins — the need to find a solution to the problems experienced by residents of Priory Hall, Dublin; (26) Deputy Anne Ferris — the need to advertise that people can continue to use their medical cards with GPs and pharmacists while awaiting new cards; (27) Deputy John Lyons — marriage equality in the context of the upcoming constitutional convention; (28) Deputy Dessie Ellis — the effects of the changes to housing needs assessment criteria and the impact on carers; (29) Deputy Mary Lou McDonald — Greyhound Recycling's announcement that it will stop collecting waste from 18,000 households in Dublin; (30) Deputy Willie Penrose — the need to address the plight of self-employed persons who find themselves unemployed and virtually excluded from the social welfare system; (31) Deputy Thomas Pringle — the need to ensure adequate funding for adult services in respect of persons with disabilities graduating from school this year.

The matters raised by Deputies Wall, Kelleher, Mulherin and McDonald have been selected for discussion.

### Topical Issue Debate

---

#### Hospital Procedures

**Deputy Jack Wall:** I thank the Ceann Comhairle and the Minister of State for taking this very important matter, which concerns a six month old baby born under an emergency section procedure. This resulted in trauma for the family, the grandparents and the parents. Like myself, the Minister of State is a grandparent and the concerns one has in such cases cannot be overstressed. The child must have a number of operations. The family lives in Kilkenny, which is two hours away from Our Lady's Hospital, Crumlin. Arrangements were made for the operation to take place on 9 February.

The procedures in place for such operations meant that the family had to leave home at 7 a.m. and the six month old child had to fast from 3.30 a.m. The family arrived in the hospital and met the medical operation team. Suddenly, at noon, it became obvious that there was a problem with the availability of a surgical bed for this case. The family was informed that there was no bed available and the two procedures had to be cancelled. The family lays no blame

[Deputy Jack Wall.]

on the medical team and stresses the help and guidance the medical team provided and the effort it made to facilitate the family.

Only one of the procedures will take place on Thursday because of the unavailability of one of the consultants. This leads to an added cost to the HSE. In the first place, there were to be two operations but now there will be one on Thursday and we do not know when the second will take place. One can see trauma for this young couple with one other child, for whom they must care as well as the child with health difficulties. Cathal needs attention but the beds are not available. Could beds have been made available in an emergency situation? Surely we cannot have a child fasting from 3.30 a.m. only for the family to be told at noon that the bed was unavailable. It was nearly 1 p.m. before the child was fed. Surely we have a sense of responsibility that matters such as this cannot happen in the future.

I ask the Minister of State to provide a guarantee to the family that, on the next occasion they leave Kilkenny to come to Crumlin, beds and facilities will be available and the two operations can take place to allow the child the comforts of life and to allow the family to know that every effort has been made to ensure the child progresses.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank the Deputy for raising this matter, which is not just urgent and crucial but also sensitive for parents and relatives. I will respond on behalf of my colleague, the Minister for Health, Deputy James Reilly.

Our Lady's Hospital, Crumlin, wishes to apologise for any discomfort for patient and parents caused by the need to reschedule this child's surgery. The Deputy will be pleased to know that the hospital has confirmed a proposed admission date for the child tomorrow, 15 February 2012. The hospital has indicated it will take into account the previous cancellations when allocating beds within the hospital tomorrow.

Our Lady's Children's Hospital, Crumlin, in common with its sister hospitals, the Children's University Hospital, Temple Street and AMNCH incorporating the National Children's Hospital, is currently experiencing a surge in attendances to its emergency department and a corresponding surge in admissions through its emergency department. These admissions have a knock-on impact on elective surgeries in that the clinically indicated admissions must take priority. The Dublin paediatric hospitals work across the three sites in order to ameliorate a number of pressures on elective surgery and have put mitigating mechanisms in place.

The clinical director, a joint appointment across all three hospitals, works with the hospitals to ensure patients are given the right treatment in the most appropriate location. When bed pressures occur, the clinical director clinically reviews patients and, where necessary, redeploys patients across the hospitals in order to minimise the impact on elective surgery.

In addition, a one-stop-shop is being created for paediatric intensive care beds, supported by an ICT infrastructure to streamline the process. Consultant paediatricians from around the country with patients requiring access to paediatric intensive care beds will be able to contact a low call number. The consultant will then access the ICT support and provide the patient details for review. Based on this information, the appropriate bed is designated and the admission procedure takes place.

The hospitals also have a number of cross-site working groups in place including nursing, theatre utilisation, ICT, waiting list review groups and a CEO group, all focused on conjoint working to improve access, quality and resource utilisation for patients. Paediatric hospitals remain cognisant at all times of the challenges facing their young patients and the need to

support families. They work with the families whenever possible to ensure the least possible disruption to the patient.

In addition to the mechanisms already in place within the three Dublin paediatric hospitals, the special delivery unit, SDU, was also established last year to unblock access to acute services by improving the flow of patients through the system. It is working with the HSE, NTPF and hospitals to minimise patient waiting times in emergency departments and reduce waiting periods for inpatient and day case elective surgical care.

Again, the hospital wishes to apologise for the unfortunate need to postpone surgery in this case. The Minister is determined to ensure the steps now being taken will minimise the likelihood of having to do so in other cases.

**Deputy Jack Wall:** The problem is that it took so long to make a decision. If it had been made early in the day, the child could have been fed. The decision was not taken until noon, which meant the child was not fed until 1 p.m. The child has major problems and has to be peg fed, which has associated problems. There was pressure on the family. There was a major flaw with the case. There were two surgeons in place to carry out two different operations, as well as a team, and they were also disappointed.

Was a bed available that could have been used? If emergencies arise rules must be broken. A bed should have been made available in this case because of the importance of the operations and the fact the team was put together. None of the trauma the family is now experiencing would have happened. The family is now wondering what will happen.

**Deputy Kathleen Lynch:** The child was acutely distressed and in need of medical attention before reaching the hospital. Everyone can understand that. The Deputy asked a very relevant question. Crumlin hospital advised the HSE today that it has had an increase of 25% in GP referrals of late, thus putting additional pressure on its emergency department at a time when it is historically busy with normal respiratory illness.

The Deputy asked whether, in the even of an emergency occurring, a bed was available. There was but the difficulty was that emergencies occurred. Unfortunately they occurred at a time when the child concerned should have been prepped and sent to theatre. Clearly, the beds that were available were in use and no downstream bed was available when the child came out of theatre.

I hope it will never happen again but I can understand how it did happen. That does not take away from the distress that not just the parents but the child felt. We all know it is not just about getting to hospital, rather parents psyche themselves up for the fact that a child will have invasive surgery. I hope tomorrow's procedure will go ahead as planned and will be successful.

### **Disability Services**

**Deputy Billy Kelleher:** We had a debate last Thursday on disability. Politics and being in government is about making choices, in good or difficult times. The cuts in the budget announced in December and its follow-on, in terms of provision for funding for people with disabilities and organisations that provide care and facilities for people with disabilities, are now beginning to bite very severely. The Minister of State said these should be able to provide the same level of care, support and facilities they deserve and need as last year, but there have been budget cuts of 4.5%. The Government said it is less than that but I have yet to be convinced that is correct.

[Deputy Billy Kelleher.]

Many organisations are also obligated by the Croke Park agreement and the courts to pay increments to staff. It is clear that the budget cut will be far above the 4.5% I say it is or the 2% the Government says it is. Whoever is right or wrong, the fact is that organisations providing facilities and support for people with intellectual disabilities will have less money to spend this year than they did last year.

This is coupled with other severe announcements, such as the cuts to the disability allowance and the withdrawal of the training bonus. I said I do not believe it was the responsibility of the Minister of State but the Government made a decision over and above her head to cut at the very heart of what we are trying to do as a society, which to be inclusive and allow everybody an opportunity to participate to the best of their ability.

By any stretch of the imagination, the cuts to support services and individuals and voluntary organisations working in conjunction with State agencies to provide support to groups with disabilities was a regressive step. The recommendations made by the National Disability Authority and the statements on attitudes towards people with disabilities reinforce the view that the Government can withdraw facilities and get away with it.

I ask the Minister of State to go to Cabinet and try to raise the withdrawal of the disability and training allowances. Some provision should be made for organisations that are trying their best to provide support, facilities and services to people with intellectual and physical disabilities. They will be massively under resourced if they have to implement the cuts ordered by the Government and the increments provided for in Croke Park agreement and by court cases that found in favour of employees. Rightly and justly, it has been found that they are entitled to increments but the money comes from the same pool, which means fewer supports for people with intellectual disabilities will be available.

This is unfair and is driving a wedge between those providing support and services and those that need them because we have to take money from one or the other. That is unacceptable. People are entitled to support and services. Those who went to court to vindicate their rights to their increments also have rights and entitlements. The system should not be pitting one against the other because they work closely together. It is wrong for people to highlight this issue without making financial provision. This is about pounds, shillings and pence, or euro and cent in modern terms, with regard to the issue of increments and support for people with disabilities.

**Deputy Kathleen Lynch:** It is about pounds, shillings and pence and unfortunately they are someone else's pounds, shillings and pence — the IMF and the ECB — all because we had a system, which we still have, where despite throwing money at it, we did not change how it operated. That is what we must do now and we must examine seriously at how we treat people with disabilities.

I thank the Deputy for raising this matter. Under the Health Act 2004, the Health Service Executive is required to manage, deliver or arrange to be delivered on its behalf health and personal social services, including disability services. The HSE service plan for 2012 sets out a reduction of 3.7% in funding for disability services. The service plan states, however, and we fought hard for this, that at least 2% of this should not impact on services and must be generated from other savings and increased efficiencies.

The HSE is involved in ongoing collaborative work with the Disability Consultative Forum, which includes representative organisations and agencies from the disability sector. I am not dismissing those who have had the job before me, because they were as committed to the sector as me, but for the first time ever we had inserted in the budget statement that there would be

flexibility for groups of people who deliver a service efficiently and effectively. For the first time, the HSE has the ability to be flexible about the 1.7%.

There are agencies who deliver an incredible service and who are most efficient. One agency reduced absenteeism from 18% to 3%. That must be rewarded; it was an incredible achievement. Cuts should not be applied across the sector to those who are inefficient and to those who are efficient. We must start looking at it in that way. There is a notion there is no fat within the system but there is.

The disability budget has been protected for two years and I give credit to the last Government for protecting it in the budgets before this Government came to power. For that, certain things were asked of the sector. In October and November, the Department of Health, in negotiation with the CEOs and the federation that represented disability service providers, asked which was preferable, a cut to the budget or demography funding. The clear message was that providers could manage from within their own resources if the budget was protected. We cannot say one thing in November and then send letters to parents in March that will frighten them in regard to the position of their children in September. We cannot go on like that. It is unfair on children and parents to face this constant battle every year. Demography funding was given €10 million but we are still saying we do not have enough for children leaving school in June and needing a place in September. A service cannot be run that way.

This is about planning and ensuring the person and the services provided to them are at the centre. The value for money review that is almost complete will give us the information we need. There are excellent service providers out there and we must reward them while bringing choice back to the centre of the debate.

**Deputy Billy Kelleher:** We all advocate choice but the choices made by this Government are shattering front line services through the reductions in the funding available. No matter how the Minister of State goes about it, there will be a major decrease in front line service supports this year. The access funding and training bonus funding for the Department of Education and Skills have been slashed. We are waiting for the review of the cuts announced in the context of the disability allowance and domiciliary care allowance. When will the decisions be made?

We all accept that many people live in vulnerable and challenging times. We have put in place the best supports we think are possible with the resources made available but choices must be made about where to draw the line. Unfortunately, on this occasion, the Government has wielded the axe in a blunt and arbitrary manner, affecting those who most need supports and services. At the same time, in other parts of the budget, the exact opposite has been done.

I am not saying the Minister of State is personally responsible but at some stage the Cabinet must stand up to its obligations to ensure those with intellectual and physical disabilities have a right and entitlement to express themselves as fully as they can in society and that they get the support of the State. Service providers and those who support them in a voluntary capacity do not have the resources to do this, coupled with the fact they will have to make incremental payment increases this year, meaning it is more than 2%. It could be 5% or 6% and if that is the case, there will be a fundamental problem whereby those with intellectual disabilities will be left behind.

**Deputy Kathleen Lynch:** This exaggerated notion is wrong and is not how we should conduct our business. It is an exaggerated claim because there will not be catastrophic effects on front line services. We are negotiating about service level agreements with service level providers and that will be managed. I come back to the fact that we cannot agree to a service plan in November before a budget and then four months later say it is no longer possible. That is

[Deputy Kathleen Lynch.]

exactly what was done every year and I saw it happen with Deputy Kelleher's Government and those that went before.

This is about a plan that will ensure stability and security in the system and we can do it. People with disabilities tell me every day that they might have a disability but they are not sick. We must bring a different skill mix into the service and we will be able to do that. The people with disabilities will have a better service and more control over that service.

### **Alternative Energy Projects**

**Deputy Michelle Mulherin:** I wish the Minister a happy Valentine's Day. He might have been delayed for a particular reason and we will have to allow for that.

**Acting Chairman (Deputy Olivia Mitchell):** An outbreak of love.

**Deputy Pat Rabbitte:** It is catching.

**Deputy Michelle Mulherin:** Just before Christmas, the Single Electricity Market Committee, SEM Committee, made a whammy of a decision that has left those trying to develop our wind industry reeling and that will affect adversely the achievement of the Government's 2020 renewables targets for wind energy. The committee decided to grandfather curtailment levels when there is too much electricity being produced for the grid from wind energy rather than to curtail the output of every wind farm proportionately. Grandfathering is the allocation of curtailment based on new wind farms, with non-firm access being curtailed first. This means that instead of every wind farm being curtailed or asked to reduce its output, because there is too much energy entering the grid, some will bear all the burden and some will bear none at all. This decision will have a devastating effect on the development of new wind farms and the achievement by the Government of our 2020 renewables target of having wind capacity of 4,000 MW. Some 1,500 MW are currently installed.

If we look to those parts of the country with the best wind resource in Europe, such as the west, and decide to build the wind farms there, we will realise there is no grid or superhighway to take the energy therefrom. It is like seeing no roads in vast sectors on a road map. We have a massive deficit in our grid infrastructure. Under the new decision, the areas in question will carry the burden of curtailment. The wind farms in these areas would be asked to cut back their electricity output at their own expense whereas those in areas where there is firm access to proper grid infrastructure could operate at a capacity of 100% and be guaranteed payment for their energy. I have already been contacted by wind farm developers in Mayo who have planning permission and grid offers but who will get no finance from a bank or investor on account of the grandfathering of curtailment.

In effect, people are being punished because they are trying to develop in areas in which the last Government and EirGrid failed to develop infrastructure. In my county there is a community wind farm project, rather than one associated with big industry, yet the developers are being told they will not receive finance. We need to remember that if we are to develop our wind energy potential, we will require significant interest and investment from the private sector. They have a real appetite to develop wind farms. Therefore, we should not support the decision of the SEM Committee, which would choke the financial viability of new wind farm projects.

There over 500 MW of investor-ready wind farm projects in counties Mayo, Galway, Leitrim, Donegal, Clare, Kerry, Cork, Waterford, Tipperary and Cavan that will be affected negatively by the decision. In my county alone, developing the 600 MW offered through Gate 3 would see an investment of €250 million. Analysis has shown there is not enough firm access for the

capacity of wind generation required to meet the 2020 targets. On this basis the committee's decision will stop the wind industry building sufficient capacity to meet our targets.

The SEM Committee is not a body with a mandate from the people to make Government policy on renewables, to amend such policy or interfere therewith. The decision was sprung on the industry without consultation. The committee previously indicated curtailment would be applied proportionately and shared equally by every wind farm in the country. There was no consultation or regulatory impact assessment taking cognisance of our targets. Therefore, it is imperative that the Minister impart Government policy in the strongest terms to the SEM Committee and leave it in no doubt that its action is contrary to Government policy, and that he requires the SEM Committee to engage in a proper consultative process so the grandfathering decision will be knocked on its head.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I apologise for being late.

Deputy Mulherin has given a lucid explanation of the problems that may arise from an unexpected decision of the Single Electricity Market Committee, SEM Committee. The Government places considerable emphasis in the importance of wind energy as a contributor to both energy security and environmental sustainability. We have international obligations because, under the renewable energy directive, Ireland has a legally binding renewable energy target of 16% by 2020. The latest estimates from the SEAI show that approximately 4,000 MW of renewable generation capacity will be required provided we meet our energy efficiency targets, and more if we do not.

At present, there is approximately 1,900 MW of renewable generation. This means that, within nine years, we will need to more than double the amount of renewable generation to meet our target. The directive provides that where we do not reach our renewable target domestically, we will have to purchase renewable credits at a yet unknown price from other member states to make up any shortfall. This would impose unacceptable costs on taxpayers. Given the scale of the necessary build-out required, any issue that could compromise the scale or pace of development necessary is a matter of serious concern.

At present, renewables projects receive payments from the wholesale market in respect of both "constraints" and "curtailments". Constraints arise where a transmission or distribution line is down for maintenance or due to some fault. Generation that uses the line must be "constrained" until such time as the line is in use again. Curtailment arises where there is high wind at times of low demand, and wind projects have to be curtailed because the system cannot handle the amount of generation. Until the committee's decision was taken, wind generators were paid the relevant wholesale price for the time they were offline. The all-island SEM Committee, representing energy regulators North and South, has responsibility for this matter independent of the Government.

The SEM decision to grandfather curtailment levels applied to wind farms took the Department and most industry stakeholders by surprise, as it reversed what was indicated in the SEM Committee's consultation paper of August 2011. The decision, as it stands, would favour existing generation units deemed to have what is termed "firm connection" status while placing the entire burden of curtailed output on new generation plants that would typically be built in advance of having the firm connection status. Typically most wind farms would connect years in advance of a firm date. The decision could also be very serious in terms of developers that were planning to connect on a non-firm basis in the coming years.

Modelling done by industry indicates that non-firm wind farms could be affected by being turned down to a significant degree, such that the financial viability of the projects would be

[Deputy Pat Rabbitte.]

threatened as they would not be paid when turned down. What I have heard from industry stakeholders is that the decision would slow down new projects by years and potentially mean that projects would be built too late for our 2020 targets. I have asked for a formal analysis of the impact of this decision from the Commission for Energy Regulation and also separately from EirGrid. I am also requesting the Sustainable Energy Authority of Ireland for an assessment of this decision.

I welcome the fact that the SEM Committee has invited industry representative associations to its next scheduled meeting at the end of this month. It may be that during the consultation process the industry did not adequately communicate the adverse implications of the option eventually chosen by the SEM Committee. The industry will now have the opportunity to bring fresh information to the SEM Committee and I am sure the committee will weigh the evidence carefully in light of any new information.

### **Waste Collection Services**

**Deputy Mary Lou McDonald:** If the Minister has followed the news, he will conclude, as I have, that the transference of household waste collection from Dublin City Council to Greyhound has been utterly shambolic from start to finish. My constituency offices, in common with those of other elected representatives across the city, are inundated with calls from citizens who in many cases have had no contact either from Dublin City Council or from Greyhound concerning the transfer of services.

The situation has now deteriorated even further because we have discovered that, from next Thursday, waste collections from 18,000 homes will not be made. The Minister may or may not be aware that the issue of illegal dumping is a scourge across the city of Dublin, but particularly in inner city areas. The prospect that rubbish will not be collected from 18,000 homes raises not just a problem for the households concerned but also for public health and environmental protection issues of a most serious nature.

I want to know what the Minister proposes to do about this. So far, the Government has pointed the finger at Dublin City Council saying it is up to that local authority to sort out this. We are clearly in a crisis and it falls to the Minister to address the issue. Unsurprisingly, Greyhound acts in the manner of a private company and wishes to be paid for its services. The Minister will know that for many low and middle-income families the additional burden of a €100 charge for waste collection is a bridge too far. The programme for Government promised a fair and comprehensive waiver system for low-income families but the Minister has not yet introduced such a system. What does the Minister propose to do in respect of the 18,000 homes whose waste will not be collected? What does he intend to do to extend a fair and comprehensive waiver system for low-income families, which was promised less than a year ago?

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Government is conscious that waste collection charges can be a significant cost for many households. While the polluter pays principle requires that households and businesses must pay for their waste collection, it is important, particularly in economically challenging times such as these, that efforts are made to provide flexible mechanisms to enable householders to meet costs such as waste charges.

As Deputy McDonald will be well aware, Dublin City Council's withdrawal from the provision of household waste collection services, and the transfer of that business to Greyhound, is a matter for the council and Greyhound. I note that in response to issues raised previously concerning the pre-payment of the €100 annual service charge, Greyhound announced that

provision would be made to allow Dublin City Council customers the option of paying the charge in two instalments.

My understanding is that the issue which now arises relates to some 18,000 of the 70,000 former Dublin City Council customers who, although liable to a standing charge, have not yet made payment in that regard. The issue arising at this stage does not affect the remaining 52,000 standing charge customers, nor does it affect the bulk of the other 70,000 former Dublin City Council customers, who are subject to a range of other payment mechanisms or who are covered by waivers. For the Deputy's information, there are 34,000 people on waivers at the moment, which is in line with the commitment we made. In effect, therefore, we are talking about 18,000 customers out of a total of some 140,000. If those 18,000 customers wish to raise any further issues concerning payment structures, customer communications or service changes, they should engage directly with Greyhound.

In addition to the potential to address issues arising through further direct dialogue with Greyhound, it is important to bear in mind that there are alternative options available to householders to deal with their waste. In some areas, there is more than one provider of waste collection services and households can choose from among these. There is also a network of bring facilities and civic amenity sites through which households can deal appropriately with a wide range of waste materials.

I hope the Deputy, in using the words "inevitable illegal dumping" in submitting this item for debate, is not in any way conferring legitimacy on actions of that kind. Notwithstanding any difficulties that may arise from time to time with waste collection in individual areas, the fact remains that it is the responsibility of all citizens to comply with the law and not dispose of their waste illegally. It is simply not good enough for the majority of compliant customers to carry the can for the minority.

As the waste collection market is currently structured, the pricing schemes used by private waste collectors are a matter for determination between the service providers and consumers of the service, subject to a service provider's collection permit and other legal responsibilities being complied with. The programme for Government includes a commitment to introduce competitive tendering for household waste collection, whereby service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service.

A public consultation designed to inform the policy development process concluded last September 2011. Many responses were made by a broad spectrum of interests, including individual citizens, waste management companies, other companies, local authorities and waste management regions, economic think tanks, community and voluntary organisations and State agencies.

As one might expect, a consensus on the alteration of household waste collection market arrangements is not apparent. On almost all the relevant issues, a considerable breadth of opinion was expressed by the collective response. Some respondents expressed outright opposition to competition for the market, others gave it a guarded welcome, while there was strong approval from others. I have published all the responses, together with a summary, on my Department's website.

The approach to future regulation of the household waste collection market will be carefully considered by Government and will take account of the full range of economic, environmental and other issues, and the many perspectives offered by consultees. Of course, policy in relation to household waste collection cannot be severed from other related areas which are also under examination, specifically the collection of household organic waste and wider national waste policy. Clearly, coherence is required, and I intend to conclude my examination of these matters

[Deputy Phil Hogan.]

in a unified manner. I expect to be in a position to submit to Government final proposals on household waste collection by Easter.

**Deputy Mary Lou McDonald:** There is nothing coherent in the Minister's current position. As the Minister with responsibility for this area, I do not know how he can tell me with a straight face that the non-collection of waste from 18,000 households in Dublin city is not his problem. How can he so brazenly wash his hands of the issue? We are well aware that the service has been privatised but I feel strongly that was a mistake. The collection of rubbish is a core civic function of any local authority but nonetheless the decision to privatise it has been made. Faced with this absolute shambles, in many cases there has been no communication between Greyhound, Dublin City Council and citizens. Greyhound is now saying it will not collect waste from 18,000 households in the Dublin city area. It is utterly bizarre for the Minister to simply wash his hands and say it is not his problem.

The Minister knows full well that, no more than anyone else, I do not approve of illegal dumping. I am simply identifying it for the Minister as a current phenomenon and a real scourge in the city. Picture the scene if waste is not collected from 18,000 households — it is a recipe for grave public health and environmental issues. The Minister should step in and talk to Dublin City Council and to Greyhound. If he needs to knock heads together, he should do so because the buck stops with him. He cited a figure of 34,000 citizens on waivers, which is correct.

**Deputy Phil Hogan:** Why did the Deputy not say so in her introductory remarks?

**Deputy Mary Lou McDonald:** The promise he made was to low-income families, but he has failed to take account of the fact that such families extend beyond those reliant on social welfare payments. The sum of €100 may not seem a lot to the Minister or to those who run Greyhound, but it is a bridge too far for many poor households across this State. I do not accept the Minister's answer that he will stand aloof from this problem. The people of Dublin city will be disappointed and alarmed that the Minister has taken such a hands-off approach to this serious matter.

**Deputy Phil Hogan:** In this case, the buck stops with Dublin City Council which made a democratic decision to exit from the public collection of household waste and gave it over to the private sector.

**Deputy Mary Lou McDonald:** It was a decision by Dublin City Council management and not its public representatives.

**Deputy Phil Hogan:** The councillors voted to accept it.

**Deputy Mary Lou McDonald:** It was an executive decision.

**Deputy Phil Hogan:** Yes, but the councillors had an input into that decision.

Under the Waste Management Acts, people have an obligation to deal with their household waste. Under these Acts and pollution legislation, Dublin City Council has options to ensure the type of scenario presented by Deputy McDonald about people not willing to engage with a collector and public health problems arising from their waste on the streets will not arise. Those in that position should do what the 140,000 people have done by signing up to collection.

**Deputy Mary Lou McDonald:** What if they do not have the €100 required?

**Deputy Phil Hogan:** There are waivers available. Deputy McDonald chose not to refer to the waiver scheme earlier but then had to acknowledge it.

**Deputy Mary Lou McDonald:** It is a limited waiver scheme.

**Deputy Phil Hogan:** As I indicated in my earlier reply, there are facilities for people to engage with the collector to ensure their household waste is collected and they should use them. If they choose to go to a civic amenity centre, it will cost them more. The cost of collecting waste in Dublin city is lower than in any other local authority area. The people of Dublin city are getting good value for the collection of their waste.

I ask Deputy McDonald to support Dublin City Council and the collection of waste under the law. I ask she ensures people engage with Greyhound and Dublin City Council to meet their statutory obligations——

**Deputy Mary Lou McDonald:** I want the Minister to do his job. Is that a big ask?

**Deputy Phil Hogan:** I am not going to give any credence to Deputy McDonald's advocating I micromanage the business of local government.

**Deputy Mary Lou McDonald:** It is not micromanaging.

**Deputy Phil Hogan:** It is micromanaging. Dublin City Council is responsible for ensuring household waste collection is done effectively and efficiently which in this case is through a private operator. It is up to the private citizen and the waste collector to engage in ensuring household waste is collected.

### **Finance Bill 2012: Order for Second Stage**

Bill entitled an Act to provide for the imposition, repeal, remission, alteration and regulation of taxation, of stamp duties and of duties relating to excise and otherwise to make further provision in connection with finance including the regulation of customs.

**Minister for Finance (Deputy Michael Noonan):** I move: "That Second Stage be taken now."  
Question put and agreed to.

### **Finance Bill 2012: Second Stage**

**Minister for Finance (Deputy Michael Noonan):** I move: "That the Bill be now read a Second Time."

An empty House when the Finance Bill is being introduced must mean the crisis is over.

Ireland is recovering from the most severe downturn in the history of the State with crises in both the public finances and the banking system. However, we have tackled those challenges head on and the country is now making substantial progress. We are on track to bring the deficit below 3% of gross domestic product, GDP, by 2015, the banking system has been recapitalised and the economy returned to growth last year.

The outlook is improving. The most recent Central Statistics Office, CSO, data show that in the first three quarters of 2011, GDP increased by 0.7% compared to the same period a year earlier. This was thanks to strong export growth which was due in turn to improvements in competitiveness and to Ireland's enduring attractiveness as a destination for foreign direct investment. This strong export performance also means the current account of the balance of payments is back in surplus. GDP is set to grow again this year and to strengthen over the medium term.

[Deputy Michael Noonan.]

Our progress is reflected in the confidence of investors in our ability to successfully tackle our economic and budgetary problems, which has greatly improved in recent months. For example, the yield on ten-year Irish bonds — the notional cost of borrowing for the Government — has more than halved, falling from 14.5% in mid-July 2011 to under 7% at the start of February 2012.

On the fiscal side, the public finances have stabilised and the budget deficit has started to decline. This year the deficit will be reduced further to 8.6% of GDP. To meet this target, budget 2012 introduced a package of adjustment measures totalling €3.8 billion. The Government is well aware these measures will have an impact on the living standards of our citizens. The consolidation package was designed so as to minimise the negative impact upon economic growth and employment. In line with a specific Government commitment, there was no increase in income tax in budget 2012.

The Finance Bill 2012 also contains several measures designed to support investment, stimulate research and, ultimately, create jobs. The Bill should be viewed as one element of a wider strategy to support economic activity. My colleague, the Minister for Jobs, Enterprise and Innovation, set out a wide range of proposals in the action plan for jobs published yesterday. We do not have limitless resources. Accordingly, we must take those we do have and apply them to areas where there is the best employment potential and returns.

Before I begin to go through the Bill in detail, I want to draw Members' attention to several key measures to which it will give legal effect, most of which I already announced in the budget.

The relief provided under the special assignee relief programme, SARP, will be available on 30% of income between €75,000 and €500,000. However, PRSI and the universal social charge, USC, will be payable on all of the income. This incentive is about reducing the costs to businesses of attracting key individuals from abroad to work in the Irish-based operations of their employer. The relief is designed to help firms which wish to assign employees from other parts of their company to come here to expand or develop their Irish operations which will help retain or increase employment here.

The foreign earnings deduction for employees temporarily assigned from Ireland as part of their employment to Brazil, Russia, India, China and South Africa, is designed to incentivise employees to undertake marketing trips to the countries involved, with a view to increasing Irish exports to the large populations of those countries. The deduction is limited to a maximum of €35,000 per annum. A minimum of 60 days must be spent in any of the countries concerned before it can be claimed.

The Bill includes several significant enhancements to the research and development tax credit scheme as we need to encourage the productive, high value-added sectors of our economy to work our way out of the current downturn. The first €100,000 of qualifying research and development expenditure will benefit from the 25% per cent research and development tax credit on a volume basis, subject to certain conditions. This will provide a targeted benefit to small and medium-sized enterprises. In addition, the outsourcing limits for sub-contracted research and development costs are being enhanced while companies in receipt of the credit will have the option to use a portion of it to reward key employees who have been directly involved in the creation or development of the research and development process.

The Taoiseach launched a five-year strategy for the international financial services industry in July last year which contains ambitious jobs targets of 10,000 new jobs over the period. The strategy identifies a competitive and internationally respected tax framework as one of the key foundations for success. Accordingly, the Bill introduces a package of measures to support the industry. The industry employs more than 30,000 people and contributes over €1 billion in tax

to the Exchequer. It is no longer based solely in Dublin with over 30% of those employed in the international financial services industry located outside Dublin.

The Bill imposes limits on the use of legacy property reliefs. These are in line with the programme for Government commitment to restrict property tax reliefs and other tax shelters which benefit very high income earners. The proposed measures reflect the findings of the economic impact assessment on the potential for restricting the property-based legacy tax relief schemes, which I published with the Finance Bill.

On this basis the Bill contains two measures. First, a property relief surcharge of 5% will be imposed on investors with an annual gross income over €100,000. This will apply on the amount of income sheltered by property reliefs in a given year. Second, in respect of accelerated capital allowance schemes, I propose introducing a cap to the effect that investors in such schemes will no longer be able to use any unused capital allowances beyond the tax life of the particular scheme where that tax life ends after 1 January 2015.

Where the tax life of a scheme has ended before 1 January 2015 no carry forward of allowances into 2015 will be allowed.

Turning to mortgage interest relief, this Finance Bill gives effect to the budget announcement that fulfils the commitment in the programme for Government to increase the rate of mortgage interest relief to 30% for first-time buyers who took out their first mortgage in the period from 2004 to 2008. As with all time limited reliefs there will be people who just miss out, which is why I have been as flexible as possible with the legislation. However, I do not intend to extend the period any further as the measure would become less targeted and very costly. The Bill also provides for my budget day announcement to reverse the previous Government's decision to reduce mortgage interest relief rates and ceilings for those who wish to buy a home in 2012. A first-time buyer will be able to avail of relief at a rate of 25%, with a sliding scale to 20% on ceilings of €10,000 and €20,000 for single and married taxpayers, respectively. In addition, non-first time buyers will be able to avail of relief at a rate of 15% on ceilings of €3,000 and €6,000 for single and married taxpayers, respectively. The previous Government decided that mortgage interest relief would not be available for new purchases from 2013. I do not intend to alter this decision.

I will now go through the Bill and describe the main provisions contained therein. Wherever I make a reference to TCA, I am referring to the Taxes Consolidation Act 1997. Part 1 of the Bill deals with the income levy, universal social charge, income tax, corporation tax and capital gains tax.

Section 1 is an interpretation section. Section 2 deals with the universal social charge, USC, and provides for my budget day announcement on increasing the lower exemption threshold for the universal social charge from €4,004 to €10,036. The section also includes technical amendments to the application of the USC to share based remuneration and exclusion orders. Section 3 introduces an additional amount of USC to be paid by investors in section 23 and accelerated capital allowance schemes with gross incomes over €100,000. This property relief surcharge, which is effective from 1 January 2012, will apply at a rate of 5% on the amount of income sheltered by property reliefs in a given year.

Section 4 of the Bill provides for a number of changes to income tax and USC as they apply to share-based remuneration. Section 5 extends the relief on retirement for certain income of certain sportspersons to professional cricket players and consequently enables them to avail of the higher rate of relief on pension contributions made under TCA section 787(8A). Section 6, with section 91, provides for changes to the interim tax based health insurance scheme. Section 6 makes changes to the age related income tax credit for 2012. The credits will be in

[Deputy Michael Noonan.]

five year bands for individuals aged between 60 and 84 and a final band for individuals aged 85 and over.

Section 7 gives effect to the budget day announcement that the tax exemption for the first 36 days of illness benefit and occupational injury benefit will be removed. This objective of this measure is to reduce absenteeism at work. In some circumstances, for example, where an employee goes sick and continues to be paid by the employer, the employee can be better off financially on sick leave than when working. This change seeks to remove the tax exemption that applies to the first six weeks of illness benefit and occupational injury benefit in each tax year in order to avoid such a situation.

Sections 8 and 9, together with section 26, provide for the changes to the research and development tax credit scheme and mortgage interest relief, both of which I have already referred to, as well as certain other changes. Section 10 provides that those signing for PRSI credits can now qualify for the Revenue job assist scheme.

Section 11 increases the amount of fees disregarded in claims for tax relief on third level fees. For claims where any of the students are in full-time education, the disregard is increased from €2,000 to €2,250. Where all of the fees relate to part-time education, the disregard is increased from €1,000 to €1,125. These changes are in line with the increase in the student contribution announced by the Minister for Public Expenditure and Reform.

Sections 12, 13 and 14 relate to the introduction of the special assignee relief programme and the foreign earnings deduction, which I have mentioned earlier.

Section 15 addresses anomalies created by undesired interactions between the high earners' restriction and the clawback provisions under the section 23 type reliefs, as well as the balancing charge and allowance provisions under the property based accelerated capital allowances schemes. Provision is also made to remove the proposals relating to section 23 type reliefs provided for in section 24 of the Finance Act 2011, which were subject to a commencement order. Section 16 provides that investors in accelerated capital allowance schemes will no longer be able to use any capital allowances beyond the tax life of the particular scheme where that tax life ends after 1 January 2015. I have already spoken about this.

Section 17 gives effect to a number of changes announced in the budget in the broad pensions tax area. The Bill provides for the increase from 5% to 6% in the annual imputed distribution which applies to the value of assets in an approved retirement fund, ARF, where such funds have asset values in excess of €2 million. The imputed distribution arrangements are also being extended to vested PRSAs on the same basis. Section 17 also includes provisions to mitigate the harsher impacts at retirement for certain individuals resulting from the significant reduction to €2.3 million in the maximum allowable pension fund at retirement for tax purposes, that is, the standard fund threshold, SFT.

Section 18 of the Bill amends the 1997 Act to reflect the capital acquisition tax modernisation provisions. Section 19 makes a number of amendments to the tax treatment of farmers pertaining to carbon tax computation, young trained farmers' courses and enhanced stock relief in certain circumstances. Section 20 relates to the professional services withholding tax and makes the annual update to Schedule 13 of the 1997 Act, the schedule of accountable persons. Section 21 introduces changes to the legislative framework underpinning the new modernised electronic relevant contract tax, e-RCT, regime that came into effect on 1 January 2012.

Section 22 amends the scheme of tax relief for expenditure incurred on the restoration and maintenance of significant buildings and gardens. In order to qualify for the relief in future, the relevant building or garden must be open to the public during national heritage week. Section 23 gives effect to amendments to the relief for investment in films. The changes are

aimed at encouraging compliance by qualifying companies with the reporting requirements of the scheme. Section 24 of the Bill extends to end of 2014 the scheme of relief for investment by companies in renewable energy projects which was due to cease last year.

Section 25 brings into primary legislation the changes to the employment and investment incentive, the successor to the business expansion scheme, which were originally introduced by way of a budget day financial resolution. As previously mentioned, section 26 of the Bill contains further enhancements and some largely technical and administrative changes to the research and development tax credit scheme.

Section 27 increases the tax rates for life assurance policies and investment funds by 3%. The increased rates apply to payments and deemed payments on or after 1 January 2012. Section 28 exempts pension funds from life assurance exit tax. This is in keeping with the current exemption from investment fund exit tax and overall exemption for pension funds from income tax and capital gains tax. Section 29 aligns the rate of exit tax on collective investment undertakings with the rate applying to entities which are subject to the gross roll-up regime at 30%.

Section 30 amends the “equivalent measures” regime on exit tax for investment funds.

Section 31 will remove a technical liability to Irish tax arising from the exchange of units in an Irish exchange traded fund.

Sections 32, 33 and 34 will accommodate cross-border mergers of investment funds and new “master-feeder” structures envisaged under the recently implemented UCITS IV directive.

Section 35 gives effect to the increase in the standard deposit interest retention tax, DIRT, rate by 3 percentage points to 30%. The rate for certain longer-term savings products has also been increased by 3 percentage points to 33%.

Section 36 makes two minor amendments to TCA Part 8A which governs the taxation of Islamic finance transactions in order to improve the functioning of those provisions.

Section 37 modernises arrangements for the payment of encashment tax, which is a withholding tax on certain Irish public revenue payments and payments of foreign income via Irish paying agents.

Section 38 aims to improve the competitiveness of the Irish debt market by extending the exemption contained in TCA section 198 to include certain interest payments, namely euro-bonds, wholesale debt instruments and asset-covered securities.

Section 39 contains a technical amendment to TCA section 80A to ensure the provision operates as originally intended.

Section 40 amends TCA section 110 in three ways. First, it extends the range of carbon offsets that a section 110 company can acquire to include forest carbon credits. Second, it amends the definition of a qualifying company to require notification to Revenue within a specific timeframe. Third, it ensures the Finance Act 2011 amendments do not apply to a company operating in the State through a branch or agency.

Section 41 introduces a new TCA section 452A to amend the interest deductibility rules to facilitate cash-pooling business in the corporate treasury sector.

Section 42 makes amendments of a technical nature to TCA sections 238 and 241.

Section 43 aims to provide clarity and certainty on two specific issues in so far as the transactions of companies operating within the EU emissions trading scheme are concerned.

Section 44 extends the scheme which provides relief from corporation tax on the trading income and certain gains of new start-up companies in the first three years of trading so as to include start-up companies which commence a new trade in 2012, 2013 or 2014.

[Deputy Michael Noonan.]

Section 45 adds the Sustainable Energy Authority of Ireland and the Food Safety Authority of Ireland to the list of State bodies that are exempt from tax on certain income thereby avoiding circular payments into and out of the Exchequer.

Section 46 extends the current group relief rules in TCA section 411 so losses can be transferred between two Irish resident companies where those companies are part of a 75% group involving companies which are either resident in a jurisdiction with which Ireland has a treaty or quoted on a recognised stock exchange.

Section 47 concerns a minor technical amendment to our transfer pricing legislation.

Sections 48 and 49 amend the computational rules under which relief for foreign tax, suffered on royalty payments, is given.

Section 50 amends Irish tax legislation to reflect recent changes in company law.

Section 51 extends the existing unilateral credit relief, which currently applies to royalty payments, to include equipment lease rental payments. This measure will be of particular benefit to the aircraft leasing industry.

Section 52 provides for the taxation at 12.5% instead of 25% in the hands of an Irish resident company of foreign-sourced dividends paid out of the trading profits of privately held companies in countries with which Ireland does not have a tax treaty but which have joined the OECD Convention on Mutual Administrative Assistance in Tax Matters.

Section 53 provides for a schedule of required amendments to the TCA resulting from the termination of manufacturing relief at the end of 2010.

Section 54 provides for the capital gains tax, CGT, rate increase from 25% to 30% as I announced on budget day.

Section 55 provides that shares in an Irish incorporated company will be treated as located in Ireland for CGT purposes, to ensure they are within the charge to Irish tax.

Section 56 will ensure the occurrence of a contingent liability will not lead to a repayment of tax unless the liability has been paid.

**Acting Chairman (Deputy Olivia Mitchell):** The Minister has seven minutes left.

**Deputy Michael Noonan:** I will do my best.

Sections 57 and 58 modify CGT retirement relief to encourage timely transfers of farms and businesses.

Sections 59 and 61 provide for CGT exemptions for State bodies, namely Teagasc, local government corporate service bodies, the Grangegorman Development Agency, and disposals by the Dublin Institute of Technology to the Grangegorman Development Agency.

Section 60 provides that compensation for giving up the right to cut turf in special areas of conservation will be exempt from CGT.

Section 62 gives effect to the property incentive announced in the budget, under which property purchased up to the end of 2013 and retained for at least seven years will be relieved from capital gains tax on the part of the gain attributable to the initial seven-year holding period.

Section 63 closes off two avoidance schemes involving offshore trusts, whereby individuals have become temporarily non-resident or were temporarily removed and then reinstated as trust beneficiaries to avoid a CGT liability.

Sections 64, 66, 69 and 70 give effect to the increases from €15 to €20 per tonne in the carbon tax announced in the budget. The increases took effect from midnight on 7 December for auto-fuels and will take effect for all other mineral oils and natural gas from 1 May next. The Bill includes a provision for a partial relief from the carbon tax for certain combined heat and power installations not covered by the EU emissions trading scheme.

Section 65 relates to the budget increase in the rates of tobacco products tax which, when VAT is included, amount to 25 cent on a packet of 20 cigarettes with *pro rata* increases on other tobacco products. The increase, which came into effect on budget night, is estimated to raise €41 million in 2012.

Section 66 introduces measures to support enforcement work by facilitating monitoring and supervision of the oils supply chain. A new licensing requirement will apply to dealers in marked fuels, putting them on the same footing as persons who deal in auto-fuels.

Sections 67 and 68 are both technical, linked to a modernisation of excise law currently being drawn up by Revenue in the form of the excise consolidation Bill.

Section 71 relates to the export refund scheme which will allow for a refund of VRT contained in a vehicle on the permanent export of the vehicle. This will benefit the industry by restoring balance to the sector in the context of the number of imported cars.

Section 72 is an interpretation section. Section 73 provides for the strengthening of VAT ministerial orders following advice from the Office of the Attorney General. In conjunction with sections 79, 80 and 81, it also provides a mechanism to recover VAT and impose interest and penalties where VAT has been improperly claimed and refunded under any VAT refund order. This is an anti-avoidance measure.

Section 74 and section 78 make a number of changes to the VAT rules regarding property. Section 75 gives effect to the budget increase in the standard rate of VAT from 21% to 23% from 1 January 2012.

Section 76 removes a provision that allows a travel agent margin scheme operator to issue travellers with a VAT receipt for conference accommodation, as it is contrary to the EU VAT directive and is not used in practice. This will not affect the deductibility for conference accommodation where the accommodation is supplied under the normal VAT system.

Section 77 ensures the current general six-year requirement to keep records and underlying documentation, which exists for all other taxpayers, will also apply to companies in liquidation and companies that are dissolved.

Section 82 revises the definition of bread for the purposes of the application of the zero rate of VAT to reflect the breads currently available on the market, taking account of the development of bread for health, ethnic and other reasons. Section 83 reduces the VAT rate applicable to district heating to 13.5% with effect from 1 March 2012. It also brings the rate of VAT on admissions to open farms down to a reduced rate of 9% consistent with the application of this rate to the tourist industry last year.

Section 84 is an interpretative section. Section 85 provides for the introduction of a single stamp duty rate of 2% on transfers of non-residential property, including commercial and industrial property and farm land. The section also provides for the abolition of consanguinity relief with effect from 1 January 2015. The reduction in the stamp duty rate, together with the capital gains tax property incentive referred to earlier, will facilitate a recovery in the commercial property market. Sections 86 to 90, inclusive, provide for a number of exemptions and reliefs from stamp duty. These include an exemption for the Grangegorman Development Agency, relief from stamp duty for mergers of Irish public limited companies and for cross-Border company mergers and several other technical changes. In particular, Section 88 contains

[Deputy Michael Noonan.]

nine separate technical stamp duty amendments that extend the range and scope of stamp duty exemptions applying to certain financial transactions and confirms the stamp duty treatment of options over shares.

Section 91 gives effect to the new rates of the health insurance levy for 2012 of €285 for individuals aged 18 years or over and €95 for individuals aged under 18 years. Section 92 adds a course to the qualifying courses for stamp duty relief for young trained farmers. The same course has been added to the list of courses for stock relief for young trained farmers. Section 93 modernises the administration of stamp duty and puts it on a self-assessment footing in common with other taxes.

Part 5 deals with capital acquisitions tax. Section 94 is an interpretative section. Section 95 provides for the capital acquisitions tax, CAT, changes announced in the budget, including the increase in the rate from 25% to 30% and the reduction in the group A tax-free threshold for gifts and inheritances between parents and children to €250,000. The section also provides for the breaking of the link between the tax-free thresholds and the consumer price index. Section 96 and section 101 make several technical changes to the Capital Acquisitions Tax Consolidation Act. Sections 97, 98 and 100 contain various anti-avoidance provisions. Section 99 relates to the exemption from capital acquisitions tax on the gift or inheritance of heritage property where the property is sold to certain State bodies. The list of such bodies is being updated to cover cultural institutions funded by the Department of Arts, Heritage and the Gaeltacht. Section 102 moves the pay-and-file date for CAT from 30 September to 31 October in response to concerns about the payment of CAT for individuals receiving an inheritance close to the filing date.

Part 6, the final part of the Bill, covers miscellaneous provisions. Section 103 is an interpretation provision. Section 104 amends section 886 of the Taxes Consolidation Act to ensure that the current general six-year requirement to keep records and underlying documents that exists for all other taxpayers will also apply to companies in liquidation and companies that are dissolved. Section 105 modifies the provision introduced by section 77 of Finance Act 2011 relating to exchange of information and taxpayer confidentiality.

Section 106 amends the legislation on the automatic reporting by investment undertakings to provide for the automatic annual reporting of values rather than payments. Section 107 will require merchant acquirers and third-party payment processors to make regular automatic returns to Revenue of all amounts credited to traders. This is in response to emerging evidence that some businesses may be under-reporting card payment transactions. Section 108 ends a temporary exemption for certain interest payments under the EU savings directive, which provides for the reporting of payments by financial institutions in one EU member state of interest payments made to residents of another member state. Section 109 extends section 1077E of the Taxes Consolidation Act, which provides for penalties for deliberately or carelessly making incorrect returns to cover returns required in respect of the domicile levy and the universal social charge. Section 110 introduces a provision whereby the collector general may require a tax defaulter who does not engage effectively with the collector to complete a statutory statement of affairs. Failure to do so will be a Revenue offence.

Section 111 will enable the Revenue to require a taxpayer who has had a significant previous tax default to provide it with a bond covering fiduciary taxes. Failure to provide such a bond will render the person liable to a criminal penalty. Section 112 will provide Revenue with powers similar to those contained in the Criminal Justice Act 2011 regarding the provision of documents or information and in respect of privileged legal material. These powers will be available only where the Revenue is investigating serious tax offences. Sections 113 and 114 and schedules 4 and 5 make several administrative changes in respect of assessment and the

administration of direct taxes. Section 115 places the long-standing Revenue practice of publishing details of the names and the associated works of artists that qualify for the artists' exemption on a statutory basis.

Section 116 will facilitate the submission of financial statements in electronic format with corporation tax returns via the Revenue On-Line Service, ROS. Section 117 makes provision for amendments to the taxation for civil partnerships. It provides recognition in tax law of legally binding maintenance agreements made on the break-up of a civil partnership and ensures that civil partners whose partnership has broken down but who are still living under the same roof may obtain the same tax treatment as formerly married couples in similar circumstances. Section 118 ceases section 161 of Finance Act 2010. The section gave effect to a voluntary gift scheme for members of the Judiciary and military judges. However, as a consequence of the referendum in October and the subsequent passing of the legislation which relaxed the previous prohibition on the reduction of salaries of the Judiciary this provision is redundant.

Section 119 provides that the Irish citizenship condition for the payment of the domicile levy will be abolished for tax years from 2012 onwards. This means it will not be possible for an individual who would otherwise be subject to the levy to avoid it by renouncing Irish citizenship. Section 120 sets out additions to the list of double taxation agreements, DTAs, and tax information exchange agreements, TIEAs, between Ireland and other jurisdictions. Following the enactment of this Bill, Ireland will have concluded DTAs with 65 countries and TIEAs with 19 countries. Negotiations to conclude several other agreements are ongoing. Section 121 addresses miscellaneous technical amendments in respect of tax. Sections 122 to 124, inclusive, cover standard annual provisions.

At this stage, a small number of matters remain under consideration for inclusion in the Bill which I may bring forward on Committee Stage and Report Stage. Naturally, I will also give consideration to any constructive suggestions put forward during the debate tomorrow and on Thursday.

**Acting Chairman (Deputy Peter Mathews):** Thank you, Minister. That was quite a *tour de force* at nearly 16 pages.

**Deputy Michael McGrath:** I thank the Minister for his Second Stage speech. He had quite an amount to get through. I am pleased to see we have been joined by some colleagues. Perhaps the low attendance is due to the day that is in it. We must acknowledge that there is not much romance in the Finance Bill.

It is more than two months since the Minister introduced his first budget. A good deal has taken place in the meantime. The Government has been forced into several U-turns in respect of various elements of the budget, including cuts to certain people on disability allowance and to disadvantaged schools, although we do not know yet where that issue will end up ultimately. There was controversy surrounding the issuing of letters from the Revenue to pensioners regarding their tax affairs. The Government authorised the payment of €1.25 billion to unsecured, unguaranteed bondholders of Anglo Irish Bank. The growth outlook for 2012 has been revised downwards by several bodies in the past six weeks.

The criticisms levelled at the budget in December are as valid today as they were at the time. No significant changes have been made to address its fundamentally regressive nature. The pious talk from the Labour Party in opposition about closing legacy property reliefs, reaping huge dividends for the taxpayer, has disappeared quietly. Instead, the centrepiece of the Government strategy was to take the relatively soft option of increasing VAT by 2%, despite the clear evidence of weaknesses in the domestic economy. The 440,000 people on the live

[Deputy Michael McGrath.]

register or the 100,000 families in difficulty with their mortgage will find little in the Government's actions that will instil them with hope.

The year 2012 will be a very challenging year for the State. Fianna Fáil welcomes the fact that the Government has achieved its targets under the EU-IMF programme in 2011, on the back of the budget introduced by the late Brian Lenihan. However, there is a long road yet to travel with regard to the fiscal and economic renewal. I note the publication today of the revised memorandum of understanding with the EU and IMF and we look forward to studying that over the next couple of days. While we must meet the targets under the EU-IMF programme in order to continue to secure a funding stream, this should not be treated merely as a box-ticking exercise. The measures will only be successful to the extent to which the domestic economy is stimulated and the live register falls. On that front, progress has been much more modest to date. There is no room for complacency. The budget targets were based on GDP growth of 1.3% in 2012 and most forecasts are now below 0.5%, with the strong growth in exports experienced in recent years slowing down considerably due to the challenging international climate. Many of the achievements of the first year are preparatory in nature and much of the real hard work has yet to be done. The mortgage crisis has deepened and there has been little or no Government action to date. The Government is clearly long-fingering more contentious issues, such as the sale of State assets.

We are currently studying the jobs action plan announced yesterday. The trend in unemployment is worrying, with 42% of claimants being long-term unemployed, up from 36% at end of 2010. The number of people under 25 on the live register is falling while the number over 25 is increasing. We sincerely hope that the plan announced yesterday achieves its objective and we will work constructively with the Government on the various measures proposed. In the economic and fiscal outlook published with the budget, the Government projected employment would grow by approximately 62,000 between 2011 and 2015. These numbers are well below the Government's projections the previous April, when 102,000 net new jobs were projected. The new target of 100,000 by 2016 does not represent a significant advance on earlier targets, although it was presented as if there was something new on offer. There are positive elements in the Finance Bill laid before us today and I believe it can be greatly improved on Committee Stage if the Minister is genuinely open-minded to positive amendments from all sides.

In recent weeks, there have been some positive developments in respect of the Greek debt crisis and the ECB is now taking a more interventionist approach, with a €450 billion three-year lending programme to banks at favourable interest rates completed last month and up to €1 trillion in a similar programme likely to be undertaken at the end of this month. Fianna Fáil has committed to supporting the fiscal compact, though we will continue to pursue the need for greater clarity in regard to the application of the principles agreed as they relate to Ireland. In addition we will seek to have an expansion of the ECB's role from its current limited focus on price stability.

At this remove, it is possible to undertake a clearer assessment of the impact of budget measures in their totality. An examination by the ESRI's Tim Callan, Claire Keane and John Walsh showed that unlike the 2009-2011 budgets, the 2012 budget hit lowest income groups hardest. They said:

Looking at the impact of the 2012 budget, it is clear that the greatest reduction in income is for those on the lowest incomes — a fall of between 2% and 2.5% for the poorest 40% of households. This compares with a fall of close to 1% for the next 40% of households, and of 0.8% for the top 20%.

They posed the rhetorical question as to how the measures in budget 2012 affect the overall impact of policy changes from October 2008 up to and including the present budget. Their answer in this regard is quite stark:

[The cumulative impact] over this four year period shows a strongly progressive pattern, with the lowest income group losing about 2% and the highest losing by 11%. The scale of the progressive impact of earlier budgets, which raised income tax, abolished the ceiling on PRSI payments, and introduced the universal social charge is much greater than the regressive impact of Budget 2012. The net effect over the whole period is therefore strongly progressive.

We live in a world where the economic outlook can change rapidly. The budget day forecast was for 2012 GDP growth of 1.3% and a general Government deficit of 8.6% of GDP. Since the start of the year, there have been six significant downward revisions of GDP forecast by various bodies in respect of the Irish economy. The median forecast is now 0.5%, which is 0.8% below the Department of Finance figures. According to the medium-term fiscal statement, if growth is 1% below forecast, which was set at 1.6% at that time, the outturn would be a general Government deficit of 9.1%. If growth was 2% below forecast, the deficit would widen to 9.7% in 2012. We are, therefore, at risk of missing the 8.6% limit set down by ECOFIN in December 2010. The mid-year Exchequer returns will be a particularly important signpost as to the progress being made. I sincerely hope we meet and exceed our targets, but just as with the question of a second bailout, only time will tell.

I would like to deal with a number of specific measures contained in the budget. I already commented on some of these on budget day and others are only now getting greater focus and attention. At the time of the budget, I pointed out that the VAT increase has a disproportionate impact on low and middle income families. I noted in particular the ESRI paper published last July, which demonstrated that those hardest hit by a VAT increase are households in the lowest 10% income bracket, households in rural areas and one-parent families. I cited the example of car sales in particular, and indicated that the increase would add approximately €300 to the cost of a typical family car. On the face of it the 6.5% increase in new car sales last month is good news, but when we look behind the figures we see there is more to that story. The 6.5% increase is against January 2011, which was exceptionally cold and when the country was covered in snow for the first two weeks of the month. I heard Bill Cullen, a man who would very much have his finger on the pulse, warning at the weekend that we should not be fooled by January's car sales figures. He suggested that car sales would be down to around 75,000 in 2012. This is confirmed by comments made by SIMI director general, Alan Nolan, who said, "Despite the strong start, we are still fairly cautious about the outlook for the year, predicting a fall of approximately 15% in new car sales for the full year." We now have the fifth highest standard rate of VAT in the EU, some 3.6% above the EU average. The Minister's figures factor in VAT receipts of approximately €10 billion for the year 2012. It will be March or April before we get the first indication as to whether that is on track, but it is worth reiterating that the Government has taken a significant gamble in respect of consumer spending and the impact the VAT increase will have.

With regard to the universal social charge, I am glad the Minister made changes that will exempt many part-time, casual and seasonal workers from the charge. As I said on budget day, this is a modest change to a charge Fine Gael and Labour protested against from the Opposition benches last year. The Government has hyped up this change considerably, but it is worth at most only €4 a week to those who benefit and of no benefit at all to those earning in excess of €10,000. One should also consider the impact of the adjustments made to the basis of assessment for jobseeker's, which changed from a six day week to a five day week, which

[Deputy Michael McGrath.]

will impact negatively on some of those who would benefit from the change made to the universal social charge. It would appear from reading the review of the universal social charge published recently by the Department that there is unlikely to be substantial change in the years ahead. In fact, the change announced in the budget, whereby the tax will now be levied on a cumulative basis, means that the Government will claw back €45 million this year, €11 million more than the cost of the amendment which exempts those earning less than €10,000.

As noted in the budget, an increased levy applies to all health insurance renewals and new contracts entered into since 1 January. That is provided for in section 91. The increase is massive, at €80 for adults and €29 for children. The amount of the levy will increase to over €500 million in 2012. To put this in context, three years ago, in 2009, the levy amounted to €197 million, increasing to €317 million in 2010 and in 2011 it was €346 million. That is now projected to go to over €500 million in 2012.

As our health spokesperson has pointed out on many occasions, we are now witnessing the steady disintegration of the private health insurance system. In 2008, 51.5% of the population had private health insurance cover. The latest figures, from last September, show that coverage is now at 47.4%. As Members of this House we appreciate the value that ordinary families place on keeping their private health insurance. In many cases they put it ahead of other essential items and yet the numbers are falling and will continue to fall, based on present policies. Some 5,000 to 6,000 people are cancelling their health insurance policies every month and the distortions in the market mean that VHI lost 130,000 customers in the 12 months to September 2011, and no doubt the trend has accelerated further since.

We were told the increase in the levy will not directly result in increased premiums but the reality is that when combined with increased charges for private beds in public hospitals, private medical insurers are continuing to hit subscribers with increased premia. Aviva announced an increase of 14%, effective from March; VHI is increasing the premia of all its plans in March this year by amounts ranging from 6% to 12.5%; and Quinn is also increasing rates by 6%. That is on top of significant increases in 2011.

The Government parties claim to be progressing towards a system of universal health insurance but the current system is in a state of crisis. This will have a real impact on the public finances as well, as people relinquishing private health insurance inevitably add to the cost of operating the public health system. Health insurers are now actively designing their products in a manner that discourages older people and discriminates in favour of younger people. This is done, for example, by excluding treatments such as hip replacements from the procedures covered. Although they are sticking to the letter of the law on community rating, they are, in effect, seeking to segment the market and consequently charge much higher premia to older people. The budget and the provisions of the Finance Bill do nothing to alleviate this trend but make the position worse. Legislation to provide for risk equalisation is urgently needed and the longer the Minister's colleague, the Minister for Health, Deputy Reilly, delays on the matter, the greater the burden that will ultimately be placed on the taxpayer.

The multinational sector is enormously important for Ireland and it supports approximately 250,000 jobs. As the domestic sector went into reverse in 2008, multinationals have had an important stabilising impact on the economy. The benefit of a special assignment relief programme is clear. Providing an incentive regime for mobile talent clearly improves the attractiveness of a location when a company is deciding where to invest. Bringing in "project champions" who have familiarity with key business processes and who can supplement local talent will often be instrumental in getting new projects off the ground. We support well-designed, carefully targeted measures that will help in strengthening the multinational sector. It is noteworthy that the scheme as proposed has come in for a degree of criticism. Some commentators believe

it is too broad and will be open to abuse while others feel that it will not have sufficient appeal and will have a minimal impact. I will try to provide a balanced assessment of the scheme, as well as suggesting some amendments which will improve its practical operation.

The criteria on which a scheme like this should be judged are its ability to boost employment without an unacceptable loss of revenue to the State from creative use of its terms. The Labour Party in opposition made a big play on the need for new tax incentives to be tested to ensure they achieve the desired impact. To quote from the Labour submission on the review of tax reliefs in 2005, it stated:

The presumption should be that, in most cases, reliefs will either be unnecessary for development, redundant, give rise to excessive dead weight, or potentially distorting, unless a strong case can be made to the contrary. There ought to be a strong burden of justification on those seeking to promote or maintain special investment tax reliefs.

These are laudable notions but it would appear that these principles were not applied in this case.

When I debated the issue with the Minister of State, Deputy Brian Hayes, on “Morning Ireland” last week, he suggested that up to €5 million in tax relief would be forgone under the scheme but there is no clear evidence as to how many additional jobs would be directly created. As I understand it, the incentive will be demand-led and it is not possible to say what the tax expenditure will be in 2012 or subsequently arising from this measure. Every incentive that is offered is always stretched to the maximum definition by companies and individuals at the encouragement of their expert tax advisers. We need to be conscious of this and review its operation to ensure that the scheme operates as it is intended. It should deliver practical results with new jobs for the country.

I suggest that the benefit would be as linked, in so far as possible, to measurable new investment and the creation of jobs. As it is currently designed, it would appear that a financial services firm could bring an executive to work here under the terms of the scheme and no new real jobs would have to be created. One could have the bizarre scenario where a multinational could bring in an executive to wind down a business in Ireland and benefit from the incentive included in this Bill.

I accept that there is merit in the argument that once a multinational commits to sending one of its senior executives to a country under such a scheme and incurs the related expense, there is an expectation that they would drive greater local profitability and growth. The local pool of talent also gets exposure to additional technical and management expertise so there will be indirect benefits, although I would like to have seen a more precise set of conditions attaching to the scheme to link it to new job creation. The requirement that an individual be resident outside Ireland for a minimum of five years before taking up the scheme and also that the person be domiciled outside the country means that it will be difficult if not impossible for Irish emigrants to return home under the terms of the scheme. In government, Fianna Fáil established the Global Irish Network, which now comprises more than 300 of the most influential Irish and Irish-connected individuals abroad. The network is made up of people from a wide range of activities and draws together people from almost 40 countries. It provides Ireland with international expertise to tap into as we build the economic recovery. It is a pity that members of the network who are Irish domiciled and may wish to avail of the scheme to return here and contribute to our economic recovery will not be eligible for participation. While being conscious of the need to ensure that the scheme is operated in a way that minimises the opportunity for abuse, I would ask the Minister to consider relaxing the requirements in this regard.

[Deputy Michael McGrath.]

It is worth noting that despite the emphasis the Minister has placed on it, the idea of incentivising foreign executives to locate in Ireland as a means of supporting our multinational sector is not a new one, and this scheme replaces the existing programme. There is undoubtedly a link between having an attractive regime for new hires and the decisions of multinationals in terms of where to locate investment. We compete with many countries who offer incentives of this kind. For example, Malta applies a flat rate of 15% tax on income above €75,000, the Netherlands offers a 30% reduction in taxable remuneration for up to eight years and Spain and Portugal also offer attractive rates of 24% and 20% respectively.

A practical difficulty which could arise is the requirement that the executive working under the scheme cannot spend more than 30 days working outside the State in any given year. We do not want a scheme allowing people to take up tax residency in Ireland in order to be able to avail of the incentive while in practice carrying out the work outside the State. However, the nature of setting up new projects often requires considerable travel, possibly to oversee migration of a process to Ireland, and it may be appropriate to relax this restriction in order to improve its practical application.

It is an oft-repeated claim that Ireland's economic recovery will be export-led. In this regard the tax system should be sufficiently flexible to encourage Irish companies to send employees overseas to open new markets. A foreign earnings deduction scheme existed prior to 2003 and applied to all countries, except the UK. There is a clear logic an incentive such as this, as it recognises the hard slog often undertaken to win export markets, and particularly the unsociable requirement to spend long periods abroad knocking on doors and trying to attract new customers. The case for a major focus on indigenous Irish export-oriented businesses is clearly seen from a simple statistic that was highlighted by the Irish Exporters Association. Indigenous export businesses create one job for every €102,000 in sales, whereas multinational-owned export businesses create one job for every €790,000 in sales. Essentially, this suggests that indigenous export businesses can create jobs eight times more rapidly. At a time of limited economic growth, it is right for us to target resources in the area that would yield the most economic benefit. I agree that the terms of the scheme are appropriate. Relief is available to individuals where foreign work days exceed 60 days in a 12-month period. The relief operates by reducing the individual's taxable income in proportion to his or her foreign work days compared to his or her total work days.

The breadth of the scheme appears to be quite narrow in nature, as it focuses on Brazil, Russia, India, China — the BRIC countries — and South Africa. I acknowledge that we need to expand our trade with these emerging economies. I was concerned to hear reports that Irish exports to China decreased by 13%, year-on-year, in the third quarter of 2011. I was also worried to hear that just 15% of Irish exports to China come from indigenous Irish firms. It would be reasonable to extend the scheme to Middle Eastern and South American countries that show significant potential for growth. The explanatory memorandum that accompanies this Bill indicates that the Minister would prefer not to go down this route until he has seen how the scheme operated in its initial phase. In light of the underdeveloped nature of trade links between indigenous Irish firms and Middle Eastern markets, I suggest we have nothing to lose by legislating for a wider list of countries to which this scheme will apply.

The maximum deduction against employment income is €35,000 per annum, which is equivalent to a maximum tax saving of approximately €14,000. This compares unfavourably to the maximum deduction under the special assignee relief programme scheme, which can lead to a saving of over €60,000 per annum. It should be recognised that the value of the relief is just €1.5 million per annum. While it is a good first step, I suggest that the Minister has some distance further to travel. I hope he will accept amendments in this regard during our Commit-

tee Stage debate. The scheme could be made more attractive by applying the relief at source rather than by means of an end of year refund mechanism, or at least in respect of the minimum number of days.

When Governments honour their promises, it should be acknowledged. The Government has honoured its promise to change the rate of mortgage interest relief that applies to those who bought property for the first time between 2004 and 2008. I have articulated our views on that in the past. I am criticising the Government's proposal because it is untargeted. If the Government genuinely wishes to assist people who are in real mortgage distress, a more targeted initiative to benefit such people would yield a better outcome. The Keane report, which was published by this Government, also recommended that a change of this nature should not be made:

The Group examined the proposal to increase mortgage interest relief ... but it was considered that this change should not be recommended. The proposal would give increased relief in an indiscriminate manner as it would give benefits to all who took out mortgages in the relevant years, regardless of their economic circumstances.

The Minister has acknowledged that when a provision like this is introduced, some people will lose out. A person who bought a property between 2004 and 2008 and is in quite a good financial position will benefit nonetheless. A person who bought a property in 2003 or 2009 and has since lost his or her job will get nothing under this measure even though he or she will also be in negative equity.

There is a contrast between what the Government is doing in this case and what it is doing in the area of mortgage interest supplement, which is targeted at those who are most in need. The Government has cut the budget in the latter case by approximately €22 million and increased the minimum contribution that couples have to make from €24 per week to €35 per week. My criticism of the Government's mortgage interest relief proposal is that it is untargeted. We all know that the mortgage situation is continuing to deteriorate. At a time when limited resources are available to tackle this problem, the measures we are taking should be focused as precisely as possible on exactly where the problem lies. That is our view on this issue. The proposed personal insolvency Bill is likely to meander its way through the Dáil this year. It might not be operational for another 12 months. I welcome the roll-out of some of the measures in the Keane report. I urge the Minister to make a comprehensive statement on what is happening. He needs to pull together the various strands of activity that are happening across Departments and agencies to tackle the mortgage crisis. We should have another debate on that issue. I encourage the Minister to make a detailed statement in that regard.

I wish to speak about the issues being faced by people who would like to move home to take up an employment opportunity in another part of the country, but are restricted from doing so as a result of negative equity. The choices facing families in this situation are extremely difficult. They cannot sell their houses and instead have to try to rent them out. They may face a number of additional financial challenges in such circumstances. They may have to give up their mortgage interest relief, pay tax on any rent above the allowable interest deduction of 75%, pay the €200 non-principal private residence tax, pay the Private Residential Tenancies Board registration charge and, potentially, face the loss of their tracker mortgage. Like other Deputies, I have received representations on this issue from people who are trapped in such situations. They want to move to pursue opportunities elsewhere in the country, but they are locked in a negative equity trap, in effect. If they move out and rent their properties, they will be hit with financial penalties. We need to examine the matter and produce innovative proposals that recognise the realities people are facing. We should introduce greater flexibility to how the definition of "principal private residence" is applied to people in that circumstance.

[Deputy Michael McGrath.]

I urge the Minister to act on the issue of interest rates being applied by the banks. When we debated mortgage interest rates in the past, the Minister acknowledged that the real issue is the spread of rates. Some State-supported banks are charging variable rates of 3% on mortgages, while others are charging 5.19%. That is an untenable situation. I recently wrote to all the financial institutions to establish their policies on considering applications from people who want to switch their mortgages from one institution to another. The responses I received were disappointing. It confirmed my belief that many people who are locked into high standard or variable rate mortgages simply have no alternative and are unable to switch to a more competitive rate with another provider. I ask the Minister to examine that issue.

I welcome the measures in the Bill relating to research and development tax credits. Some criticisms of them have been made by tax practitioners. I urge the Minister to examine them constructively. We can go further on that issue.

I am aware that the Minister recently met representatives of the Irish Brokers Association, who proposed that limited early access to pension funds by individuals should be facilitated to allow them to deal with life-changing events and real financial crises, such as redundancies, first-time home purchases, critical illnesses and personal indebtedness issues. It is within the capacity of this House to construct a scheme that would protect the integrity of pension schemes while allowing early access to pension funds in certain limited circumstances. That would enable people to deal with major issues in their lives.

I look forward to having a constructive debate with the Minister. We will propose a set of amendments on Committee Stage with a view to improving the Bill. That is ultimately what we want to do. I look forward to debating each amendment with the Minister in the weeks ahead.

**Deputy Pearse Doherty:** I would like to pick up on what Deputy McGrath has just said about allowing people to access their pension pots. I know it is a controversial issue. People who want to pay off loans or are in negative equity have already contributed to the recapitalisation of the banks. The banks should be writing down the loans that such people have, particularly if they are in serious negative equity or are not in a position to make loan repayments. I note, in the context of what Deputy McGrath said about the lobbying of the Minister, that the Bill before the House contains a provision that will allow individuals to tap into their private mortgages or private pension pots.

However, they may only do so in accordance with strict criteria and the measure is designed for those employed in the public sector who have a pension pot which will have a final value in excess of €2.3 million. The purpose of this is to avoid the excessive surcharge. I am interested in learning, perhaps on Committee Stage, who lobbied the Minister on this matter and the reason for their success in having this provision written into the Finance Bill. I can guess which section of the public lobbied the Minister, namely, individuals who, on the basis of the estimated pension value of €2.3 million, would have an annual pension in excess of €100,000. I hope the Minister will elucidate the House on the matter and Deputies will not be compelled to go through freedom of information challenges to elicit the information we seek.

In two weeks, Fine Gael and the Labour Party will have been in government for a full year. The past year will be remembered as a year of missed opportunities and broken promises. After all the promises of the election campaign, which was in full flow this time last year, and all the detailed commitments outlined in the programme for Government, the first 12 months of this coalition will be remembered not for what it achieved but for how badly it disappointed. Possibly the greatest disappointment, one felt by hundreds of thousands of people, is how little different this Government is from its predecessors. Despite all the promises of change and the

lofty rhetoric of a democratic revolution, the hallmark of Fine Gael and the Labour Party's first year in office is continuity with the past.

Where the Fianna Fáil Party cut, this Fine Gael and Labour Party Government cut deeper. Where the Fianna Fáil Party wasted billions of euro of taxpayers' money on bailing out toxic private banks, this Fine Gael and Labour Party Government threw good money after bad, to the tune of €21.3 billion in the past 12 months. Where the Fianna Fáil Party buckled under the pressure of the European Central Bank and combined weight of France and Germany, this Fine Gael and Labour Party Government buckled quicker. Where the Fianna Fáil Party provided well paid jobs for the boys and excessive allowances for themselves, Fine Gael and the Labour Party have followed suit, breaching their own pay cap rules on ministerial advisers and awarding junior Ministers additional allowances.

Twelve months on and where are we? Unemployment remains at historical highs, with 439,600 on the live register at the end of January. Every month, 6,000 people are leaving our shores in search of work. More than 100,000 families are in serious mortgage distress and poverty and inequality have increased to levels not seen in decades. Our schools and hospitals are in crisis and our community services are under daily attack. One could not fault someone for asking whether a general election really took place this time last year, Fianna Fáil really left office or anything has actually changed. Judging by the detail of the Finance Bill before us, the answer to these questions is a categorical "No".

Some of the measures contained in the Bill are to be welcomed, including increases in capital gains tax and acquisitions tax and the removal of 300,000 from the universal social charge net. These are outcomes which Sinn Féin campaigned long and hard to achieve. However, the question must be asked as to why the Government did not go further with these proposals. As I stated previously, this is a Bill of which Charlie McCreevy would be proud. It rewards the rich and punishes the vast majority of low and middle income earners. On the one hand, it heaps extra charges and taxes on families already unable to cope with the financial pressure of rising debt and falling incomes while, on the other, it rewards high earners from overseas with generous tax breaks without any requirement to create a single job.

This is a bad Bill which seeks to enact in law the bad decisions announced in last December's budget. It will make life harder for the great majority of people and drive the domestic economy further into recession. It will do little or nothing to create jobs or fuel domestic demand and will damage families and society for years to come. As in the old days under Bertie Ahern and Brian Cowen, this is a Finance Bill for two Irelands. There is an Ireland inhabited by the unemployed, under-employed, working poor and struggling low and middle income earners which is asking what is in the Finance Bill for them. The Minister's failure to abolish the universal social charge has left more than 200,000 low paid, working poor families in the income tax net. Some of these workers earn little more than €193 per week, yet the Government, like its predecessors, believes it is better to tax them rather than high earners. The hike in VAT is as damaging to the well-being of low income families as it is to the hundreds of thousands of small and medium sized businesses which rely on the spending power of the majority to stay in business.

Today the Central Statistics Office released the findings of its quarterly national household survey pilot module, the details of which make for sobering reading. It found that more than half of households have cut back their spending on groceries, almost two thirds of households have cut back on clothing and footwear and one fifth of households have delayed or missed paying bills to meet payments on basic goods and services. What is the response of the Government? It is to increase VAT, which will further reduce the disposable income of these struggling families. At a time when retail sales continue to decline and domestic demand remains in

[Deputy Pearse Doherty.]

recession, the Government's commitment to this decision defies not only logic but any sense of social justice. The list continues. The increase in carbon tax charges is pushing low income families further into fuel poverty, while reductions in tax credits for third level fees make it more expensive for parents to send their children to university.

One of the worst legacies of the final years of the previous Fianna Fáil led Government has been the grossly unfair impact of tax increases, as demonstrated by figures released recently by the Revenue Commissioners. What have Fine Gael and the Labour Party done to redress this imbalance? Have they used the opportunity of the Finance Bill to address this inequity? Not only have they left this grossly unequal tax regime in place, they have made it worse by heaping extra charges and stealth taxes on those already overburdened by the bad decisions of the previous Government.

Let us take a comparison of the position in 2010 and the position in 2011. A family earning between €17,000 and €20,000 per annum saw its tax bill shoot up by 215% in 2011, an extra €205 per annum in lost income. A family earning between €20,000 and €30,000 per annum saw its tax burden increase by 36% or an extra €263 per annum in lost income. A family earning between €30,000 and €40,000 per annum saw its tax burden increase by 23% or an additional €1,000 per annum in lost income. When one compares these stark facts with the manner in which the previous Government treated the very wealthy — through measures the current Government has chosen to leave in place — one finds that in 2011 a family earning more than €100,000 per annum saw its tax bill increase by a mere 6.3%, while a family earning more than €400,000 saw its tax bill increase by a mere 1.1%. Worse, a family on an annual income of more than €2 million saw its tax bill decrease by 0.3%, leaving it a staggering €10,000 per annum better off as a result of Fianna Fáil's final budget.

This trend will continue into 2012 and beyond because of the failure of Fine Gael and the Labour Party to undo the damage done by their predecessors. Like Fianna Fáil before them, Fine Gael and the Labour Party are content to run an economy that rewards the super wealthy and punishes low and middle income families. Perhaps the Minister is hoping that we on the Opposition benches have short memories and will not remember what he said in January last year when the Fianna Fáil Party in government introduced its final Finance Bill. In criticising his predecessor the Minister, who was the Opposition spokesperson on finance, stated the Finance Bill would "have a severe impact on the most vulnerable in society." He added that if he were in government, each measure proposed would be "examined and politically, socially and economically proofed so that the social consequences of each proposal are known and we do not enter blindly into proposals that would hurt many vulnerable people." Has the Minister proofed each of the proposals contained in his Finance Bill?

Does he know the social consequences of the measures outlined above, particularly for those struggling every day just to put food on the table or clothes on their children's backs, or to cover their rent or mortgage bill at the end of the month? If the Minister has done what he stated he would do this time last year, he has an obligation to share that analysis with us in this House during the course of this debate as part of his efforts to justify the measures contained in this Bill.

What of the Minister's coalition partners, the Labour Party? What did Deputy Burton have to say in January 2011 about the previous Finance Bill? Then finance spokesperson, the Minister for Social Protection, Deputy Burton, stated that "the swathe of new taxes and extra burdens on families that run through this Finance Bill leaves a very sour taste in the mouth". She went on to state: "the people rightly feel in their bones that all the revenue they raise will add nothing of value to the State but disappear into the black hole created by the banking bailout and the payments of the Fitzpatrick-Fingleton and NAMA debts". The swathe of new

taxes and extra burdens on families introduced by her Government this year will raise €1 billion in taxes in 2012, and yet in the same year the Government plans to give €3.1 billion to Mr. Seánie FitzPatrick's Anglo Irish Bank while presiding over NAMA, which is costing the taxpayers €1 million every day. Would people be wrong to feel once again in their bones that this extra revenue will disappear into the black hole that is the Anglo Irish Bank?

Deputy Burton also used her Finance Bill speech last year to make the case for progressive taxation, stating that “everyone should pay their fair share”, and criticised Fianna Fáil's proposals for containing “the distortions that diminish progressive taxation and even exacerbate some of them further”, and yet a mere 12 months later, here she is supporting a budget that heaps extra taxes on struggling low and middle-income families while reducing the tax burden on the super-rich.

It gets worse. The most outrageous proposal in this Finance Bill is the special assignee relief programme. It allows companies to bring in highly paid individuals from outside the State and have those individuals' tax liability on earnings between €75,000 and €500,000 written off by 30%. This is the equivalent of approximately €127,500 tax free for the high earners of this bracket. Over the five years of the period this benefit is allowed, an individual could earn up to €635,000 tax free. What have we learned from the past? We learned that when Fianna Fáil was faced with a problem in the economy, its instinctive reaction was to cobble together a tax break — we all know the mess that we ended up with as a result — and yet the Fine Gael and Labour coalition is concocting the same madcap schemes offering tax incentives to high earners from other states to come work in this country to receive massive tax breaks without any guarantee that a single job will be created in return. When I raised this last week, the Minister urged me to read the Bill. In spinning with the media, he stated that this was research and development and job creation focused, that I had not read the Bill, and that I should read it again. I had read the Bill and I have re-read it a number of times. It is clear there is no requirement to produce a single job on those who will avail of this tax break. Worse than this, as has been mentioned, companies could abuse this tax break in seeking to downsize their Irish operations which would result in job losses. The Minister needs to be honest with the public. This is not, as Deputy Burton said to me when I questioned her in the House last Thursday last, about each such individual who avails of this being required to create 30 jobs. There is no such requirement in the legislation. Perhaps in some ministerial fantasy that is what we would like to see, and I would support that if it were to happen, but that is not what is in legislation.

What did the Government base this tax break on? Fianna Fáil, in welcoming this tax break, would like it tweaked and cited that other countries have such tax breaks. They cited Spain, for example, which has this tax break. It is called the Beckham rule, named after Mr. David Beckham. Of the 500 persons who availed of the tax break in Spain, 340 of them are professional footballers. They are hardly renowned for their job creating skills in that country and that is why Spain has brought in legislation to change the rule.

It is an abuse of and an affront to those who are struggling to pay a raft of new taxes that we are addressing a measure that will allow an individual who comes to this country to earn €635,000 tax free over a five-year period. It is unbelievable that the Minister got away with introducing such a measure, given that the Labour Party, has, or at least had, some social conscience.

The Finance Bill also includes various proposals demanded by the property investment lobbies such as a reduction in stamp duty for commercial property transactions and exemptions from stamp duty for property transfers between offshore investors.

Then there is the proposal to impose a 5% levy on income sheltered by property reliefs. Last year, during the Finance Bill debate, Deputy Burton criticised the Government for succumbing

[Deputy Pearse Doherty.]

to the pressure from the developers' lobby and kicking the property tax reliefs issue down the road for another year. This year, now that Labour is in Government, are we seeing the end to these symbols of all that was wrong with Fianna Fáil's approach to economic policy? Unfortunately, the Labour Party is not honouring its election manifesto pledge to:

[P]rioritise the elimination of unnecessary tax expenditures, as we have been proposing for many years ... [including] the legacy property reliefs[.]

Once again, Fine Gael has got its way. The reliefs remain and will be subject to a mere 5% tax, and only on incomes of more than €100,000 per year. This means that an individual with an income of €90,000 per year——

**Deputy Richard Boyd Barrett:** For example, a TD.

**Deputy Pearse Doherty:** For example, a TD.

**Deputy Michael Noonan:** A TD from Dún Laoghaire.

**Deputy Pearse Doherty:** An individual on approximately nine times what a person on social welfare gets per year, who signed up to some of these section 23 reliefs and is able to avail of these legacy property tax reliefs will be able to continue to avail of them. After all the bluster we got from Fine Gael and the Labour Party in Opposition, this is what they have mustered up. Even a Minister of State earning in excess of €100,000 will pay only 5% on such money that is sheltered. It is appalling to allow individual high earners continue to avail of these schemes at this point in time when the Minister and every other Minister tells us the country is broke. Everyone has to take a hit, but the person earning €90,000 with these tax reliefs will be able to avoid paying tax on that amount. It is staggering and breathtaking.

I want to spend some of my remaining time outlining some of the choices the Minister could have taken but decided not to. I also want to signal that my party intends to bring forward a number of amendments on Committee Stage aimed not at grandstanding or political points scoring, but at giving the Minister the choices the Government seems to have failed to offer itself. Our amendments will be constructive and credible and will be designed to create a Finance Bill that is progressive.

We in Sinn Féin, have long argued for real reform of the tax system. Such a programme of reform would aim to increase the tax take as a percentage of GDP towards the 35% mark, an objective shared by the previous Government and by this Government. Crucially, we would do so in a way that ensures those most able to pay would pay their fair share. Sinn Féin is the fair tax party. Taxing the very wealthy during the boom would have left the State with the resources it needed to cope during the bust. Instead, Fianna Fáil broke the tax system. The opportunities to correct Fianna Fáil policy have been ignored by Fine Gael and Labour. Sinn Féin's proposals would see a reduced tax burden for those on low and middle incomes, increased taxes for those who can afford them, and the closing of loopholes which are still used to avoid paying tax. The point at which one can close a deficit through taxation and not deflate the economy is sensitive, and the only way to reach it correctly is by targeting tax from those who can afford to pay it. Taxing those already struggling redirects their diminishing disposable income away from essential services in the community and contributes to the economic contraction, job losses and human suffering. Rather than the half measure to be implemented in this Finance Bill, Sinn Féin would take all of the 500,000 people affected by the universal social charge out of the income tax net. Effective tax rates according to our proposals are 45.4% on income between €100,000 and €175,000 and 51% on income in excess of €175,000.

In the longer-term, Sinn Féin wants to see a move away from indirect and consumption taxation, which disproportionately hits low-earners. An Irish Congress of Trade Unions study in 2010 showed that for every €100 paid in income tax, a further €147 is paid by everyone, including children, on spending taxes. These spending taxes are not progressive but income tax and wealth taxes are.

Government backbenchers often demand where Sinn Féin would get the revenue to fund our spending programmes. If they had bothered to read our pre-budget submission published last November they would know the answer. Our combined tax reform proposals would have brought in a net total €3.263 billion in 2012. We would introduce a new third rate of tax of 48% on income in excess of €100,000, raising €410 million. We would adjust PRSI exemptions for share options, share-based remuneration and capital gains, raising €97 million. We would introduce a wealth tax of 1% on all assets in excess of €1 million, excluding working farmland, business assets and the first 20% of value of primary residences worth in excess of €1 million, raising up to €800 million. Our proposed changes to capital gains tax and capitals acquisitions tax regimes would raise an additional €360 million.

Sinn Féin would also make substantial changes to the excessive tax reliefs introduced by Fianna Fáil and supported by Fine Gael and Labour. We would place an earnings cap of €80,000 on pension contributions and grant relief at 20%, raising €550 million. We would abolish the ability of incorporated bodies to claim trading losses against profits made in previous years for tax return purposes. This once-off measure should save over €100 million in the year it is introduced. We would halve mortgage interest relief for landlords while simultaneously looking at proposals to cap rents so that landlords cannot pass rent increases onto their tenants. Where there is genuine hardship for landlords, this should be dealt with through measures other than interest relief. In 2013 this measure on its complete abolition would save the State another €385 million.

We would standardise all discretionary tax reliefs, excluding donations to charity, raising €628.3 million. We would abolish group relief availed of by companies to transfer losses to profitable companies and write down tax receipts, raising €450.3 million. Unlike Labour, we would keep our word and abolish legacy property reliefs, raising €341.8 million.

These are just some of the headline taxation measures contained in our pre-budget submission that would generate a significant portion of the revenue required to invest in jobs and services while assisting in reducing the deficit. Our proposals are fair, sustainable and credible. Crucially, they avoid all of the inequalities inherent in the proposals contained in the Finance Bill.

I will conclude by quoting the Minister for Social Protection, Deputy Joan Burton, which I like doing because I like to remind her——

**Acting Chairman (Deputy Peter Mathews):** The Deputy has five minutes remaining.

**Deputy Pearse Doherty:** Her quote is not that long. I like to remind her of what she said because it is disingenuous for politicians to change their views when they get into their ministerial cars. In the concluding remarks of her speech on the Finance Bill 2011, Deputy Burton made an important observation and outlined what was probably the most damning criticism of the pro-austerity and anti-growth approach of the Fianna Fáil-Green Party coalition:

The central charge against this style of austerity politics is that it hinders the essential need to foster growth. Austerity as the sole component of policy is the naked triumph of ideology over economic pragmatism. The public who must endure falling living standards, higher taxes

[Deputy Pearse Doherty.]

and rising unemployment rates may well be sceptical that there is any prospect of growth... The economy is desperately vulnerable and fragile.

Deputy Burton called for an end to the “tired old mantras, namely, that there is no alternative”. She called for “a plan B”. The words of the current Minister for Social Protection were true in 2011 and they are even truer today. There has never been a greater need for an end to the old mantras and for a new approach. Unfortunately, it is not contained in this Finance Bill or the budget that preceded it.

**Deputy Richard Boyd Barrett:** I propose to share time with Deputies Healy and Catherine Murphy. This Bill and the jobs plan, which will be discussed later in the week, will do virtually nothing to achieve the Government’s stated objective of creating jobs, certainly not on the enormous scale needed to deal with the massive unemployment and emigration crises blighting our society. At best, this is a scattergun approach with paltry, technical, minor measures that purport to stimulate the economy but will make no difference. In so far as there is any substance to it, the legislation is utterly misguided, driven by precisely the failed ideology and doctrine that got us into this mess.

The Bill indicates that the addiction of the political establishment in this country has failed, neoliberal economic doctrines continue to be as strong as ever. That we have changed from the A team of the Irish political establishment, Fianna Fáil, to the B team, Fine Gael, has changed nothing. The policies remain the same. The context in which this Bill is published, with the Government making a song and dance about its aspirations and objectives for jobs and to stimulate the economy, is that money that could be used to stimulate the economy and create jobs is being poured into the vaults of banks, bondholders and speculators in Europe who caused the crisis, leaving us with an intolerable debt burden that is crippling the economy. This is being paid for by vicious austerity, which is causing immense suffering for the ordinary working people in this country and which is also further damaging, crippling and suffocating the economy.

I was going to say that this Bill is a classic example of whistling against the wind but it is more accurate to say it is an example of whistling in the face of a gale force storm wrecking everything in its path. It is delusional to suggest the Bill can contribute in any significant or substantial way to creating jobs. We do not want to be prophets of doom but we must face reality. How many announcements of jobs initiatives, jobs proposals and jobs plans have we had over the past year? It all sounds good and, for a day or two, maybe people think some improvement will occur. However, the facts quickly contradict these claims.

The most recent set of facts comes from the CSO for the third quarter of last year. The Government cannot blame the previous Government for that because it took place after the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, first announced his jobs initiative. In that quarter, 20,500 jobs net were lost, with 4,000 lost in the previous quarter. There was an acceleration of net job destruction in the third quarter of last year after the new Government announced the first of its job initiatives. That is indicative of the reality of its job strategy. It is failing disastrously and the Bill does nothing to change direction.

In many ways what is in this Bill is less important than what is not in it. Deputy Doherty alluded to what should be in it when he referred to the figures published by the CSO at the weekend. They showed who has paid the price for austerity in terms of increased taxes over the past year or two. It is overwhelmingly low and middle-income earners who have been slaughtered unfairly while the wealthy in our society got away almost scot free. In some cases they have done better and have been protected. This Bill does nothing to address that injustice. It is not just an injustice, it is damaging the economy because when ordinary people are crippled

with the level of austerity and taxes being imposed on them, they have no money in their pockets to spend and the small businesses that Government claims to support and wants to promote suffer, go out of business and shed more jobs, and the downward spiral continues.

If we were to ask what should have been in the Bill and what is not, it would be worth starting by trying to remind ourselves what caused the current economic crisis in the first place. It is the worst economic crisis the State has ever seen and the worst across Europe since the 1920s or 1930s. Nobody could dispute what caused it: at times even the Minister has acknowledged it in the House. The economic crisis we are facing was caused by a culture of greed and speculation by financial markets, bankers and corporate elites. That culture was incentivised by obscenely high salaries, inadequate taxes on the financial sector and markets, by allowing sectors of the economy as important as banking to become casinos where profit was the only god and property-based tax incentives in this country.

One would think if that was the reason we had a crisis we would want to change all those things, end the culture of obscenely high salaries for corporate executives and impose higher taxes on the financial markets in order to rein them in, control them and ensure some benefit was derived for the economy. One would want to make sure new sectors of the economy were not turned into casinos the way the banking sector was and do away with the property-based tax incentives that might fuel another bubble like that which ruined this economy.

However, the Minister is doing the exact opposite. His answer to the economic crisis is to give more incentives and tax breaks to corporate high-fliers and executives earning obscenely high salaries. He is giving more tax breaks to multinational companies to lure in what is essentially tax piracy. Losses made elsewhere can be declared by multinationals in Ireland and written off against tax. Companies will pay less tax here and the 12.5% corporate tax rate extends to dividends made outside Europe. It is bad enough that we have low corporate taxes here but the Minister now wants to give more tax breaks to multinationals.

He wants to turn carbon trading, which is supposed to be about safeguarding our environment, into a casino and provide incentives like those provided to the banking sector by the previous Government. He wants self-assessment of all tax by 2013, which is a recipe for more tax avoidance. I cannot believe it. Meanwhile, he increased VAT on goods, services and small businesses, the very sector he is supposed to be helping, by 2% which will do further damage to struggling domestic sector.

It is more of the same. It is about protecting, incentivising and rewarding the rich while attacking the poor. It continues injustice and the downward economic spiral. The Minister should stop it.

**Deputy Michael Noonan:** Are you for anything?

**Deputy Seamus Healy:** The Bill is one of the main tools of Government policy to implement austerity, which is not working and has been a total failure. It is implementing a policy of job destruction which has been the policy of the Government since it came to power just 12 months ago. It is a completely missed opportunity and a litany of broken promises.

It is worthwhile reminding ourselves what those promises were. Some 12 months ago, Fine Gael and Labour Party canvassers knocked on doors and promised that not another red cent would be put into the banks, the bondholders would be burned, it would be Labour's way not Frankfurt's way and that the weak and vulnerable would be protected by the Government. As we all know, it came in and took on the clothes of Fianna Fáil and began to implement the same policies as the last Government.

[Deputy Seamus Healy.]

That is what the Bill is about, namely implementing austerity and job destruction. It is about making low and middle-income families pay for a recession which they had no hand, act or part in creating. Families have been described as the coping classes and squeezed middle in recent days and months. Such people are being targeted while the very wealthy in this country do not pay their fair share of taxation and get off almost scot free.

The Bill implements a situation whereby we will extract a further €3.8 billion from the economy this year, on top of approximately €16 billion up to now and a further €8 billion or €9 billion over the next three years. This creates a downward cycle of recession, takes money out of the pockets of families and individuals, closes shops on main streets all over the country and throws workers on the dole queues.

What has happened to job creation and dole queues over the past 12 months since the Government came into power? CSO figures state that between the date the Government came to power and 30 September 2011, 24,600 jobs were lost. When the figures are released for 31 December unfortunately they will have increased. This is a job destruction rather than a job creation Government. There are 450,000 people on the live register and approximately 200 people emigrate each day.

This is a Government which is making ordinary low and middle-income families, the working poor, pay for a recession which they had no hand, act or part in creating. It could be so different. The Government had choices. The only way out of the current crisis is to generate real economic activity and create jobs. A policy of austerity has been a disaster for people and a total failure.

The Government could have targeted the very wealthy in the country. The Bill should have introduced an asset tax on the wealthy. It would be possible to raise €10 billion with very minor taxes on the very wealthy. There should be increases in the effective tax rate on those earning over €100,000 per annum. Some €5 billion could be collected under that heading. We should also have effective taxation of tax exiles.

Unless we go down this road, ordinary people in low and middle income families will continue to be targeted, squeezed and devastated by the policies of this Government. Figures from independent analysts, including Credit Suisse and the Central Statistics Office, tell us clearly that the wealthiest 5% of people in this country own 46.8% of the wealth and that the same 5% of people made an additional €45 billion in 2009 and 2010 in the teeth of the recession. When ordinary people were being devastated by cutbacks, pay reductions and job losses, the 5% super-wealthy made an additional €46 billion while not paying a cent in assets or wealth taxes. These people should be taxed and a target of €10 billion should be set for taxation under this heading. The net wealth of this group amounts to €219.3 billion. If taxes amounting to €10 billion were levied, it would still leave them hugely wealthy.

There is no doubt these people are not paying their fair share and they should be made to pay it. If anyone in this House is listening to the public, they know the vast majority of ordinary people are saying what I am saying now, that they are paying through the nose while the very wealthy are not paying their share and should be made to do so.

There is a great opportunity to tax high earners. Figures from the Revenue Commissioners show that the highest paid 10,677 individuals, 0.5% of earners, earned €6.01 billion, or 7.33% of all income, an average of €563,000 per year. They paid €1.738 billion in income tax, a rate of 29%, leaving them with after tax income of €4.27 billion, an average of €400,000 per head. The opportunity exists if the political will exists to increase the tax take from these extremely wealthy individuals who are not paying their fair share. These two proposals would make €15 billion potentially available through taxation. This Government and the last Government had

that choice and neither of them was prepared to take it, being prepared to make ordinary people pay for a recession they had no hand, act or part in creating while the very wealthy get away scot free.

Many of the very people responsible for the recession, the bankers, bondholders, accountants, lawyers and solicitors who were part and parcel of its creation, are now being funded through NAMA, employed by the agency while being paid in excess of €200,000 to manage their portfolios. They are employed as solicitors, accountants and valuers through NAMA. These very people who were the main drivers of the recession are now being thanked by being funded through NAMA. It is time the Government targeted people with real wealth and ensured they are taxed fairly and properly while ordinary people get their fair share.

**Deputy Catherine Murphy:** Before the budget, the Minister said his object was that people would say at least it was fair. People sometimes confuse “fair” and “more equal”. I want a more equal society, which might be a different concept from the Minister’s. There will never be a perfectly equal society but I would like to see a more equal society.

During the so-called “boom” years, the bankers and others who ran our economy into the ground said they would not get out of bed for less than €700,000. The one thing that is clear is that preceding every crash there is great inequality. I was hoping the budget would not create further inequality in society but looking at the winners and losers in the equality stakes in the budget, the group most at risk of poverty, single parent households, was worst affected. That is unacceptable. There will be a price to pay for that and there will be growing numbers of families in that category as people try to deal with the stresses caused by this recession, with marriages and relationships breaking up as a consequence. I would have preferred a more equal outcome from the budget.

Every one of us knows we must grow our way out of this awful situation. That cannot be done without creating jobs and growing the economy so we can cope with the deficit. I do not see, with the range of different measures that have been proposed, any serious initiative to invest in economic growth. Some of the pre-budget submissions, such as the submission by TASC, spoke of introducing €1.2 billion per year each year from the National Pensions Reserve Fund into initiatives such as next generation broadband and natural resources where there would be a return for the money but there would be large numbers of people back at work and we would be building a more sustainable future. It is a missed opportunity not just for the country but for those who will be languishing on the dole while not contributing to the economy or society.

The Nordic models are sustainable and they are also the most equal societies, with good outcomes economically, socially and in health. There is compelling evidence that those countries have created a good model. We met the troika a month ago and its representatives spoke about the numbers who are now unemployed and the level of upskilling needed by that group. Large amounts of money are needed for training and education. We are going backwards now, with many people in long-term unemployment. Without an initiative in the economy like that proposed by TASC, based on the productive use of the National Pensions Reserve Fund, I cannot see how we will achieve that. The approach seems to involve foreign direct investment as a primary focus for growing jobs. Small and medium enterprises very much comprise the poor relation in this regard. In this sector, there are more purchases of raw materials than elsewhere and more money is retained in the domestic economy. The focus ought to be rebalanced if we are to have a valuable return in this area. People raise these issues with me every week, as they do with every Deputy. Some believe the problem is associated entirely with mortgage debt and not being able to obtain medical cards, but there are those with ideas asking where they should go to obtain certain services. It is not very obvious where one should

[Deputy Catherine Murphy.]

go. There are people with good ideas whose feet are on the bottom of the ladder and who are trying to move up. Although we will be talking about the jobs initiative later in the week, much more could be done in this area. The return would be very good.

The provision in the budget on mortgage interest relief was a help for a particular cohort. There is no doubt some people who are really struggling with very large monthly mortgages will be helped. I am concerned, however, that we do not consider this issue in its totality. People of a particular generation often have young children and incur child care costs if they are lucky to have work. They should be at their most productive time in their lives. In terms of the lack of an initiative the Government feels it can take on the banks we own and reducing interest rates, and the household charge which does not exempt people in certain categories, the Government is giving with one hand and taking back with the other. There has to be some way to debt-proof some of the initiatives so we look at this in its totality.

We should stop calling the carbon tax a carbon tax. It is not one and I am sure the Minister knows this. If it were such a tax, it would be ring-fenced and used to retrofit houses and reduce dependency on carbon through the use of alternative energies. The increases have a disproportionate impact on those who are struggling most, for example, those who will no longer receive the fuel allowance and who will thus have to foot their fuel bills for an extra five or six weeks per year. The carbon tax revenue is not ring fenced. It is purely an excise tax. Unless we ring fence the revenue and spend the money in a different way, we will have no right to call the tax a carbon tax. There was to be significant job creation associated with retrofitting. I acknowledge that some retrofitting is being done but we are being dishonest with people if we call the carbon tax a carbon tax.

With regard to the incentive for high-fliers to come to Ireland, I regret the relief in this regard is not targeted. The principle is wrong. A person from a big multinational who arrived here last year could be doing exactly the same job as another person who was encouraged to come here, yet the former would be paying a very different amount of tax than the latter. This is but one example. It would be very useful to see a cost-benefit analysis, such as one by the IDA, on demand for the change in question.

It is regrettable that the tax relief for those paying fees is to be reduced. If we are to encourage people to engage in lifelong learning and upgrade their skills, we must incentivise them. The reduction in tax relief for those paying less than €2,250 for a full-time course and €1,125 for a part-time course is regrettable. If we are to have a knowledge economy, we must approach people to invest in up-skilling. The reduction in the relief was not necessary.

Debate adjourned.

## Private Members Business

---

### Stroke Services

**Deputy Maureen O’Sullivan:** I move:

That Dáil Éireann, in recognising the findings of the Irish Heart Foundation’s report entitled “Cost of Stroke in Ireland: Estimating the annual economic cost of stroke and transient ischaemic attack (TIA) in Ireland”:

- acknowledges that in Ireland approximately 10,000 people per year will suffer a stroke which, at a cost of over 2,000 lives annually, makes stroke Ireland’s third largest killer;

- accepts that in the region of 50,000 people throughout Ireland are living with a disability attained through stroke and that stroke is the biggest cause of acquired disability in Ireland;
- finds it to be of grave concern that the lack of prioritisation of rehabilitation services for stroke survivors to date has created, and continues to create, an unnecessary barrier to the achievement of better outcomes for as many of those affected by stroke as possible, thereby limiting the life opportunities of many of those affected; and
- is strongly committed to front-loading investment in stroke prevention and rehabilitation services to improve the quality of life of those affected by stroke and, as a significant by-product, address a situation whereby €414 million of the total €557 million in annual Exchequer spending on stroke goes towards nursing home care for the 1 in 6 nursing home patients who are survivors of stroke; and

calls on the Government to:

- develop forthwith an implementation plan based on the recommendations of the National Policy and Strategy for the Provision of Neuro-Rehabilitation Services;
- actively develop a multidisciplinary rehabilitation network to include teams throughout the country who would provide specialist supports to stroke survivors and persons with neurological conditions;
- place community rehabilitation and an aspiration towards independent living at the very heart of its stroke-related policies to ensure connectedness and quality of life for stroke survivors and their families; and
- proactively, creatively and realistically address the causes and implications of this silent killer.

I am sharing time.

I acknowledge the work of the Irish Heart Foundation on prevention, public awareness and input into the way forward. The way forward is being covered in this motion, which has been tabled by the members of the Technical Group.

From having listened to various experts, including medical experts, and those who have had strokes, I note it is vital that there be immediate intervention. Those who have strokes and their carers must be able to gain access to a range of services in and after they leave hospital, including services such as physiotherapy, speech and language therapy, occupational therapy and nutritional services. The key, apart from speedy availability of services, is for the services to be community-based.

I am told there are stroke survivors who do not have access to the rehabilitation services they need. This is not to take from the great work and services offered by various professionals, including medical, nursing and therapeutical professionals, to stroke survivors. They have allowed the victims to recover and resume their lives. In many cases, they live full lives after having a stroke.

There is sadness among those who would not be so incapacitated had more services been available and had more been done. The frustration among those needlessly disabled by stroke over not being able to communicate, move freely or attend to their hygiene needs and the feeling of being a burden on their loved ones are compounded by the realisation that they

[Deputy Maureen O'Sullivan.]

would not be in such circumstances had they received a certain drug, physiotherapy, occupational therapy or speech therapy more quickly.

The ESRI tells us the direct annual cost of stroke is up to €557 million, of which as much as €414 million is spent on nursing home care. Just €7 million is spent on community rehabilitation services that would keep Ireland's stroke survivors, numbering approximately 50,000, largely at home. I acknowledge the plans to do this but it is a question of direct action.

With regard to immediate intervention when someone suffers a stroke, stroke units and the thrombolytic clot-busting drug ought to be more widely available. This would reduce the number of deaths and the number who suffer from permanent severe disability by at least 750 per year. Economically, the saving through the reduced need for nursing home places would amount to some €230 million. We could imagine an injection of funding for the stroke units and the wider availability of the drug, and the effect on the number with permanent severe disability. It must be heartbreaking for those who were not able to avail of the drug, for whatever reason.

It requires saying "stop" and not investing vast amounts in the one area. Instead, we must invest money where it can do the most to prevent the worsening of circumstances for stroke victims.

We are told stroke is the biggest single cause of severe disability. Multiple sclerosis and motor neurone disease, which do so much damage in impairing one's ability to function, have in common with stroke the fact that they rob the person of his or her dignity and make him or her dependent on others for practically everything. They erode one's quality of life.

Some 10,000 people will suffer from stroke in Ireland this year. It is Ireland's third biggest killer, with some 2,000 lives lost every year.

It is also the biggest case of acquired disability and there are horrific numbers of people living with disability as a result of stroke.

In 2008, the Irish Heart Foundation undertook an audit which showed what people experienced after a stroke. Almost half had a weakness on one side of the body, 22% were unable to walk and one third had a cognitive impairment. More than half needed assistance with activities associated with normal daily life. Those are frightening statistics, particularly as some of that number need not be as disabled as they are had the necessary services been in place. Many people who suffer stroke also suffer from depression because of the frustration that stroke brings and the way in which people can be isolated because of suffering stroke.

There is a need to prioritise what needs to be done, as well as creating a proper rehabilitation network with the necessary multidisciplinary supports in place. I support the Irish Heart Foundation's call for stroke rehabilitation research to be conducted more regularly in order that health gains and economic savings can be made. Rehabilitation services, like services for those with mental health issues, need to be community based. Everyone who suffers stroke should have access as soon as possible to the appropriate service and the necessary specialised short-term and longer-term rehabilitation in hospital or in the community.

Stroke survivors require different levels of therapy and support at various stages of their journey. In the immediate aftermath of the stroke, they need acute rehab in hospital and appropriate rehab in the community later. It is horrifying to learn that some stroke survivors in nursing homes often have no access to therapists. After 11 months in office, the new coalition Government is saying that great strides are being made and that care is being provided for

stroke sufferers, but I can guarantee that right now, somewhere there are stroke victims who are not in receipt of those services or did not get the services they needed at the initial stages.

When I spoke on the disability issue last week, I referred to the matter of access. I wanted to acknowledge the progress that has been made in providing better access to those with a disability, including stroke survivors. We know there have been improvements in venues such as cinemas and theatres. Local authorities have been proactive on this matter but there is a need for a speedier resolution when someone suffers a stroke and their mobility is severely impaired, particularly if they live in local authority houses of flats without proper access.

The 2008 national audit makes for grim reading in stating that acute rehab was only available for one in four patients or was delayed to a point at which it was not as effective as it could have been if it had been made available sooner. Continuing care and long-term recovery programmes were haphazardly organised. In addition, so much in terms of care and delivery depended on location, chance and circumstances which meant avoidable and unduly prolonged disability. That was in 2008, but a new audit is needed now because ongoing auditing could identify the scale of the deficit, identify the gaps and set about narrowing them.

Everyone agrees that community rehabilitation would improve the outcomes for survivors and, in purely economic terms, would reduce the financial implications for the State. We know what is needed: supported discharge, community rehab and home care supports, as well as access to required services, including occupational therapy, physio, speech and language. Those elements would increase the survivors' ability to live independently. They would also reduce the number of stroke patients in nursing homes, which can only have a positive effect on their quality of life.

I have examined what is happening in Britain where, up to three years ago, there was a lot of anger at the poor level of services there. Up to then, stroke survivors described it as falling into a black hole between hospital discharge and community-based care. In Britain now, stroke has a higher priority in the health service than ever before. One stroke prevention and action project in Hull provided intensive support to assist people in making the lifestyle changes necessary to reduce the risk of further stroke. That involved one-to-one sessions in people's homes, including looking at risk factors, going into the necessary lifestyle changes such as giving up smoking, and eating more healthily. That personal focus on people's individual lives had a very beneficial effect.

The Hull project also featured a weekly healthy lifestyle course which examined how even small changes can make a difference. Another aspect was prompt treatment for people with minor stroke or TIA, which reduced the risk of a major stroke. Various studies in Britain and elsewhere abroad have recommended specialist assessment within 24 hours for TIA patients at high risk of a major stroke. All such studies say that being seen promptly means patients are more motivated to make the lifestyle changes that could cut the risk of a further stroke.

Another study in Britain completely reorganised stroke services at one London hospital, which saved lives. It improved outcomes within that hospital where strong links were developed between clinical staff and the stroke research team. It showed that when research is undertaken, the units carrying it out have better patient outcomes.

A hospital in Wales created a stroke unit from scratch and the only extra funding required was to create the post of a specialist stroke nurse. Everything else came from reorganising the existing services. There was better teamwork between accident and emergency, hospital management, consultant physicians and the ambulance crew. The unit also included a fast-tracking system within the hospital.

Another hospital developed an information strategy to ensure people with stroke, and their carers, got the information they needed. They produced a handbook entitled *Living With*

[Deputy Maureen O'Sullivan.]

Stroke. Communications support groups were set up, particularly for young people. The public perception is that stroke only afflicts older people, while one quarter of all strokes in Britain, for example, happen to younger people.

In Britain, there is a dedicated helpline for those who suspect they are having a stroke or someone they know is having a stroke. The helpline helps them to identify factors such as facial weakness, arm weakness and speech problems.

We should try to imagine an ambulance being called for someone who has collapsed. The ideal scenario is to go straight to a hospital where there is acute care for people with stroke. Within an hour they should have received clot-busting treatment and will go on to make a full recovery with additional services. However, such a person could sit in accident and emergency for hours until it is too late and so they are left with complex disabilities. The moral of the story is to go straight to the treatment that is most appropriate to ensure a speedy recovery.

One cannot discuss stroke without examining smoking and the role tobacco plays in the ill health of the nation. As the Irish Cancer Society tells us, tobacco is the single largest cause of preventable death and disease in Ireland today. It kills one half of all lifetime users, causes one in three cancers and contributes to stroke. In addition, it costs the State €2 billion a year to provide services for smokers.

We have a new experience this evening of debating an agreed motion. I hope it will be a positive step because I do not see why Private Members' business should have to be a them-or-us situation. Real reform should bring about an honest and frank debate whenever Private Members' business arises. I would also like to see such debates being accompanied by a free vote. I do not want to appear cynical but we do wonder what the level of interest in the debate will be tomorrow night when there is the prospect that there might not be a vote at 9 p.m. It is to be hoped this topic, which touches so many people, will generate a high level of interest.

It is important to work on a collaborative basis. Just because one moves to the other side of the House does not mean that all knowledge and expertise is on the Government benches. There is still some expertise on the Opposition benches, as the Minister for Health would have discovered when he was an Opposition Deputy in the previous Dáil.

**Deputy Finian McGrath:** No better man.

**Deputy Maureen O'Sullivan:** The motion notes the “increase in the number of stroke units” and “that over 90% of all admitting hospitals will have effective stroke units”. In addition, the motion refers to tackling “the risk factors for cardiovascular and chronic conditions”, “front-loading investment in stroke prevention and rehabilitation services” and developing “an implementation plan”. It also mentions the development of “a multi-disciplinary rehabilitation network”, “community rehabilitation and an aspiration towards independent living”, as well as committing “the Government to investing significantly in stroke services”.

It is said that the proof of the pudding is in the eating. We agree with all of the aforementioned plans but we will have to see what happens. We know what is needed to bring about success, which is co-ordination between hospitals, clinics, professionals, local organisations, patients and their loved ones. Services should be provided at the point of most need and should continue to be provided for people, preferably within their community.

**Deputy Luke ‘Ming’ Flanagan:** I hope Members on this side of the House are listened to because we have some good ideas, as I am sure Members opposite have great ideas as well. There is not enough concentration on the prevention of strokes. The Minister for Health no doubt has heard the phrase, “Prevention is better than cure”. Apart from causing less pain for

patients, from an economic perspective, prevention is also infinitely cheaper. Without decisive action stroke numbers could increase by 50% by 2021 with the bill for this as high as €1.5 billion. Annually, 10,000 people are affected by stroke, of whom 2,000 die while 50,000 live with disabilities caused by stroke. What more incentive does one need to prevent this from happening in the first place? I accept prevention cannot work in all cases as some may be unlucky to have a genetic disposition towards stroke. However, the majority of cases can be prevented.

The other day I read that stroke is the leading cause of disability which I initially did not believe because I thought that would have jumped out at us long ago. When I verified it from other sources, it added to the reasons why we need to tackle strokes.

I was accused by Deputy Buttimer of never agreeing with the Government. Last week, however, I did agree with it. It is not often I will cheer anyone joining Fine Gael but it was an excellent move for the Government to bring Senator Eamon Coghlan on board to promote his points for life fitness programme for schools. He knows what he is talking about when it comes to fitness. His points for life initiative aims to make physical fitness for children and young people a core part of their lives and the school curriculum including bringing in exercise programmes for 15 minutes every day. While I believe it is an excellent idea, I would go further and stretch it to half an hour every day even if means taking five minutes off each class in secondary school or less teaching time in national school.

People take in more information in a much shorter time after exercise. Up until last week I was a runner but now I have had to buy a bike because of a bad hip. From personal experience, I know when I do a radio interview after exercise, I would not like to be the person on the other end. It makes total sense from a mental and physical point to ensure such a fitness programme is introduced. Last week Senator Eamon Coghlan pointed out that even though a new physical education curriculum at primary level has been in place since 1999, unfortunately it has only been fully implemented in 65% of schools. That needs to change.

More importantly, what also needs to change is the idea that when one stops playing for, say, Castlerea St. Kevin's football club or playing sport in school, that is the end of exercise in one's life. The German, French and other European health systems do things differently to here. Their people also do more exercise than us which is one major factor that leads to their people having better health. If one does more exercise, one is less likely to get a stroke or other lifestyle diseases and, accordingly, less likely to put pressure on the health system. That is the road we need to take. Instead of it being the Department of Sickness, it should become the Department of Health.

The amount of good exercise can achieve will be limited if one eats a lot of junk food, however. It has been suggested the Government places a calorie counter on all restaurant menus. While I do not agree it should apply to all restaurants as it does not make sense for some, a point which was teased out very well on RTE's "The Frontline" the other evening, such a regime should be applied to all fast food. Last summer, my family and I had the experience of a calorie counter on a menu in a restaurant near Luton. We were entertained, as well as everything else, by the number of calories contained in a dessert. Skinny as I am, we made our decision on which dessert to have based on the number of calories contained in them. To use the Celtic tiger phrase, we will get more bang for our bucks in the health area by encouraging people to do exercise. As someone connected with cannabis and drug culture, I tell those who are looking for a buzz to go out for a run instead as nothing can beat it.

While I am full of opinions on many matters, I am out of them when it comes to smoking. What does it take to convince people to stop smoking? Someone recently told me that the new advertisements against smoking told them they had a 50% chance of surviving. That is not the

[Deputy Luke 'Ming' Flanagan.]

Minister's fault, it is something that is very hard to get around. For the past six weeks, five of my immediate family have used plastic inhalers to give up cigarettes. These are people who said they could never give them up. I have never seen them get this far in quitting. The Government is going to get a lot less in terms of tobacco duties from the Kelly and Flanagan families in the future.

Alcohol abuse is a massively contributing factor to stroke occurrence. Having lived in Europe and purchased alcohol on every street corner for low prices, raising the price of alcohol will not solve the problem of alcohol abuse. The approach must be through education. Marketing is the education the alcohol companies — the drugs companies — use. No matter what education the State gives young and old on alcohol abuse, there is no way to keep up with the message sent out by slick alcohol marketing companies. Alcohol advertising and marketing must be banned. On Monday night's "The Frontline", we were told that rather than such a ban coming in, which had been promised, the debate would continue on it.

I understand the downsides of such a ban, how it could hit sporting organisations and the pressure that entails. When I was a councillor, I ran a five-a-side league in my town which comprised 16 teams. Pressure was put on me by local publicans to have the teams go to their pubs after the game on Thursdays for some sandwiches in exchange for having a pub's name on the league. We resisted this, the league happened and we put the matches on later so the teams could not get to the pub. We survived and when the word got out we were not taking money off pubs, we got money from other people.

Unfortunately, prevention is not going to work for everyone and inevitably, some people will need care. The acronym FAST is used in a campaign for identifying stroke. "F" stands for face — has the person's face fallen on one side? "A" is for arms — can the victim raise both arms and keep them there? "S" is for speech — is their speech slurred? "T" is for time — time to call 999. I presume the acronym FAST was chosen because speed is of the essence when dealing with stroke victims. I will be accused of turning into a parish pump politician but then again I have been called worse.

Roscommon hospital has a problem not with expertise in treating stroke victims but with speed of access to stroke care. If a patient in Roscommon hospital has a stroke, he or she will be seen to, given a scan and thrombolysed quickly. However, if a stroke victim happens to be standing outside the hospital walls when he or she has a stroke, he or she will have to get into an ambulance to go to Galway or Ballinasloe. If it is at the wrong time traffic-wise, trying to get through Claregalway could mean the journey to Galway hospital could take up to four hours. Dr. O'Keeffe, clinical director of Galway and Roscommon hospitals, said stroke patients have a window of four and a half hours to get correct care. Not everyone agrees with this, however. Dr. Ronan Collins, director of stroke services at Tallaght hospital, said he would not support that view and did not endorse providing such information to people who may suffer from a stroke in future. That is a good idea because they will probably end up dying. He advised that if a distinction is made between heart attack and stroke it is not accurate to suggest that patients in rural areas have up to 4.5 hours to receive appropriate treatment after suffering from strokes. He also stressed the critical importance of transporting stroke patients to hospital as quickly as possible.

Unfortunately, those who suffer strokes in Roscommon or other areas that were dependent on Roscommon hospital will not be helped by the 90% of hospitals that have stroke units. I support the motion and if the Minister has news on our air ambulance service I would be delighted to hear about it.

**Deputy Thomas Pringle:** I welcome the opportunity to contribute to this debate on stroke services. Every year, 10,000 people will suffer from strokes and 2,000 of these will die. Many more will become disabled and dependent on services for the rest of their lives.

Unfortunately our health services are reactive rather than proactive. It is vital that we develop services to prevent strokes. The Private Members' motion welcomes the increase in the number of stroke units because despite the cutbacks being implemented in the health service we must ensure stroke units continue to be rolled out and made available to patients across the country.

Prevention is definitely better than cure in the case of strokes. Up to 50% of strokes can be prevented and in this regard awareness is crucial. The Irish Heart Foundation's face, arms, speech and time to call 999, FAST, campaign has produced results even at this early stage. A survey by the foundation found that admissions to hospitals relating to stroke symptoms increased by 87% over the lifetime of the campaign. The Royal College of Surgeons in Ireland conducted another study which revealed that the number of patients getting to hospital in time to be treated increased by 59%. As the FAST campaign reminds us, time is of the essence. Disturbingly, it appears that awareness is tailing off as funding for the advertising campaign comes to an end. It is vital that the campaign is supported if we are to get the best outcome for stroke sufferers by getting them to hospital on time.

The foundation spent €250,000 on the campaign, of which €50,000 returned to the State in VAT and other charges. This is something that needs to be seriously examined because that €50,000 would have been better spent on prolonging the campaign. The value of the campaign is there to be seen. By maximising the amount of funding available to it, we can ensure it has a long-lasting impact on stroke sufferers' outcomes.

The Department of Health states that 90% of all admitting hospitals will contain stroke units. That is welcome news because the value of such units cannot be overestimated, especially where units are integrated with care teams and rehabilitation services. The quicker one gets into rehabilitation, the better the outcome and the opportunity to return to society to leave a full life.

In 2009, only 3% of stroke patients received thrombolysis treatment. That is an amazing figure when one considers the life saving impact of the treatment in terms of preventing further implications of stroke. In many hospitals it is only available during office hours. Thrombolysis treatment should be available on a 24-seven basis to anyone who needs it.

Aftercare in the community is hugely important for stroke sufferers. Unfortunately, however, the quality of aftercare depends on where one lives and whether local health management is proactive in providing services such as physiotherapy and occupational therapy. These services are suffering from the embargo on HSE recruitment and testimonials from stroke sufferers reveal the repercussions. One sufferer was waiting for physiotherapy for two months because the physiotherapist was out sick without cover. Another sufferer who had contacted a doctor to arrange physiotherapy heard nothing back for a year.

The cutbacks do not make sense because people who can get the services they need to get fit again will be able to return to work and fully participate in the community, which is more economical in the long term. Too often funding is decided on a year-to-year basis when the longer term payback times should be taken into account. By investing that money now, the State will save money in five years time. Investment in care saves money. The Irish Heart Foundation estimated that rolling out full stroke services across the country would be cost neutral at minimum. That estimate should be sufficient enticement to ensure it happens. We already spend €422 million per year on stroke care and if that can be cost neutral or save money in the future, we would achieve the best outcome for everybody.

[Deputy Thomas Pringle.]

It is estimated that 50% of strokes are preventable. That is equivalent to 5,000 strokes and 1,000 deaths. They are totally preventable if we get it right.

**Deputy Seamus Healy:** I thank the Irish Heart Foundation for the massive amount of work it has done in this area over the years by way of reports, research and proposals. Without its reports, there would have been much less progress in this area. We owe it a debt of gratitude for its work. As previous speakers noted, 10,000 people suffer from strokes every year in this country and as many as 2,000 die as a result. Approximately 50,000 people live with disabilities as a result of strokes.

This is an area in which prevention is better than cure. I welcome the progress that has been made over the past several years in this regard. I understand 16 hospitals now contain stroke units and the Government has announced that 90% of hospitals will contain units before the end of the year.

A report by the Irish Heart Foundation estimated the cost of stroke to be as high as €1 billion per annum. Approximately 40% of this amount is spent on nursing home accommodation. A significant proportion of this expenditure could be saved if acute services were made more widely available. The report also found that providing 95% access to stroke units could save 650 suffers from death or dependency each year. Achieving a 20% rate of thrombolysis could save a further 100 people from death or dependency. These are huge figures and they need to be taken on board by ensuring that a proper stroke service is in place throughout the country. The purpose of improving the Irish stroke service to acceptable international levels is not to save the Exchequer money but is to eliminate the catastrophic human cost of avoidable death and disability arising from stroke. Even today despite the improvement in services and the additional units I mentioned it is still to a certain extent hit and miss for stroke patients. Any Government will receive reports claiming that upgraded services would result in cost reductions at some stage in the future. The difference in this case is that better stroke services will lead to almost instant savings because the increased access to stroke and thrombolysis units will result in immediate improvements in outcomes. There would be immediate savings to the Exchequer and the State if the services are provided.

As other speakers have said, lifestyle, diet and exercise are obviously important. Other speakers have referred to the FAST — face, arms, speech and time — media campaign. I hope that campaign will be extended. I have heard there may be some difficulty with its funding and I hope the Minister will ensure ongoing funding will be made available for such a campaign, which has already been successful.

There is an absolute need for an integrated seamless stroke service, including rapid-access clinics, CT or MRI scanning and specialists for thrombolysis assessment. Ideally we would have dedicated teams in stroke units to provide care for stroke patients. Obviously those units should include medical, nursing and allied health professionals specialising in this area, which would ensure a major improvement in outcomes for patients who are threatened with stroke or who have a stroke event.

We need rehabilitation units as part of the service. These units need to be close to the patients as research has shown that support from families aids rehabilitation substantially. Obviously these units need to be properly resourced, staffed and funded. We need community-based services to ensure stroke patients can be brought back to their own homes and communities to recover and have a long life. I hope that the reductions in the home-help services as part of the HSE national health plan would be reversed because these home care packages must be available if the community-based services are to be effective. The service obviously needs to be fully funded and staffed with professionals with the expertise in the various areas

to ensure a complete and holistic service is available from the beginning of the event through to rehabilitation and community care.

**Minister for Health (Deputy James Reilly):** I am grateful to have the opportunity to speak in Dáil Éireann on the subject of stroke, rehabilitation services for stroke survivors and persons with neurological conditions, and what can be done to prevent stroke. The Irish Heart Foundation's report, *Cost of Stroke in Ireland: Estimating the annual economic cost of stroke and transient ischaemic attack (TIA) in Ireland*, set out the burden of stroke. I thank the Technical Group, in particular Deputies Maureen O'Sullivan and Catherine Murphy, for raising the matter.

It is estimated that there are more than 10,000 acute strokes per year. There have been welcome advances in recent years in the investigation, treatment and rehabilitation following an acute stroke and, thankfully, mortality rates from stroke have fallen considerably. While many people are, therefore, spared the worst consequences of stroke, many more patients and their families live with the effects of residual disability from stroke. One in ten people remains heavily dependent on long-term institutional care. With an aging population and longer life expectancy after stroke, this condition will continue to pose challenges for individuals, families, communities and the health service for years to come.

In June 2010, *Changing Cardiovascular Health: National Cardiovascular Health Policy 2010-2019* was launched. This policy establishes a framework for the prevention, detection and treatment of cardiovascular diseases, which seeks to ensure an integrated and quality-assured approach in their management in order to reduce the burden of these conditions. It set out a model for stroke care including rehabilitation through an integrated service.

Initial rehabilitation assessment begins within the first 24 hours of admission or as soon as feasible according to the patient's condition. Rehabilitation in stroke is multidisciplinary, involving clinicians, nursing, physiotherapy, occupational therapy, speech and language therapy, psychology, dietetics and medical social work. Many stroke patients have co-morbidities and the purpose of rehabilitation is to adapt to loss of function, to prevent further impairment and to promote a return to independent living and full participation in society.

The inpatient early stroke rehabilitation model involves a multidisciplinary assessment of rehabilitation needs with an appropriate care plan for the patient. The presence of on-site acute stroke rehabilitation units allows the timely transfer from acute care to rehabilitation with subsequent home discharge when appropriate. The aim is to have early supported discharge to home or to the patient's place of residence prior to admission to hospital. Integration between hospital-based and community-based stroke services is an important element of care to allow people living with stroke to function at home or return to work as appropriate. When a patient with stroke has benefited from the initial phase, he or she is transferred into the care of the GP and the primary health-care system.

The national stroke programme was initiated in 2010 to help lead and co-ordinate the development of stroke services in Ireland. It has operated under the auspices of the programme directorate of the HSE and, more recently, the special delivery unit of my Department. The priority of the programme in the first 12 months was the development of acute stroke services — namely, to manage better in the first few hours, patients who have just suffered strokes in order to reduce mortality and disability.

The overall aim of the national stroke programme is to ensure national rapid access to best-quality stroke services; prevent one stroke every day; and avoid death or dependence in one stroke patient every day. The national model of care clearly sets out the care pathways for the patient with stroke as well as the best evidence for stroke prevention. In recent years, new

[Deputy James Reilly.]

techniques and strategies for improving the care of people with stroke have emerged. For example, the benefits of organised clinical services for stroke care have been clearly established. Hospital-based stroke units for acute and initial rehabilitation of patients with stroke and TIA are associated with a reduction in death and institutional care of approximately 20%, with one additional patient returned to community living for every 20 patients treated. While those might not sound like large numbers, it is truly great for the individuals concerned. Transient ischaemic attack is a minor stroke where the clot dissolves and the patient makes a full recovery. However, it may herald a more serious stroke to follow if the underlying causes are not treated. I offer an illustration of the progress achieved in the development of stroke units. The Irish national audit of stroke care reported one stroke unit with three under-units under development in 2006. The 2010 hospital emergency stroke service survey in 2010 reported 18 acute hospitals with a stroke unit. In 2011 the programme worked towards achieving stroke unit care for acute stroke patients through the establishment of additional stroke units. Of the nine units planned, seven are open and the remaining two will open early this year. At that stage, almost 94% of stroke patients will have access to stroke unit care. Additional therapy, nursing and consultant posts were provided to support the development of new and existing stroke units. The filling of all outstanding posts will be completed by the early part of this year. Despite budget reductions, we strive to improve these services. Not only will these units save money but, more important, they will save lives and improve the quality of life for people who have had a stroke.

Following emergency admission to hospital with stroke, administration of clot-busting thrombolysis therapy can reverse or substantially reduce disability in one third of patients treated within 90 minutes of stroke onset. However, strict administration guidelines mean that only one in ten or 10% of ischaemic stroke patients are suitable for such treatment. Given the potential for brain haemorrhage associated when thrombolysis is administered inappropriately and the brief time window for treatment, substantial organisation is needed to select patients on arrival in emergency departments and to safely deliver treatment to those most likely to benefit. It is worth recalling the work of Susan O'Reilly, who has shown that improved organisation of our cancer services can improve outcomes for patients by 10%. This is nothing to do with medication but rather better organisation. The same is true of stroke treatment.

The provision of 24 hour, seven day per week access to stroke thrombolysis is a priority for the programme. In 2011 the national clinical leads for stroke worked with hospital consultants and the national ambulance service to agree ambulance access protocols to ensure the safe provision of thrombolysis to eligible patients. The implementation of the telemedicine rapid access for stroke and neurological assessment, TRASNA, project in 2012 will further improve access to a 24 hour, seven day per week consultant assessment for thrombolysis. The delivery of acute stroke services is monitored through the national stroke register. A stroke register was piloted and implemented in partnership with the ESRI in six hospitals in 2011. All remaining hospitals accepting acute stroke patients will implement the register in 2012. There is substantial evidence that early supported discharge programmes for selected stroke patients are associated with reduced hospital costs, fewer bed-days used and greater patient satisfaction.

Planning for the development of stroke services in the community commenced in 2011. A community stroke services survey was completed and consultation has begun with other clinical care programmes to ensure stroke patients have access to rehabilitation and support services in community and primary care. Two early supported discharge programmes were implemented in 2011. Early results are promising and show patients having shorter lengths of stay in hospital without compromising quality of care. The work of the national programme continues in 2012 and includes: the implementation of the TRASNA project; the development of services for the

investigation and treatment of patients with suspected transient ischaemic attacks; continued implementation of the stroke register; planning for services to identify patients with high risk factors for stroke, including atrial fibrillation; and working in partnership with other relevant clinical care programmes to ensure access to community-based services for stroke patients.

During the first 18 months of the stroke programme the HSE has been prioritising measures to limit the severity of the initial stroke by making stroke unit care and expert care available to as many people as possible immediately following stroke and by providing national availability of clot-busting thrombolysis therapy to all suitable patients. At the end of this process more than 95% of the population will live in the catchment area of a hospital with acute stroke unit care.

One area of concern is the early discharge of patients from hospital to the community in the absence of well-developed, community-based rehabilitation teams. There is evidence that generic community teams are less effective than specialist teams. Patients should not be discharged early from hospital unless adequate community-based rehabilitation is in place. The need for rehabilitation is recognised and the HSE has approved the appointment of 57 therapy and nursing posts with specific responsibility for stroke. This represents a substantial investment in stroke care and enhances existing stroke service availability throughout the country. The national stroke programme has also completed the largest and most comprehensive survey of therapy services in the country. The findings will be used by the national stroke programme, the rehabilitation medicine programme and the care of the elderly clinical care programme to plan, reorganise and develop rehabilitation services. This will result in more organised community-based rehabilitation services including stroke and neuro-rehabilitation, rheumatology, orthopaedics, geriatrics, primary care and others.

The care and support needs of people in Ireland affected by disabling neurological conditions or significant physically disabling conditions are individualised and varied and present a challenge to the health and personal social services, as well as to the wider public services. However, we know that in spite of the difficulties and the challenges involved people with these conditions, including acquired brain injury, cerebral palsy, multiple sclerosis and others, can get on with life and contribute to and be part of the community when appropriate supports are in place. This is why the publication of the report of the working group for the development of a national policy and strategy for the provision of neuro-rehabilitation services was important. Published by the Department of Health on 16 December 2011, it was jointly commissioned by the Department and the Health Service Executive. The report is entitled National Policy and Strategy for the Provision of Neuro-Rehabilitation Services in Ireland 2011-2015. A large number of people, including service providers, service users and their advocates, contributed in various ways to the development of the document. The report sets out a clear policy with a recommended service framework which, when implemented, will ensure that the services are delivered in the most appropriate, effective and efficient way. The report recognises that given the current economic climate the focus in the short to medium term must be on the reconfiguration of services, structures and resources and the enhancement of the skills and competencies required to meet the changing context. The development of joint working or inter-agency protocols is a key requirement and will be central to its implementation. Realising the actions recommended in this policy and strategy will provide real challenges, especially against a landscape of significant economic and resource constraints. However, with the commitment of the HSE and service providers to the implementation process, improved rehabilitation services can be achieved for those persons with a neurological illness or injury or with a significant physical disability.

The focus for service development in the first three years of this policy and strategy will be on network development, the integration of services, the development of protocols, the

[Deputy James Reilly.]

reconfiguration of existing resources, the achievement of greater cost-effectiveness through the development of greater competencies by those tasked with delivering services, increased teamwork and by more inter-agency collaborative working. The HSE is committed to developing an implementation plan and structure for the provision of neuro-rehabilitation services in close collaboration with the rehabilitation medicine clinical programme.

The aim of rehabilitation is to enable the person to achieve the highest possible level of independence. Desired outcomes range from a return to full independence in social and work activities to a person requiring long-term support and care but with a higher level of independence than in the absence of rehabilitation. As part of its development of clinical care programmes, the quality and clinical care directorate of the HSE has established a rehabilitation medicine programme. This programme will improve and standardise patient care throughout the organisation by bringing together clinical disciplines and enabling them to share innovative solutions to deliver greater benefits to every user of HSE services. The work of the rehabilitation medicine programme will aim to achieve three main objectives — to improve the quality of care, to improve access to services and to improve cost effectiveness. The HSE has appointed a consultant in rehabilitation medicine as clinical lead in respect of the rehabilitation medicine programme and it is committed to this programme.

Several Deputies have referred to prevention. Another important initiative under way in my Department is *Your Health is Your Wealth: a Policy Framework for a Healthier Ireland 2012-2020*. The aim of this public health policy is to develop a high-level framework for public health and it will address the broad determinants of health and health inequalities throughout our health services.

Smoking has been mentioned. It is a major risk factor for cardiovascular disease, including stroke and heart attacks. The Irish Heart Foundation reports that smoking is the cause of up to 2,500 strokes and 500 stroke-related deaths per year. At a personal level, I know all about this because at the age of 66 my father had a stroke and remained blind for the last 14 years of his life. Indeed, one of my brothers died at the age of 60 with lung cancer as a result of cigarette smoking.

This is a serious problem for our society and a serious risk to our children. It is an issue I am determined to tackle and we have introduced the tobacco policy review which will make further recommendations. We have managed to ensure more graphic images are displayed on cigarette packets to discourage people from taking up this desperately unhealthy and dangerous habit. I am also putting money aside to research a question, the answer to which has eluded me to date, namely, how the tobacco industry continues to attract young people as new recruits to a life that for 50% of them will clearly be destroyed by the habit.

Alcohol and cigarette smoking are connected. Alcohol can be a social lubricant and, used modestly, causes no harm, but every cigarette a person smokes damages the smoker. The Irish Heart Foundation's report on the cost of stroke in Ireland has placed an emphasis on the burden of stroke, the need to prevent it and the provision of rehabilitation services for stroke survivors with neurological conditions. There is broad agreement on the need for an inter-sectoral approach if the full continuum of care is to be addressed. Prevention is always better than cure. Many studies show that for every €1 spent on prevention, we save from €12 to €20 on treatment. It makes sense to opt for prevention.

I welcome the mention by some speakers of the FAST advertisement. It was instrumental in saving the life of a very good friend of mine last year. That advertisement has worked. Awareness works.

I thank the Deputies on the other side of the House who have raised this issue and thank them for the help it offers to raise awareness of the issue of stroke and the lifestyle issues that increase the risk of stroke, including smoking, abuse of alcohol and obesity. A simple measure for people would be to visit their GP once a year to ensure their blood pressure and cholesterol levels are okay and to check their body mass index. When I was in general practice and took an interest in obesity, half the people I saw in that connection just thought they were a bit overweight. If one does not know one has a problem, one cannot deal with it.

I thank the Members who raised this issue for the opportunity to address it tonight. I thank those Members of the Technical Group who proposed the motion for proposing one on which we can all agree. Let us hope it is the first of many collaborative approaches to health issues in society.

**Deputy Patrick O'Donovan:** I thank the Members of the Technical Group for raising this issue and, in particular, Deputy Maureen O'Sullivan, for her thoughtful remarks. Two of the issues raised have struck a chord with events in my family in the past 12 months, namely, chronic obstructive pulmonary disorder, COPD, and transient ischaemic attacks, TIAs. Until then, I had not a clue what either of these were. Any family unfortunate enough to be affected by cardiovascular disease knows it is not a nice experience. I am aware the Minister speaks from personal experience on this issue and so do I. I believe that anything that can be done in a cross-party way to try and raise awareness of the issue must be welcome.

The work of the Irish Heart Foundation in this regard is welcome and I am pleased it is now proposed to have a national register. We are aware from dealing with cancer that if we can identify the at-risk categories at an earlier age and get to them then, we can spare them significant problems. Some 10,000 people get a stroke every year, but they are not the only ones affected. There are also 10,000 families affected and a potential 10,000 carers who must care for a stroke victim who, until the day before his or her stroke, was independent and could go about daily life but is now a fully fledged invalid. In many cases, two lives are affected: those who are cared for and those who care for them. Thousands of lives are affected, therefore, and not just the lives of those who suffer from cardiovascular problems, particularly stroke.

Last October I raised an issue with the Minister by way of parliamentary question concerning off-duty doctors visiting patients, particularly in rural areas and areas covered by co-op doctors. As we know, we should watch out for the early signs of stroke or heart problems. We cannot force individual doctors to carry particular instruments, but if all doctors were obliged to carry an oximeter, for example, they would be able to measure the lung capacity and the amount of oxygen in a person's lung. This might be a further yardstick for someone experiencing tiredness and weakness to let them know they are en route to a TIA, stroke or chronic heart attack.

I welcome the Minister's commitment to the community aspect of this and the commitment he has set out on rehabilitation units. We need significant capital investment in this regard. The Minister will be aware that one particular community hospital very close to my heart has taken an initiative in its local community to drive forward on this issue and is providing in excess of 20 beds for rehabilitation for people coming out of acute hospitals, such as the Mid-Western Regional Hospital. It is providing a service for people, especially those who have been discharged from hospital but who have been exposed to hospital acquired infections. These people cannot go into typical rehabilitation units because of the risk of contaminating everyone else and they therefore require single rooms. The earlier these people get their speech, occupational and physical therapy, the better the outcome for them. Therefore, it is important that we have units offering single rooms located in communities, because these are people who have been exposed to hospital acquired infections and who cannot leave the acute hospital until the infection has cleared. They are stuck in a rut waiting for the infection to clear up but are liable

[Deputy Patrick O'Donovan.]

all the time to get another infection. They are deprived of the opportunity to avail of the rehabilitation and therapy they need to get their lives back on track. The sooner they get that treatment, the sooner they get back to some level of normality, and the sooner their families are able to pick up the pieces.

The option of pharmacy-led COPD clinics is being considered in the United Kingdom. Many people would not be aware of COPD, which is a long-term lung disease which means a person's lungs begin to wind down, thanks mainly to smoking. If people want to see what smoking does to a person, they should visit any one of the rehabilitation units throughout the country where they will see older people who smoked all their lives. During the war, they may have smoked turf dust rolled up in newspaper because they were so badly addicted to smoking. One will see in those units at first hand what smoking does to a person's life.

I am glad the Minister mentioned the issue of obesity, which is an issue I have raised with him. The sooner we have a national obesity advocate who will drive forward change in this area, in the same way Gay Byrne was able to drive forward change in the mindset and culture of the people from the road safety point of view, the better. That advocate can instil the knowledge that what people ingest will have a long-term impact on their lives. There is no doubt about that. Currently, some 25% of all three year olds in the country are overweight and this will manifest itself as a massive problem in the future. The Minister can put aside all the billions he wants, but type 2 diabetes and obesity related illnesses, whether cancer, stroke, heart attack or whatever, cost €6 billion currently. This is easy to quantify in terms of the impact of this on the HSE budget. However, we cannot quantify the social damage being caused by these illnesses.

We need to arrive at a position where people realise the effect of these illnesses and of what they ingest or inhale, whether alcohol, food or cigarette smoke. We need to get to a position where we have national advocates who can describe in basic language for people the effects of the culture of bad habits in this regard. We need a cohort of people who are respected, such as a sports person like Eamonn Coghlan, and who are regarded as experts in their field who can speak on these issues. This is essential. Otherwise, we will wind up in a situation where we will continue to have these discussions.

Obesity is not just an issue that will affect the Minister and the Department of Health. It is a multidepartmental issue. It will affect education, agriculture, transport, the environment, the arts, finance and a clatter of local authorities and State agencies. These groups must be brought together under one umbrella with the sole motive to reduce the overall weight of the people. If we do not do that now, the problem will become so big that we will not be able to take control of it. Type 2 diabetes is a killer. It is a life-changing illness, along with stroke. The damage it does, not only to the individual who becomes an invalid, but to his or her family and the wider community, cannot be quantified nor can it be estimated in billions of euro.

I implore the Minister to do whatever he can in his tenure to take these issues on head-first, and he will be doing future generations a significant service by doing so.

**Deputy Mary Mitchell O'Connor:** This subject is dear to my heart as my personal assistant had a stroke this weekend and he spent the weekend fighting for his life in one of the major Dublin hospitals. I draw the Minister's attention to the awareness created by the Irish Heart Foundation's FAST campaign, which refers to face, arms, speech and time. It is an appropriate stroke treatment strategy and, unfortunately, economic difficulties are threatening the continuation of the scheme.

Stroke awareness has improved drastically since the FAST campaign was launched. A study has indicated that less than 50% of Irish adults would ring 999 if they thought they were having a stroke, which is a frightening statistic given the average stroke destroys 2 million brain cells every minute. Getting emergency treatment for a stroke can mean the difference between walking from hospital — sometimes within hours — death or spending the rest of one's life being dependent on others.

Thanks to the success of the FAST campaign, there has been a 124% increase in awareness of stroke warning signs. The Royal College of Surgeons in Ireland has completed studies showing that following the launch of the FAST campaign, there was an 87.5% increase in hospital admissions among patients with facial droop, as well as a 68% increase in hospital admissions for those with weakness on one side and a 66% increase in hospital case admissions for slurred speech. This has resulted in hundreds of people being saved from death and disability due to a three-fold increase in the numbers getting to hospital in time to receive clot-busting thrombolysis treatment.

The Irish Heart Foundation spent over €500,000 on the FAST campaign, a significant commitment for a charity that is 90% funded by public donation. Astoundingly, approximately €115,000 of this went in VAT payments to the State; in other words, the foundation was charged by the State to save lives and public money. That is an embarrassing anomaly and I ask the Minister to consider providing a VAT exemption for voluntary health-related charities.

Further improvements are being made in the area of stroke care by the HSE's national stroke programme. The HSE will soon achieve thrombolysis treatment 24 hours a day, seven days a week in all hospitals treating stroke. This is against a position just a couple of years ago when a handful of hospitals provided an adequate service. I congratulate the Minister for improving a service by moving it from Loughlinstown to St. Vincent's Hospital. I call on him not only to investigate the possibility of providing a VAT exemption to the charity but also to part-fund the continuation of the FAST campaign in recognition of the advancements in stroke awareness and quality of life standards for those who suffer a stroke, who thanks to the work of the Irish Heart Foundation and FAST campaign are treated on time.

**Deputy Billy Kelleher:** I welcome the opportunity to speak and congratulate the Technical Group on tabling a welcome motion, which highlights the issues in the House. The Minister referred to a collaborative approach in dealing with public health and everybody would concur with that in this context of promoting stroke awareness, particularly with regard to the Irish Heart Foundation campaign. It has been a strong advocate for many years in encouraging people into healthier lifestyles and promoting awareness in the general public of the issues surrounding stroke, the need for quick emergency interventions and awareness in the broader community, diagnosis and early treatment. The Irish Heart Foundation should be congratulated for promoting awareness through the FAST advertising campaign, which highlights face, arm, speech and time. Deputy Mary Mitchell O'Connor has indicated that this has brought a new awareness to the population and helps to ensure people gain quick access to medical procedures, meaning stroke can be prevented or damage can be limited.

There is a broader issue. In the Department of Health, like in other Departments, current financial constraints mean immediate issues are prioritised. There is a long-term issue that must nonetheless be addressed in society, namely the overall health of the nation. We can speak about short-term issues, such as the need for rehabilitative programmes for people who have had strokes and need continuing care or community based interventions for rehabilitation,

[Deputy Billy Kelleher.]

including speech and occupational therapists. We can also discuss the supports required for the short term that will provide proper rehabilitative care and support for people who have had strokes that have left a detrimental effect on their ability to live completely independently. These are urgent and pressing issues.

Equally, there is another obligation. The Minister outlined his personal involvement in this issue, which encourages me and others, who for a long time have been trying to promote the idea of a healthy nation that is conscious of the need to be interested in promoting all facets of health. We can see alarming statistics on the obesity epidemic in the United States. In that nation statistics showed in the 1950s and 1960s there was a creeping movement in the waistline of the American people. This was initially broken into various socioeconomic and ethnic groupings but the problem has broadened across the entire United States. The problem is now evident in the United Kingdom, which also has an issue with obesity. In the last ten or 15 years the problem has arisen on our shores, with a creeping increase in obesity rates that will kill our population if we do not stop it now and proceed with major interventions to promote healthy living.

The national cardiovascular health policy made a recommendation that the Department of Health should prioritise actions to promote the behaviour and profiles underpinning cardiovascular health, with specific targets to pursue actively and achieve within ten years. It indicated the prioritised areas as maintaining a healthy body weight, healthy eating and physical activity, reducing salt intake, refraining from or quitting smoking and consuming alcohol responsibly. The actions would include fostering intersectoral support for initiation of activities promoting health and prohibition of activities that will maintain or foster unhealthy behaviours. Details of how to achieve the targets are contained in a range of Government policies and reducing inequalities in cardiovascular health across society must be an underlying principle in achieving improvements in health behaviour.

The lead organisation in that policy is the Department of Health, and it is critical that the Department encourages all other Departments in their efforts. When the recommendations were made it was the Department of Health and Children but we now have two separate Departments, with one for health and one for children and youth affairs. It is important that there be cross-departmental support and activity to ensure there is a conscious idea that to have a healthy nation we must deal with the underlying problem of obesity. That issue is growing continuously and if we do not take it seriously in the years ahead, there will be problems down the road. The Minister and I are aware of it but we need society to build on this.

I spoke in the debate on a Bill that would have allowed for publication on products of images of the horrific impact that smoking can have on one's health. I am amazed that there is a large cohort of people, particularly young girls, taking up smoking. It is a worrying trend and we must be aggressive in campaigning against and highlighting the problem at every level. We can consider the statistics. Each year, 5,200 people die prematurely from disease caused by tobacco use. When we talk about road fatalities and the carnage on our roads, we reflect on the efforts we have made, such as the establishment of the Road Safety Authority and the improvements in policing and implementation. The cultural shift in our views on drink driving has saved thousands of lives. Such changes have been universally supported in this House and embraced by the community outside.

The nagging view that smoking is cool continues to hang around in our society, particularly among younger people. It is something we have to target. Surveys have shown clearly that younger girls are most likely to take up smoking. This is happening for many reasons. Tobacco companies are engaging in subliminal advertising. Various methods and means are being used to subliminally transmit the message that if one smokes, one will suppress one's food intake and, by extension, one will be slimmer and one will look more like Kate Moss. It is a simplistic approach, but it resonates with young girls. It is having a detrimental effect on their health and, potentially, on the health of the nation in years to come. We owe it to the generations that will come after us to counteract this. We now have the knowledge. It was different when we were young. I started smoking when I was young. We did not have such an awareness of the impact of smoking and its dangers for people. We know it all now. The complete cohort of statistics, research and medical evidence demonstrates that individuals have nothing to gain from taking up smoking and everything to gain from giving up smoking. I implore the Minister to make a strong effort in this area. His Department is the lead Department. As a general practitioner, the Minister has practical experience of this issue. He spoke about his personal experience earlier in the debate.

The issue of encouraging people to be active is another key area. As a nation, we like sport, but unfortunately many of us like sport from the armchair. We have to start getting out there, not necessarily by participating in competitive sport but by engaging in various activities such as walking and general exercise. As a nation, we have to become more conscious of the need to be proactive in promoting our own health. The idea of healthy living being part and parcel of everyday life has been embraced in Australia, for example. When most Australian people get up in the morning, they go for a walk or a jog or do some other form of exercise. The idea is to live a reasonably clean and healthy life, to enjoy oneself and to treat oneself to excess occasionally. In general, the people of Australia have embraced the whole idea of healthy living. I appreciate that the Australian climate means they enjoy more sun. When one goes to Australia, one can sense that Australians have embraced the idea of challenging the problems of obesity, alcohol intake and the use of tobacco. The statistics show that Australia is beginning to climb up the league tables for longevity, life expectancy, body mass index and the general health of the nation. That is happening because certain policies are being pursued and the public is embracing the need to ensure health promotion is part and parcel of every aspect of life.

A Government Deputy suggested that an advocacy group or czar should be appointed to address obesity. I agree that something of that nature will have to be considered. Perhaps we should establish an agency — we do not like quangos in here — that can transcend Departments and bring them together. As I have said, the Department of Education and Skills is involved in ensuring these matters are covered on the school curriculum. The Department of Transport, Tourism and Sport is involved in another area. The Department of Health is the lead Department in this context. Each of those Departments has a critically important role to play. Equally, the local authorities have to provide amenities and facilities, for example by ensuring paths are safe and properly lit. That allows people to organise community walks in their own areas. Simple things can help to ensure we diminish the impact that stroke can have on the individual and, collectively, on the community. As has been pointed out, stroke has an enormous cost to individuals, families and communities. Much of the damage that is done by a stroke is hard to reverse. A large amount of intervention is needed from occupational therapists, speech therapists, language therapists and people with many other skill sets. We must

[Deputy Billy Kelleher.]

make every effort to ensure those who suffer strokes get the best rehabilitative treatment and assistance possible. Equally, we must look over the horizon at the longer term to ensure fewer people enter the “at risk” category every year.

As a general practitioner, the Minister will be aware that technology is evolving. We should give greater consideration to developing our approach to risk assessment by profiling and testing people. We are familiar with the advertising campaigns that are always being promoted by individual organisations. The Irish Cancer Society’s prostate cancer campaign, for example, encourages men to get themselves checked out. We all come in here and encourage each other to get ourselves checked out. Although all of these individual campaigns are worthwhile, I suggest there should be an emphasis on getting people to take an individual MOT test. I think it could lead to substantial cost savings in the short to medium term, but it is particularly worth encouraging because of its longer-term impact on life, on individuals and on society collectively.

I do not know where the need for a proper occasional evaluation and assessment of an individual’s health will fit into the plans for universal health insurance and free primary care from general practitioners. I do not want to get into a confrontational political debate on these matters. Such an assessment could be funded or encouraged by the State. If it is not provided for free, some inducement could be offered to people to pay to get themselves checked out. As I have said, the technology that is now available to analyse potential risk is phenomenal. Advances in software technology mean that people who are in the high-risk category can use various types of equipment to analyse their blood on a regular basis to show how near they are to developing various illnesses. The technology that is now available should be embraced.

I will support the Minister when he has a good idea and I will oppose him when he has a bad idea. I applaud his passion and his commitment to promoting a healthy lifestyle, taking on the vested interests of those who encourage young people to kill themselves by taking up smoking, tackling the issue of alcohol abuse and promoting healthy living. I know there is very little to be gained in the short term from promoting something that does not bring an immediate return. Deputy Martin will tell the Minister that. The benefits of health promotion are incremental and come in stages. Perhaps, in years to come, someone will stand up in this Chamber and say “In fairness to the former Minister, James Reilly, when he was in the Department of Health, he stood up to vested interests and promoted healthy living, and for that we are grateful”. That might take years to happen, but I will do it sooner if I continue to sense that the Minister has a genuine and positive commitment to promoting health and lifestyle changes, standing up to the vested interests that encourage people to take up smoking and abuse alcohol and inspiring people to change their diets and participate in healthy lifestyles. If the Minister acts on that commitment over the next few years, I am quite confident that the incidence of stroke, heart attack and other cardiovascular diseases and diabetes, etc., will diminish significantly. In such circumstances, future generations will say the Minister did a good job by starting the national cardiovascular health policy and promoting one’s health as one’s wealth.

**Deputy Caoimhghín Ó Caoláin:** I welcome the focus of this motion on stroke and stroke services. I commend Deputy Maureen O’Sullivan and her co-signatories for placing it on the clár of the Dáil. The motion describes very well the reality of stroke and how large it looms in the lives of the Irish people. It causes some 2,000 deaths each year, which is approximately ten times more than the number of people killed on our roads each year. It is the third largest

killer of Irish people and the biggest cause of acquired disability. Those are startling and thought-provoking statistics.

Much credit is due to the Irish Heart Foundation for the work it has done on this issue. It reported last year that stroke-related hospital admissions had increased by 87% following the launch of its “Act FAST — face, arms, speech, time” campaign. Many people have been educated by the foundation’s very effective television advertisements. That is very welcome indeed. According to research carried out by the Irish College of Surgeons, some 59% more stroke victims got to hospital in time to receive potentially life-saving thrombolysis treatment during the first phase of the advertising campaign in 2010. This increased level of awareness needs to be sustained and enhanced further because it is certainly saving lives. It is a disappointment to find, as the motion states, that of the €557 million in annual Exchequer expenditure on stroke, €414 million goes towards nursing home care for the one in six nursing home patients who are stroke survivors. This points to the great need for enhanced commitment to invest in stroke prevention and rehabilitation services. All the main parties committed before the general election to prioritise the elimination of avoidable death and disability in the shortest possible time-frame. Sinn Féin, the Fine Gael Party, the Labour Party and the Fianna Fáil Party signed up to this commitment and must work together in this Dáil with our Independent colleagues to fulfil it. Obviously, a special responsibility resides with the Government parties. Will they continue the legacy of their predecessors and neglect the need to support and develop rehabilitation for stroke survivors and others who require it?

Last year, when we asked the Minister for Health, Deputy Reilly, what action he proposed to take to improve the provision of neurological care he stated the office of clinical strategy and programmes in the Health Service Executive had established three key national programmes in neurological care. This, he added, showed the HSE’s commitment to improving access to neurological services and gave these services a major focus in the HSE. He also noted that the third national programme “deals with stroke services and aims to establish robust clinical governance systems for stroke care, including local stroke teams and regional stroke networks.”

I am aware, in speaking to the House this evening, of the proposed stroke unit at Cavan General Hospital and, regrettably, the key specialties yet to be secured at the hospital. Will the Minister advise the House of the current and projected status of this important and welcome development at the hospital? I hope progress has been made in the development of the third programme and wonder how effective such a programme can be in the context of the current unacceptable and seriously damaging cuts in the public health services.

Many Deputies will be familiar from representations they have received regarding the position at the neurological department of Beaumont Hospital, with its long waiting lists and shortage of clinicians. The position is that access to rehabilitation in this State is lamentable. In July last year, the National Rehabilitation Hospital, NRH, in Dún Laoghaire was reported to have 150 patients on waiting lists, some of whom had been waiting for up to a year. Lack of specialists and inpatient beds means that those with the most complex needs are often forced to wait longest. That said, once access is secured, patients receive the highest standard of care and support in the hospital. I am proud to note that the same can deservedly be said of the rehabilitation services at Monaghan General Hospital and congratulate all involved.

This State has the lowest number of physical and rehabilitation specialists in Europe. While the European average is approximately 3.3 consultants per 100,000 of the population, this State has 0.17 consultants per 100,000 citizens. The serious shortfalls to which I have alluded must

[Deputy Caoimhghín Ó Caoláin.]

be addressed. Education and awareness raising are vital in stroke prevention and coping with strokes when they occur. Equally, services need to be in place for survivors of stroke and all those who require rehabilitation. I commend the motion again and urge all Deputies to support it.

Debate adjourned.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Wednesday, 15 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 13, inclusive, answered orally.*

*Questions Nos. 14 to 57, inclusive, resubmitted.*

*Questions Nos. 58 to 65, inclusive, answered orally.*

### **Juvenile Offenders**

66. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs the number of meetings she has had with the Department of Public Expenditure and Reform on the Oberstown project; and the dates on which these meetings were held. [8061/12]

75. **Deputy Michael McGrath** asked the Minister for Children and Youth Affairs the meetings she has held with the Department of Justice and Equality and the Department for Public Expenditure and Reform regarding the construction of a national children's detention centre in Oberstown, County Dublin; the outcome of the meetings; and if she will make a statement on the matter. [8107/12]

76. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs if she expects funding for construction of a national children's detention centre in Oberstown, County Dublin, to be approved this year; and if she will make a statement on the matter. [8109/12]

84. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if the Irish Youth Justice Service have reassessed the projected cost of the Oberstown project as she has requested; if she will provide the details of the newly assessed projected cost; and if she will make a statement on the matter. [8060/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 66, 75, 76 and 84 together.

The proposed National Children Detention Facility (NCDF) is a project to provide residential detention places for all young people detained by the courts on criminal charges, within a children detention school setting at Oberstown, North County Dublin. The Oberstown campus

[Deputy Frances Fitzgerald.]

is currently the site of the 3 existing detention schools, Oberstown Boys School, Oberstown Girls School and Trinity House School.

The Government is committed to ending the practice of sending 16 and 17 year old boys to St Patrick's institution. It is a priority of mine to ensure that this practice ends as soon as possible and the funding of the Oberstown project is a key element in resolving this issue. I have asked the Irish Youth Justice Service to reassess the projected cost of the Oberstown project to bring it into line with current price levels and current economic realities. This process is ongoing and the Irish Youth Justice Service has been tasked with progressing to completion during 2012 the design work and tender documentation for the NCDF project. Even when funding for the construction stage of the project is finalised, this work will still have to be completed. I do not propose to comment on estimated project costs in advance of any tendering process.

I had consultations on this issue with the Minister for Justice and Equality in advance of the taking over legal responsibility for this area from 1 January 2012. I met with the Minister for Public Expenditure and Reform on the funding of the Oberstown project on 29 November 2011, 6 December 2011 and 10 January 2012. I wrote to him on 17 January 2012 to emphasise the priority that should be attached to this project. I do not propose to comment further on these consultations, except to say that the House can be assured that I will continue to make the case at Government level on the priority that should be given to this project.

Finally, in taking over responsibility for the children detention schools last month I tasked a group to look at interim and innovative solutions that could provide alternatives to detention in St. Patrick's Institution for as many 16 and 17 year old boys as possible. The group is chaired by the Secretary General of my Department and comprises of senior officials from the Irish Youth Justice Service, Irish Prison Service, and the Probation Service. I understand that the group is making significant progress and I expect to be in a position to provide details of the short term measures to be taken on foot of the group's deliberations shortly.

### **Family Support Services**

67. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs her views that the child and family support agency will not be independent from the new Health Service Executive directorate; if she remains committed to establishing the agency independent from the main health service organisation; and if she will make a statement on the matter. [8118/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I established the Task Force on the Child and Family Support Agency in September 2011 in response to the Programme for Government commitment to “fundamentally reform the delivery of child protection services by removing child welfare and protection from the HSE and creating a dedicated Child Welfare and Protection Agency, reforming the model of service delivery and improving accountability to the Dáil”. The Task Force is chaired by Ms Maureen Lynott.

Child welfare and protection services are operating within the HSE during 2012 on a transitional basis pending the establishment of a dedicated, stand alone agency next year. Such a separate and dedicated agency remains a key part of the Government's reform of children's services and I intend to bring forward legislation to establish this Agency during the current year. The Task Force, which I have established, will advise my Department in regard to the necessary transition programme to establish a Child and Family Support Agency, and will base its work on best practice in child welfare, family support and public administration; consistent with the Government's public sector reform agenda.

In relation to the Agency it has been asked to:

- Propose a vision and the principles to guide operations;
- Advise on the appropriate service responsibilities, and the delivery of same;
- Review existing financial, staffing and corporate resources; and propose a methodology for resource allocation;
- Propose an organisational design and operating child welfare and protection service model;
- Prepare a detailed implementation plan;
- Identify the main priorities and core relationships required;
- Oversee the implementation and monitor progress, pending establishment of the Agency.

The Task Force held its eleventh meeting earlier this month. Work is also being advanced through two sub-groups. I look forward to receiving the report of their work, which will inform preparations for the new Agency, including the drafting of legislation.

The Task Force has been asked to advise as to the appropriate service responsibilities of the new Agency. The Government has already decided that child welfare and protection services will transfer along with the Family Support Agency. The full remit of the Agency remains to be seen and the recommendations of the Task Force are awaited in this regard. Whatever the final make-up, there will of course be important linkages with the HSE regarding service provision of health services for children and young people, as necessary. However, the Agency will operate independently from the HSE, with its own management team and a reporting relationship to my Department as part of new and more accountable governance arrangements.

I am anxious to advance the full establishment of the Agency at as early a date as possible, subject to the work of the Task Force and necessary legislative provision. I would envisage tabling legislation before the House later this year to provide for the Agency's setting up in 2013.

*Question No. 68 answered with Question No. 63.*

### **Children in Care**

69. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs her plans to increase the level of input children in care have in the provision of care services. [8070/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Central to the care and protection of children in care is listening to their voice. This principle has underpinned national policy and operational practices over the past number of years, in particular for children in the care of the State. Children in residential care and foster care are allocated a social worker whose role includes visiting the child in their placement and talking with them about their day to day life, and longer term plans. The child's wishes inform Care Plans, and children often attend at Care Planning Meetings to express these directly or with the assistance of their social worker.

It is important to note that the National Standards for Children in Residential Care and National Standards for Children in Foster Care explicitly state that children are to be consulted so as to gain their input into issues that influence their daily life. This includes choices regarding meals, recreation and other activities. HIQA inspect against these standards and in their inspection reports HIQA have found that, overall, children are consulted. The HSE and the Irish

[Deputy Frances Fitzgerald.]

Youth Justice Service have taken steps to ensure that children in care and detention are familiar with the work of Empowering People in Care (EPIC). This agency meets with and advocates for children in care.

The Commission to Inquire Into Child Abuse made two key recommendations in relation to the voice of the child as follows. The first was that they should be able to communicate concerns without fear and secondly that children who have been in child care facilities are in a good position to identify failings and deficiencies in the system, and should be consulted.

The *Commission to Inquire into Child Abuse 2009 Implementation Plan*, commonly known as the Ryan Implementation Plan contains a series of measures, designed to ensure that children and young people have a stronger voice and are consulted.

My Department led a major consultation exercise with children and young people in the care of the State over the course of 2010. Over 200 children and young people took part in consultation sessions. The aims and objectives of the consultations were to get the views of children and young people in the care of the State on the issues that really matter to them and on which they would like to be heard; to explore existing mechanisms for children and young people to express their views and to make recommendations on future structures to be established for children and young people to express their views. The Report, entitled “Listen To Our Voices” was launched by me last July.

At the launch of the “Listen To Our Voices” last July, I indicated that I would be establishing a Voice of Children in Care Implementation Group to be facilitated by my Department. Its work and direction will be informed and influenced by children and young people. It is planned to establish the Group in the current year and my Department is currently working with the HSE on this basis.

70. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the total number of young persons currently in receipt of after care services from the Health Service Executive; the number of aftercare workers employed by the HSE; and if she will make a statement on the matter. [8057/12]

85. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs if she will outline the current after care supports that are available for children and young persons who are leaving care; if she will provide figures for the proportion of said children and young persons who are provided with after care supports; her proposals on addressing shortcomings in this area; and if she will make a statement on the matter. [8082/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 70 and 85 together.

Section 45 of the Child Care Act 1991 places a statutory duty on the HSE to form a view in relation to each person leaving care as to whether there is a “need for assistance” and if it forms such a view, to provide services in accordance with the legislation and subject to resources. All young people who have had a care history with the HSE, be it foster care, residential care, high support, or special care are entitled to an aftercare service based on their assessed needs. The core eligible age range for aftercare is 18 years and up to 21 years. This can be extended until the completion of a course of education in which he/she is engaged up to the age of 23 years of age. The HSE has not routinely collected national data in respect of children who leave the care of the state each year, therefore it is not possible to provide data on the proportion of such children in receipt of aftercare. It is intended that implementation of a National Childcare Information System, which is due to go to tender this year, will provide for the routine collec-

tion of detailed information of children in care and those leaving care. However, I am advised by the HSE that 1,146 young people were in receipt of an aftercare service at the end of December 2011.

Some 90% of children in care are in foster care and a large number of these remain living with their foster families, supported financially by the HSE, on reaching 18 years of age. These young people continue in education and training as planned. This remains a key component of aftercare for young people when they leave care. Children who have been in residential care, short term foster placements, multiple placements and those who have dropped out of education/training are most at risk and in need of support when they leave care. The most important requirements for young people leaving care are for secure, suitable accommodation as well as further education, employment or training and social support. Aftercare provision incorporates advice, guidance and practical support. An individual holistic needs assessment identifies a young person's need for accommodation, financial support, social network support and training and education in the months before their 18th birthday. The level of support required will vary for each individual.

There are approximately 45 dedicated Aftercare workers in the HSE and recruitment of 10 additional aftercare workers is currently underway. In addition, many social workers while not dedicated aftercare workers, provide aftercare as part of their workload. The HSE also provides funding and has agreements in place with a number of bodies including Focus Ireland and Clare Care, to provide full-time aftercare workers.

The National Aftercare Service is underpinned by a National Policy and Procedures Document which has been developed in cooperation with the key stakeholders including the voluntary sector agencies involved in Aftercare provision and my Department. The policy commits to promoting and achieving the best outcomes for young people leaving care and in ensuring consistency of support to these young people. The most vulnerable group of young people leaving care are those that have dropped out of education and training and those that have left residential care. Some of these young people have mental health problems or a disability. The HSE is alert to this group and the implementation group is working together to improve their circumstances. The HSE has committed to monitor implementation of this policy in the 2012 National Service Plan. I will review demand and uptake of the service over the course of 2012, with a view to assessing how the service is addressing need.

### **Health Service Staff**

71. **Deputy John Browne** asked the Minister for Children and Youth Affairs if the 60 additional social workers promised for 2011 were not in place, the reason this was the case; and if she will make a statement on the matter. [8087/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE made provision for the recruitment of an additional 62 social workers in 2011. The recruitment process is being managed by the HSE National Recruitment Service. The HSE indicated in December 2011 that all of these posts had been either filled or accepted. I am advised by the HSE that twenty five individuals have already taken up duty with the remainder expected to come on stream in the coming weeks. My Department will continue to closely monitor the position with regard to the recruitment of the additional personnel.

The additional social workers are being targeted at priority areas of the service having regard to an overall assessment of workload undertaken by the National Director and his team. The recruitment of the additional social workers is one element of a wider change agenda within the HSE, through which I believe we can deliver better outcomes for children and families.

[Deputy Frances Fitzgerald.]

This reform agenda will lead to the establishment of a new Child and Family Support Agency which will provide a dedicated focus on child protection and support families in need.

### Proposed Legislation

72. **Deputy Martin Ferris** asked the Minister for Children and Youth Affairs the date on which she will introduce legislation to put Children First on a statutory footing; the date on which she will publish the policy framework to implement this on a statutory basis; and if she will make a statement on the matter. [8062/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The revised Children First Guidance was launched by me in July 2011. Government approval to place the Children First National Guidance on a statutory basis was given on 12 July 2011. Since then considerable detailed policy examination of the best approach has been undertaken. Consultations have been undertaken with a number of voluntary bodies and experts working in this field and I can advise that the preparation of the Heads of Bill and General Scheme is underway. I will bring these to Government at the earliest possible date. It is my intention to refer the Heads of Bill to the Oireachtas Committee on Health and Children for discussion in line with the commitment to early consultation with committees set out in the Programme for Government.

The policy approach which is being developed is focused on the National Children First Guidance published July 2011 and the promotion and well-being of children generally; the provision of safe services for children; cooperation amongst professionals and organisations where children are at risk of neglect and abuse and mandating key individuals to report child abuse known to them. The latter objective is aimed at removing ambivalence, reluctance or refusal by people and organisations in positions of trust and authority to report child abuse and cooperate with the relevant authorities.

The policy is also bearing in mind other complementary legislative proposals to strengthen child protection being brought forward by Minister Shatter, namely, the National Vetting Bureau Bill and the Criminal Justice (Withholding Information on Crimes Against Children and Intellectually Disabled Persons) Bill. I have taken the opportunity to consult informally with a number of experts in relation to the development of the policy in this area. A key issue for consideration is to maximise the engagement of adult volunteers with children across a range of voluntary activities (i.e. sports, arts) whilst ensuring that that systems are put in place to keep children safe. Formulating policy of this nature is complex. My aim is to develop a legislative regime which is practical in terms of implementation; supportive of staff and volunteers that work in children's services; but which puts the safety of children as the paramount consideration for all those working with children.

### Juvenile Offenders

73. **Deputy Dessie Ellis** asked the Minister for Children and Youth Affairs the details of any proposed interim options put to her by the Irish Youth Justice Service to end the practice of sending children to St. Patrick's Institution. [8059/12]

94. **Deputy Dessie Ellis** asked the Minister for Children and Youth Affairs the date on which the practice of sending 16 and 17 year olds to St. Patrick's Institution will end; and if she will make a statement on the matter. [8058/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 73 and 94 together.

The Government is committed to ending the practice of sending 16 and 17 year old boys to St Patrick's institution. It is a priority of mine to ensure that this practice ends as soon as possible. I visited St Patrick's Institution twice in November last year, prior to assuming legal responsibility for the children detention schools from the Minister for Justice and Equality in January 2012. I received a briefing from the Governor and his staff on the efforts that are made on a daily basis to provide appropriate, safe and secure care for 16 and 17 males. I also visited each of the children detention schools on the Oberstown campus during 2011.

The Government appreciates that, as far as possible, the 16 and 17 year old age group is accommodated and cared for differently from the other offenders held in St. Patrick's Institution, in line with best practice and child protection guidance procedures. Nevertheless, it is unacceptable that children continue to be detained with adult prisoners and the Government is committed to ending this practice.

I am pursuing both interim and medium term arrangements to address this matter. In the context of my taking over responsibility for the children detention schools last month I tasked a group, chaired by the Secretary General of my Department, to identify interim measures which could reduce the number of 16 and 17 year old boys detained in St. Patrick's Institution. The group comprises officials from the Irish Youth Justice Service, the Irish Prison Service and the Probation Service. I understand that the group has made considerable progress. I expect to have a report on the matter shortly and will examine the position in conjunction with the Minister for Justice and Equality.

I have also asked that the Irish Youth Justice Service reassess the projected cost of the proposed National Children Detention Facility on the Oberstown campus, North County Dublin to bring it into line with current price levels and current economic realities. This process is ongoing and the Irish Youth Justice Service has been tasked with progressing to completion during 2012 the design work and tender documentation for the NCDF project in Oberstown. I am also in ongoing consultations with the Minister for Public Expenditure and Reform on the funding of the Oberstown project. The House can be assured that I will continue to make the case at Government level on the priority that should be given to this project.

### **Constitutional Amendments**

74. **Deputy Willie O'Dea** asked the Minister for Children and Youth Affairs the structures she is putting in place to consult opposition parties on the children's referendum; and if she will make a statement on the matter. [8115/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Programme for Government 2011 states that the Referendum on Children's Rights is a priority, and that the wording of the proposed referendum will be along the lines of that proposed by the All Party Joint Committee on the Constitutional Amendment on Children (JCCAC). From the outset of deliberations in relation to the constitutional amendment on children's rights the need for all party consensus on this topic was highlighted. As a member of the JCCAC I can attest to the level of all party co-operation afforded the then Government in the work of the Committee.

Since taking office, both myself and officials of the Department of Children and Youth Affairs have had a very considerable number of meetings and communications with the Attorney General and her officials to progress this commitment. A draft wording is being prepared by the Office of the Attorney General in co-operation with the Department of Children and Youth Affairs, and there is on-going contact and meetings between officials of the Department and of the AG's office focusing on ensuring that the proposed Referendum reflects the deliberations and conclusions of the Joint Committee and the commitment in the Programme for Government.

[Deputy Frances Fitzgerald.]

It is my intention to consult with parties by way of briefings as the output of the deliberations which are currently underway emerges. I also envisage that the issue will be dealt with in the Joint Committee on Health Children and Youth Affairs. It is my intention to seek approval from Government for the proposed wording, with a view to holding the referendum this year.

*Questions Nos. 75 and 76 answered with Question No. 66.*

### **Family Support Services**

77. **Deputy Patrick Nulty** asked the Minister for Children and Youth Affairs the cuts in funding to the Family Support Agency community based counselling services, including genesis psych and family therapy service in Dublin 15; if her attention has been drawn to the fact that these cuts will lead to the closure of these services; if she will review this decision; if she will renew the funding of these services; and if she will make a statement on the matter. [3807/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Family Support Agency, under my Department, operates the Scheme of Grants to voluntary organisations providing marriage and relationship, child and bereavement counselling services. Some 600 organisations receive funding each year, including the organisation in question, which is one of 28 larger organisations that receive multi-annual funding under the scheme.

On 5 December 2011, the Government announced the funding levels being made available to my Department in 2012. As part of the national effort to address Ireland's fiscal deficit, the Family Support Agency, like all other State bodies, has been asked to make significant savings across all the programmes which it administers.

The Agency is required to achieve savings of €1.265m (12%) in 2012 on the Scheme of Grants to voluntary organisations providing marriage and relationship, child and bereavement counselling services. The Agency is acutely aware of the challenges that the reduction in funding raises for the voluntary organisations concerned and has asked the larger organisations to focus on identifying the scope for greater efficiency through reducing administration and overhead costs in order to protect the front line services.

In 2012 an allocation of €26.465m has been made to the Family Support Agency to fund its services. This includes funding of over €9.4m for the Scheme of Grants for the counselling organisations. The Agency has recently invited applications for the 2012 funding and an application form has been sent to the organisation in question.

### **Health Service Staff**

78. **Deputy Sean Fleming** asked the Minister for Children and Youth Affairs if the public sector retirement scheme will affect front line child protection services; and if she will make a statement on the matter. [8097/12]

100. **Deputy Aengus Ó Snodaigh** asked the Minister for Children and Youth Affairs the number of social workers who retired during this month or who are due to retire this month; the Health Service Executive areas in which they are based; her plans to replace these employees that are retiring; and if she will make a statement on the matter. [8054/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 78 and 100 together.

The latest information from the HSE indicates that approximately 45 social workers in the Children and Family Services have applied for early retirement. The distribution of this number geographically is as follows:

- 15 from HSE Dublin Mid Leinster;
- 8 from HSE Dublin North East;
- 13 from HSE South; and
- 9 from HSE West.

This figure is, of course, subject to change between now and the end of February. While the number due to retire is relatively low in the overall context it will, nonetheless, require a considered management response by the HSE. In this context, the National Director of Children and Families Services, Gordon Jeyes, will apply his discretion over the course of the year to the filling of vacancies, subject to this not compromising the achievement of employment targets and subject to services being provided within available resources.

I am very much aware of the financial and service challenges facing the HSE in 2012. This is the case across all care groups. The challenges are such as to require acceleration of the reform programme. This process of reform is a central element of the wider programme of reform for child and family services including the establishment of a new and dedicated Children and Family Support Agency to which the Government is fully committed.

My Department will be working very closely with the HSE throughout the year to ensure that the priorities set out in the HSE National Service Plan are implemented where they relate to children and family services. We have set an ambitious programme of work, one which is designed to significantly strengthen the policy, legislative and practice framework. Our shared goal is the delivery of appropriate, effective and consistent services, notwithstanding the very challenging and demanding circumstances in which these services are delivered.

### **Adoption Services**

79. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if she will publish the preliminary proposals the Health Service Executive has developed regarding the outsourcing of assessment agencies for the purposes of inter-country adoption; and if she will make a statement on the matter. [8053/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE is continuing to develop its proposals in relation to arrangements for providing intercountry adoption assessments. The issues involved are the subject of ongoing discussions with my Department. The Adoption Act 2010 provides that bodies other than the HSE may undertake adoption assessments on behalf of the Executive where they have been accredited by the Adoption Authority of Ireland for this purpose. The arrangements for delivery of this service will be considered against the backdrop of changes in the level of demand for adoption assessments, the overall cost effectiveness of different service delivery arrangements and the management of priorities within the HSE Children and Families Service. Details of the proposals will be made public when the discussions have concluded.

### **Inter-Country Adoptions**

80. **Deputy Derek Keating** asked the Minister for Children and Youth Affairs following her visit to Vietnam, if she will outline to Dáil Éireann if she entered into any protocols or agreements that will resolve the difficulties of foreign adoptions for Irish parents from that country;

[Deputy Derek Keating.]

if there has been any resolution of these difficulties; the likelihood of a restoration of foreign adoption agreement with the Vietnamese authorities; and if she will make a statement on the matter. [7852/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Hague Convention on Intercountry Adoption entered into force for Vietnam on 1 February 2012. The ratification of the Hague Convention by Vietnam, the associated changes in Vietnamese law and the arrangements being put in place to support on the ground implementation are hugely significant changes in the intercountry adoption regime in that country since adoptions between Ireland and Vietnam ceased. Ireland withdrew from negotiations on a bilateral agreement. The Vietnamese Government, very prudently in my view, ceased allowing adoptions from that jurisdiction in 2010 in order to focus on responding to the issues raised in two separate reports, prepared by the International Social Service on behalf of UNICEF Vietnam and the Department of Adoption of the Ministry of Justice, Vietnam, and to focus its efforts on the ratification of the Hague Convention.

As I have reported my recent visit to Vietnam, which focused on intercountry adoption, was very positive. It coincided with a visit of a delegation from the Adoption Authority of Ireland to Vietnam to discuss administrative matters in relation to intercountry adoptions on foot of Vietnam's ratification of the Hague Convention.

Under section 72 of the Adoption Act 2010, the Adoption Authority may enter into administrative arrangements with another contracting State. In this context, the Authority has prepared and submitted to the Vietnamese authorities a suggested scheme of administrative arrangements to be established between Ireland and Vietnam for the resumption of intercountry adoption between the two States. The Authority is awaiting the response of the Vietnamese authorities to this proposal.

The Adoption Authority has also recently announced its approval of ARC Adoption Ltd as a registered accredited body for the purposes of adoption mediation within Vietnam. Further applications from other bodies remain under consideration by the Authority and a decision is anticipated shortly in this regard. Agencies accredited by the Adoption Authority of Ireland also require the approval of the Vietnamese authorities.

### **Health Service Inspections**

81. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs the actions that the Health Service Executive has taken to implement the Health Information Quality Authority recommendations on the Gleann Alainn residential unit in Cork. [8078/12]

102. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs since the publication of the last Health Information Quality Authority report, the number of children who have been locked in their bedrooms from 7.30 p.m. in the Gleann Alainn, Cork, residential unit; the number of times that restraints have been used; and if she will make a statement on the matter. [8079/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 81 and 102 together.

In October 2011, the Health Information and Quality Authority (HIQA) conducted an unannounced inspection of Gleann Alainn Special Care Unit. It found at the time of their inspection, that it was in a state of crisis, due primarily to the poor standard of management which impacted

negatively on the delivery of care to the children, the day-to-day practices of the staff and the capacity of the unit to fulfil its purpose and function as a special care unit.

In January 2012, HIQA carried out a further inspection. I met with HIQA last week to discuss their findings and I was informed that considerable improvements have been made and majority of their recommendations have been addressed. This inspection report is expected to be published by HIQA by the end of this month.

The HSE has advised me that in the period in question i.e. since the publication of the HIQA report (2nd December), no child has been confined to their bedroom and one child was restrained for a period of one minute.

### **Adoption Services**

82. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs the reason the Adoption Authority has failed to produce an annual report since 2008; and the measures she and the Adoption Authority are taking to improve the reporting of search and reunion services carried out by the Adoption Authority of Ireland, adoptions agencies and the Health Service Executive. [8081/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The latest available annual report of the former Adoption Board is in respect of the year 2008. A report in respect of 2009 and the period up to end October 2010, when the Board was replaced by the Adoption Authority of Ireland is not yet available. The priority focus of the Board has been on directing available resources to the establishment of the new Adoption Authority and the ratification of the Hague Convention on Intercountry Adoption. However, I expect that a report in respect of this period will be produced and submitted to my Department at the earliest opportunity.

The Adoption Authority of Ireland was established in November 2010 under the terms of the Adoption Act, 2010. Section 117 of the Act provides that the Authority shall prepare and adopt an annual report in relation to the performance of the Authority's functions during the preceding year. The first annual report of the Authority, which will cover the period from its inception to the end of 2011, is therefore due to be presented before the end of June 2012.

Annual reports previously prepared by the former Adoption Board included information on information and tracing services. I expect that this aspect of the Authority's work will continue to feature in the annual reports of the new agency.

### **Foster Care**

83. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 18 of 15 December 2011, if she has received the following requested information from the Health Service Executive: the number of persons currently acting as foster carers here; the number of relative foster carers here; the number of foster carers who have not been Garda vetted; and the number of foster carers who are still waiting for Garda vetting; and if she will supply this information as requested. [8052/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have asked the HSE to provide me with the additional information requested by the Deputy as a matter of urgency and I will forward same on receipt.

*Question No. 84 answered with Question No. 66.*

*Question No. 85 answered with Question No. 70.*

### Missing Persons

86. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if it is her intention to have the national missing children's hotline, when established, run by a State agency or outsourced to a private company; and if she will make a statement on the matter. [8064/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under EU telecoms rules agreed in 2009, the 116000 number is reserved in all EU member states for a missing children hotline. My Department established and led a cross-sectoral Project Team, including representatives of my own Department, the Department of Justice and Equality, ComReg and An Garda Síochána to advance this matter.

The position is that Comreg, who have responsibility for allocation of this number in Ireland, received an application to operate the Hotline from the ISPCC. Following cross departmental consultation and an examination of the issues involved by the Project team, Comreg has now allocated the number to the ISPCC.

In the coming months the Project Team will now work to ensure that the Hotline becomes operational as soon as possible and operates in a way that supports and augments existing arrangements to secure child protection.

### Child Care Services

87. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs the way she interacts with other Government Departments in order to ensure the evaluation of legislation which affects children from a child-focused perspective; if she will outline her role in the development and implementation of the child poverty strategy across the relevant organs of the State; and if she will make a statement on the matter. [8008/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department is charged with leading the development of harmonised policy and quality integrated service delivery to secure better outcomes for children and young people. The Department, as part of the deliberative process of Government, routinely contributes observations on proposals for legislation and any possible impacts on children and young people that are identified through the impact assessment and poverty proofing processes, undertaken in line with Cabinet Handbook.

The many dimensions to the well-being of children and young people require my Department to work across Government and with a wide range of stakeholders to promote the physical, emotional and economic well being of children and young people. Building strong collaborative relationships with Government departments to achieve these aims is a key objective in the Department's Strategy Statement 2011-2014.

Tackling child poverty is a priority for Government and a goal of the National Action Plan for Social Inclusion 2007- 2016, coordinated by the Department of Social Protection. Children are more likely to be poor if they are living in lone parent households with low labour market participation and dependant on income support. The departments of Social Protection, Jobs, Enterprise and Innovation and Education and Skills, are working to deliver a range of measures aimed at getting people back to work.

My Department works closely with the Department of Social Protection in a "whole of Government approach" to tackling poverty in the population. The Department is represented on the Advisory Group on Tax and Social Welfare established by the Minister for Social Protection to examine issues to do with the interactions of the tax and welfare systems so that

they provide good incentives for parents to take up and remain in work and thereby contribute to the reduction of poverty and child poverty, in particular. As Minister for Children and Youth Affairs, improving children's outcomes is my primary objective. The development of the Children and Young People's Policy Framework, 2012 -2017, as the overarching framework under which policy and services for children and young people will be developed and implemented in the State, is an important initiative for cross departmental collaboration to secure this objective. Early childhood care and education programmes, in particular those that are aimed at low income families, are priorities to enhance children's opportunities for social and educational development and to support parents undertaking training and participating in employment. The network of 107 family resource centres that are funded by the Family Support Agency, under the remit of my Department have an important role in this regard. These programmes and the results of pilot projects to enhance children's development in Tallaght, Northside and Ballymun, which are jointly funded by my Department with a philanthropic organisation, will inform the Government's plans to develop a new area based approach to child poverty.

My priority, as Minister for Children and Youth Affairs, is to enhance the role of early intervention and support programmes for the most vulnerable children and their families in the context of the new Child and Family Support Agency.

### Sexual Offences

88. **Deputy Seamus Kirk** asked the Minister for Children and Youth Affairs her plans to improve inter-agency co-operation between the Health Service Executive and the Garda in respect of the investigation of sexual offences against children; and if she will make a statement on the matter. [8101/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE's Children and Family Services are engaged in a significant programme of reform. A major element of the change programme in 2012 involves implementing consistent child protection procedures in line with the revised *Children First* Guidance which I launched in July 2011 with the HSE and An Garda Síochána. As part of the drive to improve the response to child abuse the HSE published a supporting Child Welfare and Protection Practice Handbook, which I also launched with the HSE and An Garda Síochána. The Handbook was circulated to all HSE staff in order to support the drive for greater consistency in terms of the application of *Children First* across the system. There has also been good progress in advancing preparatory work on the establishment of the new Child and Family Support Agency and on the preparation of legislation to underpin *Children First*.

In order to support the consistent implication of *Children First* across all sectors, I established an Interdepartmental Group on which relevant Government Departments are represented and which is also attended by nominees from the HSE and An Garda Síochána. Furthermore, a HSE/Garda high level strategy group was established this year representing the Office of National Director of Children and Family Services and the Office of the Commissioner of An Garda Síochána in order to ensure close liaison and cooperation between An Garda Síochána and the HSE Children and Family Services in all aspects of child welfare and protection services. An Garda Síochána are also represented on two multi-disciplinary, multi-agency committees established by the HSE to examine the assessment, therapy and counselling needs of children who have been sexually abused and to make recommendations concerning service requirements.

The proper recording of sexual crimes against children is a matter for An Garda Síochána to address in the context of their record systems. I understand, however, that Garda policy in

[Deputy Frances Fitzgerald.]

this context specifies the immediate creation of a PULSE record, and that front-line Gardaí know exactly what is required of them in such situations. In relation to the timeliness of investigations it is my understanding that the Gardaí accord a high priority to the investigation of child sexual abuse and will continue to co-operate with other agencies to ensure that investigations are completed as quickly as possible.

### Child Abuse

89. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has studied the incidents of child abuse reported over the past ten years with a view to determination of policy in so far as it is possible eliminate the potential for recurrence; if from the information available it is now perceived that strategic and adequate intervention might have prevented the scale, extent and continuation of any such abuse of a sexual, physical or psychological nature in respect of children and young adults; the measures she now proposes to take of a legislation and administrative nature in this regard; and if she will make a statement on the matter. [8034/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Over the last number of years we have seen the publication of some very significant reports arising from inquiries, investigations and research conducted into child abuse. I read these reports with great concern and sadness, and the collective learning from this work has helped to inform, motivate and shape the Government's ongoing response to the issue of child abuse in all its forms.

It is difficult with hindsight to speculate at this point as to whether such abuse could have been prevented. In the case of historic inquiries different attitudes and a greater awareness of the prevalence of abuse may certainly have altered the landscape. It is clear that children were failed by the system and by those charged with their protection. More generally national and international research has linked incidents of child abuse with domestic violence, alcohol and drug addiction amongst families. We need to tackle this on a number of fronts, through early intervention and the provision of family support; by ensuring that the social work profession is sufficiently trained to make professional decisions; and perhaps more importantly by promoting and developing much greater societal awareness of child neglect and abuse and the risk posed to vulnerable children.

It is also the case that we need to put in place a strengthened policy, legislative and practice framework to respond to the issue of child abuse in Ireland. I would say in this context and in terms of looking forward that the creation of a dedicated Department of Children and Youth Affairs has been a very significant step by the Government in recognising and acknowledging the importance of this issue and that the protection of children is given the highest political priority. Within the Department I have set a very strong agenda that has as its aim the strengthening of the policy, legislative and structural framework around child welfare and protection, to include required reform of service provision. Since coming into office I published revised *Children First* National Guidance for the Protection and Welfare of Children. The Guidance deals with the recognition, reporting and management of child safety concerns. The previous Guidance was in place over the last decade. The revised Guidance sets out specific protocols for HSE social workers, Gardaí and other front line staff in dealing with suspected abuse. In particular the Guidance focuses on the impact of neglect, and the negative effect of domestic violence and addiction on children. The scope of *Children First* extends beyond the reporting of suspected abuse. It emphasises the importance of multi-disciplinary, inter-agency working in the management of such concerns. Key to this is the sharing of information between agencies and disciplines in the best interests of children and the need for full co-operation to ensure better outcomes. The Guidance also emphasises society's role in protecting children.

The HSE also published a supporting Child Welfare and Protection Practice Handbook for all its staff in order to support the drive for greater consistency in terms of the application of *Children First* across the system.

Separately, my Department is developing legislative proposals to make compliance with *Children First* a statutory obligation. The legislation will reflect a broad based approach to compliance with obligations extending beyond reporting to one of safeguarding children at risk and the objective will be to ensure the greater protection of children by strengthening the existing system for reporting and responding to suspected child abuse.

Putting *Children First* on a statutory footing was a key recommendation of the Ryan Report and went hand-in-hand with other recommendations including the commitment to recruit additional child protection social workers. These posts will significantly strengthen the capacity of the state's child protection and family support services. The Ryan report also recommended improved induction training for graduate social workers including a reduced caseload in their first year of practice.

I am also working very closely with my colleague the Minister for Justice, Equality and Defence, Alan Shatter TD, who is sponsoring two additional pieces of legislation which will see the vetting of those working with children put on a statutory footing, and which will also provide for penalties for those withholding information relating to the commission of child abuse. The effect of these legislative changes will see a significantly strengthened framework to better protect children at risk.

The legislative changes are being matched by a strong and parallel focus on the reform of child welfare and protection services. This will lead to the establishment of the new Child and Family Support Agency, to which the Government is committed. This process is being assisted by the work of the Task Force which I established in September, 2011 and which met for the eleventh time last week. The establishment of the new Agency is part of a wider “change agenda”, which is aimed at strengthening the organisational capacity, business processes and systems necessary to deliver safe and reliable child protection services in line with Government objectives.

### Children in Care

90. **Deputy Sandra McLellan** asked the Minister for Children and Youth Affairs if she intends to direct the Health Service Executive to expand the guardian *ad litem* service. [8074/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Appointment of a guardian *ad litem* (GAL) is provided under section 26 of the Child Care Act 1991. Under this provision, the court may appoint a guardian *ad litem* to a child who is the subject of care proceedings, if it is satisfied that it is necessary in the interests of the child and in the interests of justice to do so. They are always appointed where a child is subject to Special Care proceedings. Section 26 also provides that the costs incurred by any person acting as a guardian *ad litem* shall be paid by the HSE. I should point out that neither I or the HSE has a role in the appointment of guardians. This is a matter for the courts.

There is a commitment in the Ryan Implementation Plan to engage with colleagues to agree a future policy for management and funding of the service. My Department is currently reviewing provision of GAL services having regard to previous reports and current data on demand. Officials are working closely with the HSE in this regard with a view to establishing the most appropriate arrangements for the future organisation and delivery of this service. Preliminary discussions have also taken place with the Department of Justice, Equality and Defence in relation to this matter.

### Education Welfare Service

91. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs if she will report on the operation of the National Education Welfare Board; the way the NEWB monitors and invigilates school attendance across the country; the number of staff in the NEWB that are assigned to this responsibility; if she will indicate the average absentee rate at primary and post-primary schools on a daily, weekly, monthly and yearly basis and on recent trends in those rates; and if she will make a statement on the matter. [7853/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The complex issue of school attendance is systematically addressed through the provisions of the Education (Welfare) Act, 2000. This act established the National Educational Welfare Board (NEWB) in 2002 — mandating it with supervising and implementing the provisions of the Act to effectively ensure that ‘each child attends a recognised school or otherwise receives a certain minimum education’ (Section 10). The legislation establishes a framework for promoting regular school attendance, participation and retention as well as tackling the manifold problems of absenteeism and early school leaving. The Act also charges the NEWB with responsibility for children who are being educated outside of recognised schools, for example at home, as well as 16-17 year olds who leave school to take up employment.

Since mid-2009 the Board has an expanded remit which includes responsibility for the Home School Community Liaison scheme and the School Completion Programme in addition to the Educational Welfare Service. Under the extended remit, the Board is obliged to devise a single strategic approach to attendance, participation and retention. The Board is currently engaged in developing an integrated service model which would respond to the complexity of issues that impact on attendance, participation and retention. That model will be implemented in the academic year 2012-2013. This implementation will include appropriate management information systems to capture data for the measuring and monitoring of outcomes.

In relation to monitoring school attendance, the NEWB has 90 sanctioned Educational Welfare Service posts, 74 of which are currently filled (59 Educational Welfare Officers, 12 Senior Educational Welfare Officers and 3 Regional Managers). The Board also informs me that 2 Educational Welfare Officers are due to retire at the end of the month.

Since the commencement of the Education (Welfare) Act, 2000, schools are obliged to submit an Annual Attendance Report (“AAR”) to the NEWB on the levels of school attendance each year. An overall report derived from this data is produced by the Education Research Centre (ERC).

I am advised by the Board that the data is not collected in such a way as to allow all the breakdowns requested by the Deputy; I can, however provide the annual data from recent years as a significant indicator of non-attendance rates. In summary out of a primary student population of 424,138 students in 05/06 rising to 487,504 in 09/10 the number of days lost overall at primary level was 6.3% in 05/06, 6.2% in 06/07, 6.5% in 07/08, 6.3% in 08/09 and 6.2% in 09/10.

Out of a post-primary student population of 271,349 students in 05/06 rising to 297,777 in 09/10 the number of days lost overall at post-primary primary level was 7.8% in 05/06, 7.9% in 06/07, 8.1% in 07/08, 8.3% in 08/09 and 7.9% in 09/10.

Analysis of this data identifies key findings such as:

- There has been the highest annual attendance returns ever to the NEWB from schools in 2009/10: 97% from Primary and 96% from Post Primary;

- The numbers of student days lost (taking primary and post primary schools together) is running at 6.8% and is at the lower end for the five year period 2005 to 2010.

As part of the on-going work around the aforementioned integration of services the Board is currently reviewing case management practices. The review will ensure a co-ordinated case-managed response to attendance involving each of the NEWB strands and schools and will be mainstreamed across the service from September 2012. The current review is affording the simultaneous opportunity to explore the optimum way of collecting relevant data so that maximising student attendance, participation and retention remain core objectives of each school.

In the interim, and whilst the model of integrated practice is being finalised, the Board has put in place a number of measures to ensure a service to all schools. In areas where there are gaps, the following categories of referral have to be accorded priority:

- No school place.
- Refusal to enrol.
- Non transfer from Primary to Post Primary School.
- Where a student has been expelled.
- Court directed work.
- Child discharged from residential care without a school placement.
- Educational welfare issues combined with child protection/serious child welfare concerns.

### **School Completion Programme**

92. **Deputy Michael Colreavy** asked the Minister for Children and Youth Affairs the position regarding the review of the school completion programme; if she will provide a commitment that this will not be negatively impacted by cuts to DEIS schools; and if she will make a statement on the matter. [8067/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The School Completion Programme (SCP) is an initiative that aims to have a positive impact on the levels of pupil retention in primary and second level schools and on the number of pupils who successfully complete the Senior Cycle, or equivalent. The majority of schools supported by the School Completion Programme receive this assistance as part of the School Support Programme, under the DEIS (Delivering Equality of Opportunity in Schools) initiative.

The SCP targets individual young people of school-going age, both in and out of school, and arranges supports to address inequalities in education access, participation and outcomes. It is based on a project model which takes an integrated approach to the aforementioned matters involving not only primary and post primary schools, but also parents and relevant statutory, voluntary and community agencies.

Although the 2012 Estimates process was the first for my Department, I have had to find savings as part of the national effort to address Ireland's fiscal situation. With regard to the SCP the Comprehensive Expenditure Report identifies the requirement for savings of 6.5% per annum over the period 2012-2014. This equates to a saving of €2m in the Programme in 2012.

[Deputy Frances Fitzgerald.]

As a first step in considering how to achieve these savings, my Department and the National Educational Welfare Board will complete a major review of the SCP by mid 2012. The review is being undertaken in conjunction with the Board's current work to develop an integrated national approach to educational support services. This review will enhance the ongoing process of integrating the programme within a single national approach to attendance, participation and retention in schools.

I remain committed to supporting those children and young people most in need and in particular most at risk of early school leaving. Indeed a core objective of the review is to ensure that funds are appropriately targeted in this regard. I also appreciate that the achievement of these savings will require difficult trade-offs but it is anticipated that the review will identify operational efficiencies and other reforms which may serve to mitigate the impact of necessary savings.

The broader issue of any adjustments to the School Support Programme is a matter for my colleague the Minister for Education and Skills, given that responsibility for DEIS policy resides with his Department.

### **Health Service Audits**

93. **Deputy Pádraig Mac Lochlainn** asked the Minister for Children and Youth Affairs if she will provide the details of the results of the audit of alternative care services. [8068/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** In 2011, the Health Service Executive (HSE) commissioned independent consultants to undertake a review of the capacity for alternative care services. The review examined services for Special Care, High Support, Foster Care, Residential Care, Emergency Care, Out of Hours, Aftercare and Separated Children Seeking Asylum. The purpose of the review was to audit the current need and current capacity for alternative care services and to establish the projected need for care placements in the HSE for the period 2011 to end 2013. It also made recommendations regarding the development of services to meet the projected needs for the period 2011-end 2013.

The audit was undertaken last March and the report has been finalised recently. I expect to receive a copy of this report shortly and it is anticipated that the HSE will publish the report in due course.

*Question No. 94 answered with Question No. 73.*

### **Constitutional Amendments**

95. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the date on which she will introduce a children's rights referendum Bill. [8056/12]

606. **Deputy Micheál Martin** asked the Minister for Children and Youth Affairs her views on whether it will be possible to hold the children's rights referendum in 2012; and if she will make a statement on the matter. [1933/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 95 and 606 together.

The Programme for Government 2011 states that the Referendum on Children's Rights is a priority, and that the wording of the proposed referendum will be along the lines of that proposed by the All Party Joint Committee on the Constitutional Amendment on Children (JCCAC). From the outset of deliberations in relation to the constitutional amendment on

children's rights the need for all party consensus on this topic was highlighted. As a member of the JCCAC I can attest to the level of all party co-operation afforded the then Government in the work of the Committee.

Since taking office, both myself and officials of the Department of Children and Youth Affairs have had a very considerable number of meetings and communications with the Attorney General and her officials to progress this commitment. A draft wording is being prepared by the Office of the Attorney General in co-operation with the Department of Children and Youth Affairs, and there is on-going contact and meetings between officials of the Department and of the AG's office focusing on ensuring that the proposed Referendum reflects the deliberations and conclusions of the Joint Committee and the commitment in the Programme for Government.

It is my intention to consult with parties by way of briefings as the output of the deliberations which are currently underway emerges. I also envisage that the issue will be dealt with in the Joint Committee on Health Children and Youth Affairs. It is my intention to seek approval from Government for the proposed wording, with a view to holding the referendum this year.

### **Child Care Services**

96. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the degree to which she has examined the full extent of issues appertaining to youth affairs with particular reference to identification of the issues primarily affecting young persons materially or psychologically; the extent to which she can engage with the various stakeholders with a view to ensuring that, when possible, immediate action of a supportive nature is taken; and if she will make a statement on the matter. [8035/12]

617. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the degree to which she and-or her Department has identified the need for child and youth support services at community level in all regions throughout the country; the extent to which the adequacy of such services have been identified; her plans for further development in the area; and if she will make a statement on the matter. [8393/12]

619. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which community child and youth services has been identified as a necessary support for children and young people in the modern world; if any special emphasis is likely to be placed on such requirements in the future with particular reference to the need to provide safe and positive recreational alternatives for young persons; and if she will make a statement on the matter. [8395/12]

620. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has received communications from various youth organisations throughout the country in the context of modernising child and youth policies; and if she will make a statement on the matter. [8396/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 96, 617, 619 and 620 together.

Funding of some €56.626m is available from my Department in 2012 to support the provision of youth services and programmes to young people throughout the country through a number of schemes. These schemes include the Youth Service Grant Scheme, the Special Projects for Youth Scheme, the Young People's Facilities and Services Fund and certain other provisions including the Local Youth Club Grant Scheme, Youth Information Centres, the European

[Deputy Frances Fitzgerald.]

Youth in Action Programme (administered by Léargas — the Exchange Bureau) and Gaisce — the President's Award.

This funding supports the delivery of a range of youth work programmes and services for all young people, including those from disadvantaged communities, by the voluntary youth sector. Youth work programmes and services are delivered to over 1.2m young participants in the various programmes by some 1,100 youth work staff and by a volunteer base of over 60,000.

The main objectives of the Youth Affairs area are to develop and implement coherent, coordinated and relevant youth policies and strategies to support the youth sector in providing effective non-formal education and developmental opportunities for young people through which they can enhance and develop their personal and social skills and competencies.

In that context, as previously advised to the Deputy, a new youth strategy is being developed by my Department. Through this work a clear policy framework will emerge that will aim to enhance the development, participation and support of young people.

As part of this work my Department has commissioned a review of international best practice in the field of youth development and support. The findings of this review will inform my Department's policy objectives and future funding provision with the aim of ensuring that the young people participating in youth services derive maximum benefit.

It is my intention that this policy framework will also facilitate and promote co-ordination and coherence across departments and services and will set out the priorities, rationale and criteria for future funding programmes. It will also accommodate issues relevant to young people within the 10-24 age range in informal or out-of-school settings that fall within the remit of my Department. The overall objective will be to clarify and enhance coherence, connectivity, coordination and delivery in youth services and related out-of-school services for young people and to ensure such provision is both quality and outcomes based.

The Youth Strategy is being developed in the overall context of the development of a new National Children and Young People's Policy Framework 2012-2017 by my Department, thereby ensuring support for the provision of services in the context of a whole child perspective.

Ensuring quality service delivery is an ongoing priority for my Department and in that context two quality standards initiatives are being progressed in the youth area that will help to ensure improvements in good practice, that services are outcomes focussed and that the young people involved are deriving the maximum benefit from their participation in the services and programmes provided.

Through the National Youth Work Advisory Committee (NYWAC), my Department is involved in ongoing and productive dialogue with the youth sector. This committee is composed of a chairperson and 32 members drawn equally from the voluntary and statutory sectors involved in the administration and provision of youth work programmes and services. Thirteen nominees from the National Youth Council of Ireland (NYCI) and four from the Irish Vocational Education Association (IVEA) are represented on the committee.

This committee advises me on matters relating to the development and coordination of youth work policies, programmes and services. The committee meets on average four to five times a year. Through this committee, a forum is provided through which specific issues and concerns can be addressed and progressed.

### **Proposed Legislation**

97. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs when she will

make a decision regarding the banning corporal punishment in the home; and if she will make a statement on the matter. [8072/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Section 246 of the Children's Act 2001 provides very clear legal deterrents to the use of excessive physical discipline within the home setting or otherwise:

*246.—(1) It shall be an offence for any person who has custody, charge or care of a child wilfully to assault, ill-treat, neglect, abandon or expose the child, or cause or procure the child to be assaulted, ill treated, neglected, abandoned or exposed, in a manner likely to cause unnecessary suffering or injury to the child's health or seriously to affect his or her well-being.*

A common law defence or reasonable chastisement does not apply but this has not prevented the Irish courts from handing down severe sentences in cases where parents have been accused and convicted of assault or use of excessive force.

It is important to note the valuable research emerging on this topic in Ireland. Recent research from the longitudinal study of children in Ireland shows that the great majority of parents do not use smacking as a form of discipline. The most frequently used method of discipline was “discussing/explaining why the behaviour was wrong and this discipline strategy was used by almost ninety percent of mothers (88%). Less than one percent (0.5%) of mothers reporting smacking their children “regularly or always”.

The priority is to reinforce this trend and provide positive support and encouragement to good parenting. There are a range of valuable parenting programmes and support services for families throughout the country.

### Asylum Applications

98. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs the progress made to date on addressing concerns relating to the care of unaccompanied minors claiming asylum; and if she will make a statement on the matter. [7851/12]

105. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs if she has met with the Department of Justice and Equality to discuss the issue of the transfer of minors seeking asylum to adult services and the impact it has on the continuity of their education; and if she will make a statement on the matter. [8073/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 98 and 105 together.

Under the Child Care Act 1991, the Health Service Executive (HSE) is responsible for the care and protection of separated children seeking asylum until they reach 18 years of age. The immediate and ongoing needs of separated children seeking asylum (SCSA) as well as their application for refugee status are the responsibility of the Health Service Executive (HSE) in accordance with the Child Care Act, 1991 and the Refugee Act, 1996 (as amended). Where children are identified by An Garda Síochána, at the point of entry, the circumstances are investigated and if there are any concerns about the welfare of the child, they are placed into the care of the HSE.

The Implementation Plan on the Report of the Commission to Inquire into Child Abuse, 2009, contained a commitment that the HSE would end the use of separately run hostels for separated children seeking asylum and accommodate children in mainstream care, on a par with other children in the care system. In accordance with this commitment, the HSE phased out hostel type care for separated children seeking asylum and since January 2011, hostels have

[Deputy Frances Fitzgerald.]

not been used to accommodate unaccompanied minors. Instead each child is cared for either in a foster care placement or a children's residential centre.

The HSE has developed a national policy on the standards and services to be provided to separated children seeking asylum. The policy seeks to achieve equity and equality of services to separated children seeking asylum vis a vis all children at risk and to ensure that there is no differentiation of care provision, care practices, care priorities, standards or protocols until the young person reaches 18 years. The number of separated children seeking asylum has steadily declined since its peak of 1085 in 2001 to just 105 in 2010.

My Department along with the Reception and Integration Agency (RIA) of the Department of Justice and Law Reform and the HSE work closely together to plan for the transition to adult service for young asylum seekers who reach 18 years of age. I am meeting Minister Shatter to discuss a number of issues, including this matter, later this week.

### Health Service Staff

99. **Deputy Seán Crowe** asked the Minister for Children and Youth Affairs if she will ensure complete recruitment of a specialist therapeutic team for children in special care and detention; and if she will make a statement on the matter. [8076/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Implementation plan, published in 2009 in response to the *Commission to Inquire into Child Abuse* (Ryan Implementation Plan), included a commitment to the establishment by the HSE in consultation with the Irish Youth Justice Service (IYJS) of a national therapeutic and multi-disciplinary care team for children in detention and special care. The specialist multi-disciplinary team could also provide an in-reach service to boys aged 16 and 17 years who are detained in St Patrick's Institution. It also states that the HSE will review need and establish resourced multi-disciplinary assessment teams for children and young people at risk.

Notwithstanding the financial constraints applying in 2012, I am pleased to advise the Deputy that it has been agreed that any posts previously funded under the Ryan Implementation Plan, and not yet filled, may be filled in 2012. This includes the establishment of the national therapeutic and multi-disciplinary care team for children in care and detention.

The HSE has committed in its National Service Plan for 2012 to completing the establishment of this team.

When fully in place this key national service will ensure all children placed in secure care, whether on welfare or offending grounds, will have access to specialist clinical interventions in line with their assessed individual needs. The HSE has been funded for this service, as part of the funding provided in respect of the Ryan Implementation Plan.

*Question No. 100 answered with Question No. 78.*

### Family Support Services

101. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs the position regarding the establishment of the child and family support agency; and if she will make a statement on the matter. [8071/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I established the Task Force on the Child and Family Support Agency in September 2011 under the chairmanship of Ms Maureen Lynott.

The Task Force will advise my Department in regard to the necessary transition programme to establish a Child and Family Support Agency, and will base its work on best practice in child welfare, family support and public administration; consistent with the Government's public sector reform agenda.

In relation to the Agency it has been asked to:

- Propose a vision and the principles to guide operations;
- Advise on the appropriate service responsibilities, and the delivery of same;
- Review existing financial, staffing and corporate resources; and propose a methodology for resource allocation;
- Propose an organisational design and operating child welfare and protection service model;
- Prepare a detailed implementation plan;
- Identify the main priorities and core relationships required;
- Oversee the implementation and monitor progress, pending establishment of the Agency.

The Task Force held its eleventh meeting earlier this month. Work is also being advanced through two sub-groups. I look forward to receiving the report of their work, which will inform preparations for the new Agency, including the drafting of legislation. A dedicated new budget sub-head was established for the first time in the HSE Vote, in preparation for the planned establishment of the Agency in 2013. A process is currently underway in conjunction with the HSE to further review and refine the detailed components of this sub-head.

I am firmly committed to the transformation of Ireland's child protection and welfare services. Central to this is delivering transparent and accountable management and budgeting. The establishment for the first time of a dedicated budget sub-head within the HSE Vote for children and families is an important part of the ongoing "change agenda", which is aimed at strengthening organisation capacity, business processes and systems, and will pave the way for the transition to the new Child and Family Support Agency in 2013. Management of these services will be led by the National Director (Mr Gordon Jeyes) who already has a very close working relationship with me and my Department. These developments are an integral part of preparations for the new stand alone Agency.

I am anxious to advance the full establishment of the Agency at as early a date as possible, subject to the work of the Task Force and necessary legislature provision. I would envisage tabling legislation before the House later this year to provide for the Agency's setting up in 2013.

*Question No. 102 answered with Question No. 81.*

### **Health Service Reports**

103. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs the progress made to date on implementing the recommendations in the report on the Roscommon child care case; and if she will make a statement on the matter. [7850/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I provided the Deputy with detailed responses on this issue on the 3rd November, 2011 and the 15th December, 2011.

[Deputy Frances Fitzgerald.]

The HSE was asked for an update on the position and has provided the following information in addition to that already provided:-

The Report recommendation that a review of the effectiveness of the Home Management Services in respect of working with families where chronic neglect is an identified issue has been completed and a pilot project has been undertaken in South Roscommon looking at improving communications between Social Workers and other disciplines. This project is underway and is scheduled for review in May, 2012. The Sexual Abuse Treatment Unit established in Galway is due to be evaluated shortly by the HSE.

### **Adoption Services**

104. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs the measures she and the Adoption Authority of Ireland will take to define, investigate and remedy illegal Irish adoptions, both domestic and inter-country, in particular to ensure that adopted persons' identities have not been erased or altered thus to make future searches for or by original families impossible. [8080/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The question raised by the Deputy must be considered in the context of both current and historic adoptions.

In relation to current adoption practice, with effect from 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention or with countries with which Ireland has a bilateral agreement. The Hague Convention is a co-operative agreement drawn up to allow countries to mutually support one another in protecting the best interests of children in the intercountry adoption process. It is designed in such a way as to allow for mirrored mechanisms and structures to mutually assure countries of the safety and standard of intercountry adoptions in those countries. The Adoption Authority of Ireland (AAI) performs the function of a Central Authority under the Adoption Act 2010, in accordance with the Convention. In choosing to deal primarily with Hague countries, the AAI has the mechanism to work collaboratively with equivalent structures in that country. Each Central Authority has the responsibility to oversee standards in respect of those parts of the process taking place within their respective jurisdictions. This mutual arrangement is designed to give the AAI, the Government and, most importantly, those involved in the adoption process assurance as to the standards being set and the oversight of the system.

It is not realistic that the Government, or the AAI, could regulate activities relating to the adoption process outside of these State-to-State arrangements. Nor would it be possible for the AAI to work on a case by case basis to oversee individual adoptions extra-jurisdictionally as they are being effected. A system whereby the AAI considered whether adoptions are compliant with the required standards after they have been effected would be unfair both to the children and prospective adoptive parents involved. It leaves open the possibility of adoptions being unrecognised which is contrary to the best interests of the child. The role of the Central Authority in the sending country is therefore critical to the process of national assurance.

The recent statements in the House on the issue of intercountry adoptions provided an opportunity for Deputies to raise a number of important issues around this issue. I found the debate to be constructive and informative and I was particularly pleased to note the many contributions, including that of the Deputy, highlighting the central importance of the best interests of the children concerned in all our intercountry adoption activities.

As regards historic cases the Adoption Authority of Ireland holds records of adoptions effected since the introduction of statutory adoption in 1952. It holds no records relating to birth registrations.

An audit was undertaken in 2010 related to records retained by the Authority of contact received from persons who have been told and/or believe themselves to be adopted, in respect of whom, no adoption record exists. This indicated that 99 people who have identified themselves as adopted do not have a corresponding adoption file. Around 50% of these relate to so-called “adoptions” prior to the introduction of the statutory adoption regime under the Adoption Act, 1952 (which was commenced on 1 January, 1953). This work has continued following the commencement of the Adoption Act 2010 — as these queries continue to arise.

The Authority has indicated its intention to undertake further work to explore the full extent of the issue. The Board of the Authority will then consider possible next steps to contribute to an understanding of the issue including the provision of advice to me on the issue. It is important to note that the Authority has no statutory responsibility in respect of the matter but is extremely sensitive to the issue. Notwithstanding that, it should be noted that, in a number of individual cases, where the facts have been available to the Board or the Authority, it has advised the appropriate authorities in respect of any activities which it believed contravened the Adoption Act(s) for the relevant period.

The drafting of legislation with regard to Information and Tracing is one of my top priorities. Work is underway in relation to the preparation of the Bill, in consultation with the Adoption Authority, to provide for a structured and regulated way of providing access to information and contact for those affected by adoption. It is intended that the Adoption (Information and Tracing) Bill will provide for the Adoption Authority to have access to records currently held by a wide range of Information Services, give the Authority an oversight role with regard to the maintenance of adoption records and place the National Contact Preference Register on a statutory basis. The Bill will also provide for proactive tracing and reunion services by appropriate bodies for adopted adults, birth mothers and birth families, with the Adoption Authority having the overarching responsibility for the service. I intend to take this legislation through the Houses of the Oireachtas at the earliest opportunity.

*Question No. 105 answered with Question No. 98.*

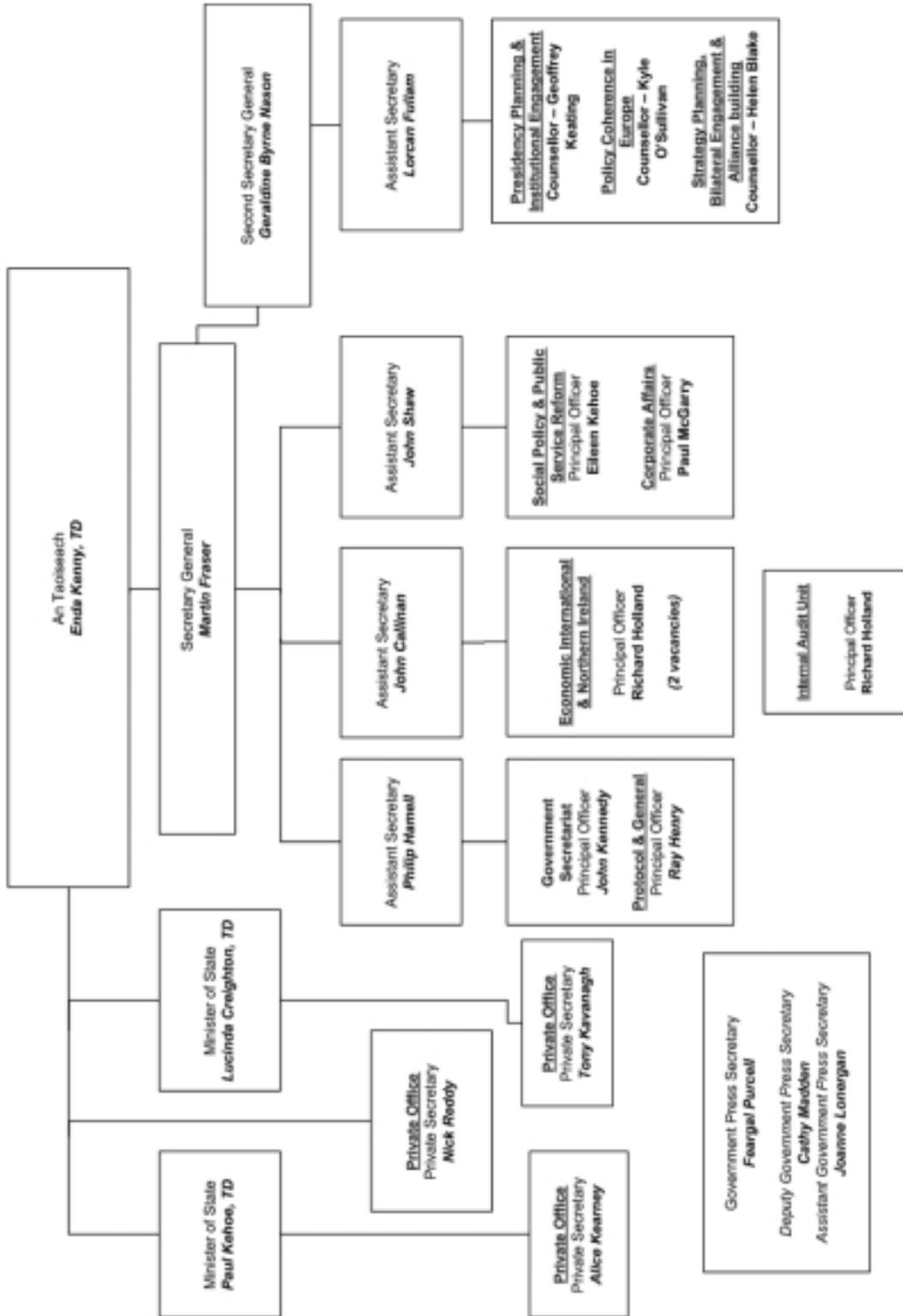
### **Departmental Staff**

106. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7746/12]

**The Taoiseach:** A copy of my Department’s organisation chart is as follows. It is also available on my Department’s website — [www.taoiseach.gov.ie](http://www.taoiseach.gov.ie).

[The Taoiseach.]

Department of the Taoiseach Organisation Chart Feb 2012



### Statistical Data

107. **Deputy Seamus Kirk** asked the Taoiseach the number of persons over the age of 65 years in County Louth as of January 2012; if he will provide a gender breakdown of the figures; and if he will make a statement on the matter. [7749/12]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** The detailed results of the 2011 Census of Population, which are due to be published at the end of March, will include a breakdown of the population by age and county in April 2011. In the meantime, the exact information requested by the Deputy is not available.

However, the annual Population and Migration Estimates include an estimate of the number of persons aged 65 years and over in each Regional Authority area. These estimates are not compiled at County level. The latest annual estimate for the Border Region (of which Louth is part) is that there were 60,800 persons aged 65 or over in the region in April 2011: 28,600 men and 32,200 women. The annual estimates are subject to revision when the more detailed Census results become available.

### State Bodies

108. **Deputy Éamon Ó Cuív** asked the Taoiseach the number of agencies, authorities, boards, committees, working 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. [7750/12]

**The Taoiseach:** No agencies, authorities, boards, committees, working groups, tribunals, council services, task forces or other quangos were established or abolished by me since February 2011.

### Departmental Appointments

109. **Deputy Shane Ross** asked the Taoiseach if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7829/12]

**The Taoiseach:** Details of the appointments I have made since coming into office on 9 March, 2011 are set out in the table. No remuneration is paid to persons in relation to the appointments listed:

Appointments made by the Taoiseach since 9 March, 2011

Name	Organisation	Appointment made to the	Date of Appointment
Prof. Edgar Morgenroth	Associate Research Professor, Economic and Social Research Institute	National Economic and Social Council	June 2011
Prof. John McHale	Economist, National University of Ireland, Galway	National Economic and Social Council	June 2011
Prof. Mary Daly	Department of Sociology, Social Policy and Social Work, Queen's University Belfast	National Economic and Social Council	June 2011

## [The Taoiseach.]

Name	Organisation	Appointment made to the	Date of Appointment
Prof. Anna Davis	Department of Geography, Trinity College Dublin	National Economic and Social Council	June 2011
Prof. Seán Ó Riain	Department of Sociology, National University of Ireland, Maynooth	National Economic and Social Council	June 2011
Dr. Michael O'Sullivan	Head of UK Research and Global Asset Allocation, Credit Suisse, London	National Economic and Social Council	June 2011
Ms Mary Walsh	Chartered Accountant	National Economic and Social Council	June 2011
Dr. Michelle Morris	Senior Lecturer, School of Applied Social Science, University College Dublin.	National Economic and Social Council	July 2011
Mr. Martin Fraser, Chairperson of NESCC	Secretary General, Department of the Taoiseach	National Economic and Social Council	August 2011
Mr. Shay Cody	IMPACT	National Economic and Social Council	September 2011
Mr. John Murphy	Secretary General, Department of Jobs, Enterprise and Innovation	National Economic and Social Council	November 2011
Mr. John Shaw, Deputy Chairperson of NESCC	Assistant Secretary, Department of the Taoiseach	National Economic and Social Council	January 2012

### Departmental Staff

110. **Deputy Catherine Murphy** asked the Taoiseach if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8278/12]

**The Taoiseach:** No such payments are being made or are scheduled to be paid.

111. **Deputy Sean Fleming** asked the Taoiseach if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8443/12]

**The Taoiseach:** In the time allowed it is not possible to provide a detailed response to the Deputy. The information will be provided to you as soon as possible.

### EU Presidency

112. **Deputy David Stanton** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will give an indication of three key areas that will be focused on during Ireland's Presi-

dency of the Council of the European Union in 2013; and if he will make a statement on the matter. [8138/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Work across all Government Departments is continuing to identify the priorities and objectives of the Irish Presidency of the Council of Ministers in 2013. These will be outlined in detail in the Irish Presidency programme that will be published in December 2012. As with all Presidencies, the Irish Presidency priorities will, to some extent, be influenced by the progress made by the Danish and Cypriot Presidencies in 2012 in advancing issues on the EU agenda. However, the Government has already identified a number of themes that will be of particular importance during the Presidency. In response to the current economic and financial situation that we face, a particular emphasis will be attached to achieving progress on measures to boost Europe's global competitiveness, stimulate sustainable economic growth and above all, to create jobs.

The Government will also seek agreement on any aspects of the Multiannual Financial Framework (MFF), that remain outstanding. The MFF sets out the EU budget from 2014-2020.

Alongside the MFF process, other issues to be addressed are of major importance to Ireland and the future development of the EU including the Common Agriculture Policy, the Common Fisheries Policy, and initiatives such as Horizon 2020 (the EU's future framework programme for research and innovation) which will be critical for the EU's economic development. Other important issues areas will include energy, climate change and environmental issues.

The Government will continue to work intensively throughout 2012 to refine Ireland's Presidency priorities across all policy areas. Ministers will consult closely with our Partners and the EU institutions as the programme process continues. The Government will also continue to liaise with stakeholders in Ireland including representatives of civil society to ensure that the programme addresses issues of national importance for Ireland.

### **Foreign Conflicts**

113. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the ongoing political situation in Syria and in particular the ongoing human rights abuses of Syrian citizens; and if he will make a statement on the matter. [7594/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have on a number of occasions stated clearly my grave concerns at the deteriorating situation in Syria and condemned the unacceptable violence and repression which is now estimated to have claimed some 7,000 lives since last March. In my address to the Security Council in New York on 9 February, I described the current situation in Syria as completely intolerable and condemned the appalling suffering of the Syrian people at the hands of the Assad regime. I also discussed the situation with the UN Secretary General Ban Ki moon and US Deputy Secretary of State Burns during the course of my visit to the United States last week.

Given the serious implications for regional peace and security, it is deeply regrettable that the Security Council has so far been unable to speak with a single voice on Syria, in failing to pass a Resolution on 4 February which otherwise commanded the full support of the Council. The ramifications of this failure have been made painfully clear in the past week as the violence in Syria, and in particular the appalling attacks on the civilian population in cities such as Homs, Bab Amr and Hama, has increased significantly. There is a desperate need for humanitarian access, including medical assistance, to citizens in these areas.

The international community can no longer continue to ignore the daily escalation of bloodshed and repression as the Assad regime seeks to extinguish the legitimate desire of ordinary

[Deputy Eamon Gilmore.]

Syrians for democracy and renewal. There is a clear onus on the international community to protect the people of Syria from further suffering and to promote a speedy resolution of this conflict through peaceful political dialogue. It is clear that President Assad will not begin this process without additional pressure from the international community.

I welcome the continued strong leadership of the Arab League as well as the UN Secretary General and others in the international community who are striving to end the violence in Syria. The UN General Assembly is due to discuss the situation and receive a briefing from High Commissioner for Human Rights Pillay on 13 February. The current appalling human rights situation is also likely to be addressed at the forthcoming session of the UN Human Rights Council later this month. Syria will also figure heavily on the agenda for the EU Foreign Affairs Council on 27 February which I will attend and where there is likely to be consideration of how to increase even further the already considerable international pressure on the Assad regime to change course.

Arab League Ministers met in Cairo on 12 February and decided to increase sanctions against Syria, to support Syria's non-violent opposition, and to appoint former Jordanian Foreign Minister Al-Khatib as Arab League envoy to Syria. The Arab League plan adopted last November and recently considered by the UN Security Council still represents the most credible basis for resolving the current crisis. All sides need to desist from further violence and to allow the main elements of the Arab League plan, including withdrawal of all military forces to barracks, release of all detainees and the stepping down of President Assad to allow the start of a political transition, to be implemented. In relation to the Arab League's proposal for a joint UN-Arab peace-keeping force to be established, this is a proposal which offers a further opportunity for the UN Security Council to live up to its responsibilities in the area of international peace and security and revisit the current crisis as soon as possible.

Ireland and its EU partners, working with the UN, the Arab League and international partners such as the US and Turkey, are determined to maintain strong and united political pressure on the Syrian regime until it ends the violent repression against its own people and begins a process of transition.

### **Dublin-Monaghan Bombings**

114. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps that have been taken to persuade the British Government to release all files related to the Dublin and Monaghan bombings; and if he will make a statement on the matter. [7595/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The question of obtaining access to information held by the British Government on the Dublin-Monaghan bombings has been pursued for many years by successive Governments and with the support of Members on all sides of the Oireachtas. There was a significant and lengthy inquiry by a Supreme Court Judge, Justice Barron, from 2000 to 2003. In addition a thorough examination by the Select Committee of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights resulted in a series of four reports published in November 2004. Following on from the recommendations of this committee, a full Commission of Investigation was established in May 2005. This was conducted by Mr. Patrick McEntee, Senior Counsel, and its final report was published in April 2007. In July 2008, the Dáil passed an all-party motion on the matter which was transmitted to the House of Commons. I have met with the victims and survivors of this terrible atrocity and am fully aware of the pain and suffering they have had to endure. I have raised the matter of access to information related to the bombings with my ministerial counterparts in the British Government and the Taoiseach has done likewise, most

recently at his meeting with Prime Minister Cameron in London on 12 January. The Government will continue to pursue the issue at both ministerial and official level and remains committed to bringing about a measure of closure to those who have suffered as a result of the Dublin-Monaghan bombings.

### **Nuclear Proliferation**

115. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support the application of economic sanctions to Israel in order to persuade it to give up its nuclear weapons and bring about a nuclear weapons free zone in the Middle East. [7610/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Israel has never officially declared itself to possess nuclear weapons. It is one of just three states not party to the Nuclear Non-Proliferation Treaty, which is acknowledged as a cornerstone of the international non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In both national and EU statements, and through our participation in the New Agenda Coalition, Ireland has repeatedly called on all three states not party to the NPT to accede to the Treaty as non-nuclear weapons states and to conclude a full scope safeguards agreement with the International Atomic Energy Agency (IAEA). Ireland regards the establishment of a Middle East Zone free of weapons of mass destruction and their delivery systems as a particularly important objective. I am very pleased that at the 2010 NPT Review Conference, Ireland brokered agreement on a text which emphasised the importance of establishing such a zone and which set out a number of practical steps towards achieving this, including the convening of a conference in 2012. We are hopeful that all countries in the region, including Israel and Iran, will participate in the Conference and in the process going forward.

Ireland is rightly regarded as having a long and very close association with the Nuclear Non-Proliferation Treaty and as being a very active proponent of complete nuclear disarmament. The Deputy can be assured that full implementation of the NPT remains a key foreign policy objective for the Government as we enter the 2015 NPT review cycle, which begins in Vienna in late April.

I am repeatedly urged to consider sanctions against Israel for various reasons. I have made clear that, like all previous Irish Governments, the Government does not support such sanctions, and further that there would be no possibility whatever of achieving an EU consensus in favour of such sanctions.

116. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he shares the view of the US director of national intelligence, as the director reported to the US Congress on 31 January, that Iran has not got an active nuclear weapons programme. [7611/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The latest report of the International Atomic Energy Agency on Iran, issued on 8 November, concluded that there are strong grounds for serious concerns regarding possible military dimensions to Iran's nuclear programme and concluded that information available indicated that Iran had carried out activities relevant to the development of a nuclear explosive device. The report is based on information drawn from a wide variety of sources and deemed by the IAEA to be "consistent in terms of technical content, individuals and organizations involved, and time frames". The IAEA is, of course, the internationally recognised watchdog on this issue, with unrivalled technical expertise and a record of absolute impartiality and independence. The

[Deputy Eamon Gilmore.]

Government, together with the US, EU and other international partners such as China and Russia, is extremely concerned about the findings of this report. The US Director of National Intelligence on 31 January stated that “Iran has the scientific, technical, and industrial capacity to eventually produce nuclear weapons, making the central issue its political will to do so.”

Given the lack of any indication from Iran that it is as yet ready to comprehensively address these concerns, the international community continues to pursue a twin-track approach of sanctions and dialogue. In his remarks on 31 January, the US Director of National Intelligence also noted that Iran’s “cost-benefit” approach to nuclear decision-making provides the international community with opportunities to influence Tehran. The EU, US and Canada, with the support of other international partners, have introduced further restrictive measures against Iran following the IAEA report in the hope that these will bring the Iranian authorities back to the negotiating table soon to address comprehensively the widespread international concerns, as set out in numerous UN Security Council and IAEA Resolutions, regarding possible military dimensions to its nuclear programme. The international community, including Ireland, the EU and the US, is united in the view that sanctions must be maintained until Iran does so.

117. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if there are any circumstances in which Ireland would support military action against Iran because of its nuclear activities. [7612/12]

118. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if there are any circumstances in which Ireland would grant the US or other NATO countries the use of Shannon Airport to facilitate military action against Iran because of its nuclear activities. [7613/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 117 and 118 together.

It is the firm conviction of this Government, and its EU partners, that the grave and valid concerns about Iran’s nuclear programme must be resolved through diplomatic negotiations alone and by no other means.

The E3+3, comprising Germany, France and the UK together with the US, Russia and China, represents the international community in negotiations with Iran. I fully support the efforts of the EU’s High Representative Catherine Ashton on behalf of the E3+3 and it is deeply regrettable that Iran’s authorities have yet to respond to her letter of October 2011 calling for a resumption of talks.

In response to the failure on the part of Iran to address the international community’s concerns following the publication of the International Atomic Energy Agency’s latest report on the Iran nuclear issue on 8 November 2011, the EU has implemented two further rounds of sanctions against Iran which were approved by the Foreign Affairs Council at its meetings on 1 December and 23 January. The US, UK and Canada have also implemented further tough bilateral sanctions against Iran, in response to the IAEA report. The aim of all these measures is to persuade Iran to return to the negotiating table so that the issues raised in the IAEA report and in repeated UN Security Council and IAEA Resolutions can be addressed.

It is the earnest hope of this Government, as well as its EU, US and international partners, that productive negotiations with Iran will restart soon to address comprehensively all the many serious issues relating to its nuclear programme, including its possible military dimensions.

**Departmental Staff**

119. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7740/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The officials and their responsibilities within my Department are as follows:

SECRETARY GENERAL

David Cooney

Political Division	Legal Division	Trade Promotion Division	Anglo-Irish Division		Europe Division	Development Cooperation	Corporate Services Division	Strategy and Performance Division
DG David Donohue  Disarmament Security Policy Human Rights Terrorism and Drugs UN OSCE and Council of Europe CFSP and coordination Belarus Moldova Caucasus Central Asia	Legal Advisor James Kingston	DG Colm O'Floinn  Trade Promotion Liaison with State Agencies Export Trade Council Economic Messaging Culture and Information	DG Niall Burgess  N. Ireland UK US Canada Australia		DG Anne Barrington  Europe, incl. Russia (excl. Belarus, Moldova and Caucasus) Enlargement Coordination on EU External Relations	DG Brendan Rogers DDG Michael Gaffey  Irish Aid Sub- Saharan Africa Indo-China Timor Leste	DG Barrie Robinson	DG Margaret Hennessy
Middle East Unit  (incl. N. Africa, Gulf and Iran)		Asia and Latin America Unit  Asia (excl. Central Asia, Indo- China and Timor Leste) Oceania Latin America Caribbean	Irish Abroad and Global Irish Network Unit	Evaluation and Audit Unit          Press Section Protocol Service				Consular Service          Passport Service

### Ministerial Appointments

120. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7823/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There are no State agencies, and consequently no State boards, under the aegis of my Department

### Employment Rights

121. **Deputy Ann Phelan** asked the Tánaiste and Minister for Foreign Affairs and Trade if the protocol section of his Department is currently in the process of drafting a protocol in respect of protecting the rights and interests of domestic workers employed by diplomats currently residing here; and if he will make a statement on the matter. [7936/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As stated in my response to a similar question on 31 January, my Department is working with the Department of Justice and Equality and other relevant Government Departments with a view to implementing additional protections, including revised procedures related to entry requirements for private domestic workers in diplomatic households consistent with its obligations under the Vienna Convention. Revised procedures will be introduced as soon as this work has been completed and agreement has been reached with the relevant Government Departments on the measures to be implemented.

### Northern Ireland Issues

122. **Deputy Éamon Ó Cuív** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has raised the issue of the non-implementation of paragraph 20 of the Weston Park agreement in regard to a prisoner (details supplied) in Northern Ireland with the Northern Ireland and British Authorities; and if he will make a statement on the matter. [7965/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I understand that the prisoner in question has initiated legal proceedings which are currently before the courts. It would not be appropriate for me to comment any further at this stage other than to confirm that officials from my Department continue to monitor developments very closely.

123. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress made on securing an independent all-Ireland inquiry into the Omagh bombing as requested by families of the victims; the reason for the delay; and if he will make a statement on the matter. [7982/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The bombing in Omagh in August 1998 was an atrocity which resulted in appalling loss of life and injury. The search for closure by those who have been affected by this atrocity has not been an easy or swift process. Criminal proceedings against those who undertook this terrible act have not resulted in a successful prosecution and I understand that an appeal is currently underway regarding the verdict of the landmark civil case taken by the families seeking compensation against a group of men alleged to have been involved in the Omagh bombing. The Government does not propose to establish an all-Ireland inquiry into the bombing. An Garda Síochána and the Police Service of Northern Ireland maintain close contact regarding all matters of cross

[Deputy Eamon Gilmore.]

border crime and any new evidential opportunities related to the Omagh bombing will be fully pursued in the spirit of this enhanced relationship.

### **Emigrant Support Services**

124. **Deputy Tom Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will lobby key members of the US Senate during his visit to Washington DC by requesting them to support the E-3 visa scheme which would allow up to 10,000 working visas a year for Irish emigrants; and if he will make a statement on the matter. [7994/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As I outlined in my reply to question No. 47 of 25 January, enabling Irish people to apply for E-3 temporary U.S. work visas has been a particular focus of the Government's efforts in the context of our overall ongoing exchanges with the U.S. Administration and Congress on immigration-related issues. The Taoiseach and I discussed immigration issues with President Obama when we met with him on 23 May last year in Dublin and I also did so in separate exchanges which I had during the course of 2011 with Secretary of State Clinton and Senator Patrick Leahy, Chair of the Senate Judiciary Committee.

During my visits of last week to Washington D.C. and New York, I reviewed progress on E-3 issues during further separate contacts which I had with Deputy Secretary Bill Burns of the U.S. State Department and also with Senator Leahy, Senator Scott Brown and Senator Charles Schumer and members of the Friends of Ireland group at House of Representatives level.

As the Deputy will be aware, Senators Schumer, Leahy and Durbin and Senators Brown and Kirk had tabled draft Bills which would enable the provision of E-3 visas to Irish applicants. Both Bills have since been referred for examination by the U.S. Senate's Judiciary Committee and I am pleased that progress is being made towards securing the bi-partisan consensus that will be required if a good overall result is to be achieved.

In my discussions with them last week, I thanked Senators Leahy, Schumer and Brown for their ongoing efforts in this regard and encouraged them to persist towards reaching a positive outcome. I also assured them of the Government's continuing close interest and support in this connection, which we are exercising through our Embassy in Washington.

The Embassy is in turn working in tandem with key stakeholder groups from throughout the Irish-American community. The Taoiseach also met last week in New York with representatives from several of these groups, including the Irish Lobby for Immigration Reform, the Ancient Order of Hibernians, Chicago Celts for Immigration Reform and the Coalition of Irish Immigration Centres. I would also like acknowledge and thank all these groups and others from within Irish-America for their vital help and support in rallying momentum behind our collective efforts.

I am heartened by the advances that have been made so far towards enabling Irish people to apply for E-3 visas. However, and together with our friends and allies on Capitol Hill and amongst the Irish-American community, I am conscious that the current U.S. domestic political climate around immigration issues and the Presidential elections taking place there later this year mean that nothing can be taken for granted. The Government will therefore continue to engage closely through the Embassy with key players at both U.S. Senate and House of Representatives levels over the period ahead with a view to further advancing our Irish E-3 visa objectives.

### Irish Language

125. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade when he intends to make public the Irish language version of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. [7998/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The translation of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union is being done by the Council Secretariat and the intention is for the Council Secretariat to publish all linguistic versions simultaneously. This is expected in the coming days. The English language version of the Treaty is available at the following link — <http://europa.eu/rapid/pressReleasesAction.do?reference=DOC/12/2&aged=0&language=EN&guiLanguage=en>.

### Constitutional Amendments

126. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade if, in the event that a referendum on the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union does not take place, he intends to have the treaty ratified in advance of the passing of enabling legislation through the Oireachtas, such as the fiscal responsibility Bill, or if ratification would only take place after the enabling legislation is signed into law by the President; and if he will make a statement on the matter. [7999/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy will be aware, following agreement on the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union at the informal meeting of the European Council on 30 January, and a subsequent meeting of the Government, I sought the views of the Attorney General formally on what will be required by way of ratification in Ireland. The Attorney General is now studying the legal implications carefully, and will, in due course, deliver her advice.

Once her advice is received, the Government will consider it and will take whatever steps are necessary. It is not helpful to speculate at this point on what those steps might be.

The Deputy can be assured that whatever path towards ratification is required, the Oireachtas will be appropriately involved in the process.

### Middle East Peace Process

127. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the arrest and detention of a person (details supplied) by the Israeli authorities under their administrative detention procedure, the fact that they are currently more than 50 days into a hunger strike; and if he will support the call by Amnesty International for the Israeli authorities to try or release them immediately. [8010/12]

128. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will call on the Israeli Government to cease the practice of administrative detentions as called by various human rights organisations. [8011/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 127 and 128 together.

I am aware of the case referred to by the Deputy. The subject is generally acknowledged to be a leader of Islamic Jihad. The circumstances of the subject's hunger strike are not fully clear. He is understood to be on hunger strike in protest over what he calls his unjust detention and

[Deputy Eamon Gilmore.]

mistreatment by Israeli authorities. Mr. Adnan was originally detained on 17 December and is at present held in a civilian hospital in Israel where he is being attended by civilian medical staff, not by military or prison doctors. He has been visited on four occasions so far by the International Committee of the Red Cross. I am however concerned that his hunger strike may now be reaching the point where his health could be seriously endangered. We have raised this case with our partners at EU level in Israel, and are monitoring the situation closely.

Unfortunately, States facing serious terrorist threat sometimes have to enact emergency powers, and it cannot be denied that Israel faces such threats. But any such powers should be as minimal as possible, carefully safeguarded and in accordance with international law. The present requirement in Israel is that detention orders be regularly renewed, and the evidence on which they are sought presented to the judge.

Nonetheless, and particularly in a situation where the Palestinian population live under permanent military rule, there is a clear risk of the abuse of such powers. I am concerned that detention orders, rather than an extraordinary measure only applied in the most exceptional cases, are used as part of the broader system of control of Palestinians and of legitimate protest as well as violent action. Nor can it be right that such detention orders be renewed indefinitely, without a case coming to trial. I therefore support the call of NGOs and others that this practice be brought to an end.

Ireland and our EU partners have represented these views to the Israeli authorities for some time, and the number of cases of administrative detention has fallen during that period. We will continue to press on this issue.

### Diplomatic Representation

129. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade the amount that has been spent on Irish embassies, by location, for each of the past five years. [8025/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Our Missions abroad are involved in a wide range of activities which include representing and advancing government policies with other States and in international organisations; economic and cultural promotion; frontline consular and passport services to Irish citizens overseas; engaging with Irish communities and harnessing the resource they offer in assisting economic recovery; and managing programmes, particularly in Irish Aid priority countries. The budget of each overseas Mission for 2007 to 2011 is provided in the table below. These budgets are considered to be the locally-devolved administrative budget, including local staff salaries but not salaries of diplomatic staff, which are a charge on the Headquarters budget. Likewise, my Department's small capital budget is not allocated to missions on an ongoing basis but is managed from Headquarters.

The Missions highlighted in bold manage significant programmes on behalf of Irish Aid, funded from Vote 29. These budgets reflect the additional management and oversight required for the effective implementation of those important programmes.

Administrative Budget for Mission

	2007 €	2008 €	2009 €	2010 €	2011 €
	—	—	429,990	600,261	466,900
ABUJA	260,424	548,135	372,660	556,374	267,599
ADDIS ABABA	1,199,888	1,064,185	898,000	898,685	747,137

	2007 €	2008 €	2009 €	2010 €	2011 €
ANKARA	412,851	429,022	405,487	422,633	397,809
ATHENS	532,525	477,093	484,116	525,292	488,109
ATLANTA (opened 2010)	—	—	—	26,885	147,400
BEIJING	789,116	838,728	973,084	841,615	750,784
BERLIN	999,025	1,181,612	1,009,825	930,500	929,251
BERNE	331,968	463,006	507,174	450,170	445,899
BOSTON	365,638	353,824	472,391	392,032	344,629
BRASILIA	540,443	510,761	450,012	579,964	524,784
BRATISLAVA	384,325	380,840	416,857	354,215	377,803
BRUSSELS (EMBASSY and P.F.P.)	1,202,904	1,126,087	1,230,063	930,301	844,610
BRUSSELS (PR-EU)	3,582,121	3,457,843	3,805,678	4,194,314	3,307,842
BUCHAREST	566,044	577,947	484,421	457,869	485,075
BUDAPEST	485,572	511,156	495,581	444,950	465,593
BUENOS AIRES	351,725	372,254	383,751	454,202	426,217
CAIRO	445,209	569,536	500,311	460,651	396,657
CANBERRA	742,471	743,869	681,238	788,271	760,756
CARDIFF (closed 2009)	213,966	182,170	79,757	—	—
CHICAGO	383,173	358,542	325,799	342,853	340,825
COPENHAGEN	540,031	476,526	430,412	448,180	445,389
DAR ES SALAAM	819,916	1,242,513	1,049,784	720,238	878,000
DILI (due to close in 2012)	205,402	189,962	211,483	148,716	215,600
EDINBURGH	319,133	261,682	227,646	236,941	220,194
FREETOWN	197,673	204,871	215,114	199,440	537,000
GENEVA	1,124,538	1,096,146	1,134,003	1,142,564	1,282,450
HANOI	609,377	743,614	580,390	607,332	745,000
HELSINKI	655,345	634,690	637,618	539,507	539,283
HOLY SEE (closed 2012)	740,532	498,334	437,683	455,820	420,987
KAMPALA	1,376,603	1,915,553	1,338,000	1,140,515	1,231,532
KUALA LUMPUR	380,607	418,700	359,821	409,445	388,340
LILONGWE	413,536	717,165	623,196	445,750	644,185
LISBON	496,611	548,396	437,493	376,459	431,630
LJUBLJANA	454,887	489,219	428,186	451,370	427,868
LONDON (including Passport Office)	5,610,590	4,669,648	4,065,867	3,702,234	3,396,000
LUSAKA	1,293,799	1,499,747	1,586,698	1,097,048	1,324,700
LUXEMBOURG	716,923	709,845	738,042	724,074	435,287
MADRID	1,242,986	1,273,566	1,239,494	1,106,768	1,038,990
MAPUTO	1,377,425	1,717,913	1,427,000	983,406	1,086,500
MASERU	700,082	795,256	523,259	512,812	656,700
MEXICO	696,226	598,562	475,576	528,437	442,290
MOSCOW	970,958	896,238	873,407	1,064,758	766,233
NEW DELHI	669,453	839,809	611,455	967,485	704,242
NEW YORK — C.G.	2,281,554	1,903,026	1,920,283	1,915,099	1,836,245
NEW YORK- PMUN	2,443,225	2,681,0741	1,546,199	2,081,792	1,755,273
NICOSIA	406,801	428,485	417,208	419,656	365,313
OSCE — VIENNA	455,567	459,195	434,483	504,823	494,500
OSLO	715,292	787,891	634,870	601,640	615,300
OTTAWA	658,038	605,680	700,330	590,775	580,960
PARIS (incl OECD)	1,867,828	1,852,135	1,804,602	1,817,710	1,635,188

[Deputy Eamon Gilmore.]

	2007 €	2008 €	2009 €	2010 €	2011 €
PRAGUE	524,173	573,544	604,233	612,292	598,634
PRETORIA	1,407,145	1,318,279	968,255	1,111,600	1,182,650
RAMALLAH	419,099	373,828	286,792	354,106	347,291
RIGA	437,135	438,808	372,586	360,659	210,748
RIYADH	404,299	386,430	547,777	381,231	347,071
ROME	1,292,690	1,270,120	1,202,705	1,180,581	1,193,087
SAN FRANCISCO	500,358	628,525	417,187	428,014	394,350
SEOUL	643,540	767,822	438,633	833,161	413,750
SHANGHAI	512,507	466,888	511,801	667,532	567,923
SINGAPORE	913,131	865,908	805,922	833,820	828,590
SOFIA	617,814	452,737	425,518	367,670	408,350
STOCKHOLM	458,461	426,780	435,176	591,585	616,107
STRASBOURG	523,150	454,730	439,469	424,895	422,091
SYDNEY	546,538	511,344	489,353	587,275	647,462
TALLINN	445,663	426,396	352,791	415,288	390,376
TEHRAN (due to close in 2012)	315,881	361,419	347,641	417,048	348,049
TEL AVIV	666,237	574,527	737,733	623,858	573,639
THE HAGUE	1,066,280	1,079,734	949,973	921,078	749,539
TOKYO	1,543,374	1,604,708	2,079,774	1,637,651	1,888,548
VALLETTA	369,535	329,452	330,122	372,090	322,379
VIENNA	677,684	664,055	633,729	662,725	670,686
VILNIUS	677,347	545,639	452,692	425,124	416,380
WARSAW	909,879	996,352	713,657	842,848	754,711
WASHINGTON DC	1,540,392	1,268,050	1,250,786	1,329,159	1,149,777

130. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of member states of the EU and other European nations that have embassies or consulates which serve the Vatican while simultaneously serving as diplomatic missions to other member states; the reasons the Vatican find this practice so unacceptable from the Republic of Ireland, in view of our grave financial predicament. [8151/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There is no EU or other European State which has a resident Embassy or Consulate accredited to the Holy See which also serves as a diplomatic Mission to an EU Member State, although a number of Embassies accredited to the Holy See are also accredited to the Sovereign Order of Malta and/or San Marino. For what I understand are historical reasons, the Holy See does not accept accreditation from a resident Embassy that is also accredited to the Italian Republic.

#### International Agreements

131. **Deputy Pearse Doherty** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason the European Stability Mechanism Treaty was signed by embassy officials on 2 February 2012 rather than the Minister for Finance; the standard practice for the signing of such international treaties; if he will list any previous occasions on which an international treaty was signed by an embassy official rather than a Government Minister; and if he will make a statement on the matter. [8246/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The European Stability Mechanism Treaty was signed on behalf of each signatory state by its Permanent Representative to the European Union on 2 February 2012. The Vienna Convention on the Law of Treaties provides that international agreements between states must be signed on their behalf by a Head of State, a Head of Government, a Foreign Minister or someone authorised by any of the foregoing. International law makes no distinction as to whether any such person is a politician or an official and it is normal diplomatic practice for Ambassadors to sign international agreements on behalf of their governments. Ireland's Permanent Representative to the European Union has been authorised by me to sign on behalf of Ireland any international agreement the signature of which has been authorised by the Government. The Government authorised signature of the ESM Treaty at its meeting on 30 January 2012. A list of international agreements signed on behalf of Ireland in the last six months, with the name and function of the signatory, is set out below:

1 Treaty Establishing the European Stability Mechanism between the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Republic of Finland; signed by Rory Montgomery, Permanent Representative to the European Union, on 2 February 2012.

2 Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity; signed by Anne Anderson, Permanent Representative to the United Nations, on 1 February 2012.

3 Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of America; signed by John Neary, Ambassador to Japan, on 26 January 2012.

4 Convention between Ireland and the Republic of Panama for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital Gains; signed by Eamon Gilmore, Tánaiste and Minister for Foreign Affairs and Trade, on 28 November 2011.

5 Convention between Ireland and the Kingdom of Saudi Arabia for the Avoidance of Double Taxation and the Prevention of Tax Evasion with Respect to Taxes on Income; signed by Niall Holohan, Ambassador to the Kingdom of Saudi Arabia, on 19 October 2011.

### **Departmental Staff**

132. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8273/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Department of Foreign Affairs and Trade currently employs five retired civil servants. While it is not customary to name officials or retired officials I am setting out in the table below the reason, grade, duration and remuneration details relating to each case:

	Nature/Reason	Duration in 2012	Remuneration costs in 2011	Estimated remuneration costs in 2012
Retired Deputy Secretary	To act as the Tánaiste's Special Representative for the South Caucasus in connection with Ireland's Chairmanship of the OSCE, 2012	30 weeks	€0	€62,449
Retired Assistant Secretary	To act as Head of Task Force in connection with Ireland's Chairmanship of the OSCE, 2012	Full year	€78,868	€78,868
Retired Assistant Secretary	To review departmental files prior to their submission to the National Archives	10 Weeks	€7,018	€7,018
Retired Assistant Secretary	To act as Passport Appeals Officer under the Passport Act, 2008	Dependant on number of cases dealt with	€0	Dependant on number of cases dealt with
Retired Development Specialist	Review of development cooperation programmes and projects commissioned by the Department	5 days	€9,342	€2,133

No other payments of the type described have been sanctioned for retiring officials of my Department.

133. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8437/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** With regard to staff of my Department, the calculation and payment of superannuation benefits is a matter for the Minister for Public Expenditure and Reform. Severance payments totalling €316,943.84 were made to former Ministerial Personal Appointees in 2011.

### Diplomatic Representation

134. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will give an update on a case (details supplied). [8476/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy will be aware, my Department has constantly monitored this case and the person detained has been visited regularly by our Ambassador in New Delhi and by our Honorary Consul in Colombo. I am advised that this case was heard in the Sri Lankan Supreme Court on Friday 3rd February 2012 and that the Court was advised that the person detained is to be indicted in the High Courts of Colombo, Sri Lanka shortly. I am further advised that the next Fundamental rights hearing will be held on the 19th March 2012. I can assure the Deputy that my Department will continue to follow developments on the case and also keep the family fully advised.

### Tax Code

135. **Deputy Clare Daly** asked the Minister for Finance if it is the case that the total VAT currently being charged on ESB bills is being charged on the total bill including the carbon tax and if this is so the basis for same. [8184/12]

**Minister for Finance (Deputy Michael Noonan):** I would point out initially that the carbon tax does not apply to electricity and as such ESB bills do not include a carbon tax element, to which VAT would apply. The amount on which VAT is chargeable, in accordance with section 37(1) of the Value-Added Tax Consolidation Act 2010, is the total consideration receivable by the supplier, “including all taxes, commissions, costs and charges whatsoever” but not including the VAT itself.

VAT is governed by the EU VAT Directive, with which Irish VAT law must comply. Article 78 of the VAT Directive provides that the taxable amount shall include “taxes, duties, levies and charges, excluding the VAT itself”.

In this respect, where a supply of service, such as a gas bill, includes carbon tax, VAT law dictates that VAT should be calculated on the carbon tax element of the charge as well as the charge for the service. The same situation applies in the case of other excises, including for example excises on petrol, auto-diesel, tobacco and alcohol products.

Guidance in relation to the VAT treatment of the total consideration receivable by a supplier is set out in the *VAT Guide*. This publication is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

### International Agreements

136. **Deputy Pearse Doherty** asked the Minister for Finance if the ratification of the European Stability Mechanism Treaty will take place before or after the passing of the European Stability Mechanism Bill; and if he will make a statement on the matter. [8229/12]

**Minister for Finance (Deputy Michael Noonan):** The ESM treaty was signed by Euro Area Member States on 2 February 2012. 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. The ESM treaty will enter into force as soon as Member States representing 90% of the capital commitments have ratified it. The ESM will become operational as soon as possible. A target date of July 2012 has been set, which is 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.

Primary legislation will be required to enable Ireland to ratify the ESM Treaty and implement its provisions. It is expected that the required legislation will be published this term. Ireland cannot ratify the ESM Treaty until the required legislation is enacted.

### Tax Code

137. **Deputy Thomas P. Broughan** asked the Minister for Finance further to Parliamentary Question No. 84 of 8 February 2012, in terms of State and semi-State commercial companies employing contractors, if Revenue has carried out an investigation into whether so-called contractors are in fact employees and the purpose of the contractor status is to minimise personal

[Deputy Thomas P. Broughan.]

taxation and if he approves of this policy; his views that this facilitates tax avoidance; and if he will make a statement on the matter. [8309/12]

**Minister for Finance (Deputy Michael Noonan):** Unfortunately, it was not possible to collate the information required for this answer in the time allowed. I will provide the Deputy with the answer in writing shortly.

138. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on a matter (details supplied) regarding excise rate on diesel; and if he will make a statement on the matter. [8450/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of mineral oil tax and for tackling the illicit trade in mineral oil products, that they are acutely aware of the various illegal activities that lead to loss to the Exchequer of mineral oil tax. The most serious risk in this regard is the large scale laundering of markers from mineral oil (diesel), and the onward supply and sale of the laundered product as auto diesel. Marked mineral oil is subject to a reduced rate of mineral oil tax on condition that it is not used in road vehicles. The suggestion has been made that the present system of marking diesel for non-auto use should be replaced by one in which all diesel would be subject to the same rate of mineral oil tax, with repayment arrangements for certain users. A system of this kind would, however, give rise to additional administrative work for both the users concerned and for the Revenue Commissioners, would impose cash flow costs on users and could be open to fraud and abuse. The focus, therefore, is on strengthening the existing regime for taxing diesel at differential rates, including the implementation of enhanced licensing systems, acquiring a more effective marker, and continued robust enforcement action.

#### Departmental Staff

139. **Deputy Ciarán Lynch** asked the Minister for Finance the overtime cost attributable to staff attendance for the exceptional opening of Revenue's lo-call service on Saturday, 7 January 2012; and if he will make a statement on the matter. [7545/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the cost of overtime attributable to staff attendance for the exceptional opening of Revenue's lo-call service on Saturday, 7 January 2012 is €39,080.67.

#### Tax Code

140. **Deputy Michael McGrath** asked the Minister for Finance when the return of income form 12 for 2011 will be available from the Revenue in view of the fact that many pensioners are being advised to complete the form and it is not yet available. [7560/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the 2011 version of the Form 12 is currently being finalised and should be available very soon. This is in line with the usual timetable for the production of the form. In the meantime, if a taxpayer wishes to complete a return of income for 2011 they should contact their local Revenue office where they will be issued with an adapted version of the 2010 Form 12 for that purpose. However, they will not be disadvantaged in any way by waiting for the correct form. I am further advised by the Revenue Commissioners that they are currently developing a significantly shorter version of the existing Form 12 specifically to cater for the needs of pensioners and other PAYE taxpayers whose tax affairs are more straightforward. The intention is that a draft of the short Form 12 (Form 12S) will be circulated to a range of groups representing the elderly and other pensioners for their views on the layout of the proposed new

form, its suitability and ease of completion. It is Revenue's intention to complete the consultation process as quickly as possible and to have the Form 12S available for completion as a matter of urgency.

141. **Deputy Pat Deering** asked the Minister for Finance if he will consider a special higher tax rate for those in receipt of retirement packages greater than €200,000.00. [7609/12]

**Minister for Finance (Deputy Michael Noonan):** It is not clear from the question whether the Deputy's reference to "retirement packages" is to retirement lump sums or to the combination of lump sum and pension. An individual in receipt of pension income is liable to tax on that income at his or her marginal rate of income tax. I have no plans to change these arrangements. I am informed by the Revenue Commissioners that two separate tax treatments can apply to lump sum payments depending on the nature of the lump sums paid to a retiring individual. (These rules apply equally to all employees — public and private sectors). The details of these treatments are set out hereunder. It should be noted that the lifetime limits on the amounts of lump sums that can be paid tax-free under pension arrangements or as termination payments were reduced to €200,000 in last year's Finance Act. I have no plans for further changes in this area at this time.

*Retirement lump sums paid under pension arrangements*

The following arrangements apply to retirement lump sums paid under Revenue approved pension arrangements:

- Lump sum amounts up to €200,000 are paid free of tax. They are also paid free of Universal Social Charge (USC).
- The portion of a lump sum between €200,001 and €575,000 is taxed on a ring-fenced basis at 20%. (This means that no tax credits or other tax reliefs can be set against this portion of the lump sum.) No USC is chargeable.
- Any amount of a lump sum in excess of €575,000 is taxed at the individual's marginal rate of tax (credits and other tax reliefs are available). In this instance, USC is chargeable on the excess.

These amounts are lifetime amounts with prior lump sums aggregating with later lump sums.

*Termination lump sums*

Section 201 of the Taxes Consolidation Act 1997 and Schedule 3 to that Act set out the legislation in relation to the exemptions that apply to ex-gratia payments including retirement gratuities, and the taxation of any balance after applying these exemptions. The same rules apply to all employees and office holders in receipt of ex-gratia payments.

Statutory redundancy payments are exempt from income tax. In addition, there are additional exemption limits for ex-gratia redundancy payments or retirement gratuities in excess of the statutory redundancy amount, namely—

- a basic exemption of €10,160 plus €765 per complete year of actual service in excess of the statutory redundancy payment;

*Or*

- Standard Capital Superannuation Benefit i.e. 1/15th of the person's annual income (average of the last three years) for each year of employment less any tax-free lump sum which is received or receivable under any approved or statutory pension scheme.

It is open to the taxpayer to choose whichever relief is of most benefit.

[Deputy Michael Noonan.]

The basic exemption from income tax as outlined above can be further increased by up to €10,000 if the person is not a member of an occupational pension scheme. (This can only be claimed if the person has not made any claims in respect of a lump sum retirement gratuity received in the previous 10 tax years.)

Any amount of redundancy payment or retirement gratuity in excess of whichever exemption applies is liable to income tax.

As mentioned, under the provisions of section 8 of the Finance Act 2011, the maximum lifetime amount that may be paid tax free in respect of a retirement gratuity is, with effect from 1 January 2011, €200,000.

### EU Payments

142. **Deputy Éamon Ó Cuív** asked the Minister for Finance the total payments made by the State to the EEC-EU broken down on a year-by-year basis since we joined the Union in 1973; and if he will make a statement on the matter. [7624/12]

143. **Deputy Éamon Ó Cuív** asked the Minister for Finance the total payments received by the State from the EEC-EU broken down year-by-year since Ireland joined the Union in 1973; and if he will make a statement on the matter. [7625/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 142 and 143 together.

In relation to payments made by the State to the European Union and total payments received by the State from the European Union since 1973, these details are at Table 10 of the document “Budgetary and Economic Statistics” published by my Department in September 2011. The document can be obtained from the following website address:

<http://www.finance.gov.ie/documents/guidelines/bessept2011.pdf>

A copy of the Table 10 is set out for your convenience.

The Deputy should note that it has not been the practice to include research receipts paid directly to private entities in this table as these are collated in a different manner; however the Department of Jobs, Enterprise and Innovation have supplied the following figures, for awards to Irish participants in projects funded under the European Framework Programmes for Research and Development:

	€ Million
FP 1 (1984-1986)	N/A
FP 2 (1987-1991)	€44
FP 3 (1990-1994)	€88
FP 4 (1995-1998)	€191
FP 5 (1999-2002)	€148
FP 6 (2003-2006)	€188
FP 7 (2007-2013)	€362 (to Nov 2011)

Table 10 — Receipts from and Payments to the EU Budget

Year	Receipts from EU Budget €m	Payments To EU Budget €m	Net Receipts €m	% of GDP
1973	47.1	5.7	41.4	1.1%

Year	Receipts from EU Budget €m	Payments To EU Budget €m	Net Receipts €m	% of GDP
1974	85.6	7.0	78.6	1.9%
1975	138.5	12.4	126.1	2.4%
1976	151.7	17.0	134.7	2.1%
1977	346.5	28.1	318.5	4.1%
1978	520.9	58.5	462.3	5.0%
1979	671.8	77.0	594.9	5.4%
1980	711.8	112.9	598.9	4.6%
1981	643.5	133.8	509.7	3.2%
1982	764.5	173.6	590.9	3.2%
1983	924.0	234.5	689.5	3.4%
1984	1,100.5	257.1	843.4	3.7%
1985	1,433.2	270.8	1,162.3	4.7%
1986	1,455.9	305.1	1,150.8	4.4%
1987	1,397.1	324.0	1,073.1	3.8%
1988	1,474.9	314.6	1,160.3	3.9%
1989	1,644.7	362.6	1,282.1	3.8%
1990	2,210.6	359.2	1,851.4	5.1%
1991	2,794.9	442.1	2,352.8	6.2%
1992	2,531.9	448.7	2,083.1	5.2%
1993	2,849.8	575.8	2,274.0	5.3%
1994	2,338.0	641.9	1,696.1	3.7%
1995	2,566.5	689.2	1,877.3	3.6%
(Revised GDP)				3.5%
1996	2,820.4	687.1	2,133.3	3.6%
1997	3,190.0	652.0	2,537.9	3.7%
1998	3,015.1	989.4	2,025.7	2.6%
1999	2,678.9	1,051.0	1,627.9	1.8%
2000	2,607.2	1,075.0	1,532.2	1.5%
2001	2,417.6	1,220.0	1,197.6	1.0%
2002	2,519.6	1,011.2	1,508.3	1.2%
2003	2,581.1	1,190.4	1,390.7	1.0%
2004	2,610.8	1,185.5	1,425.3	1.0%
2005	2,379.1	1,496.9	882.2	0.5%
2006	2,201.6	1,529.7	671.9	0.4%
2007	2,085.3	1,570.0	515.3	0.3%
2008	2,064.5	1,586.7	477.8	0.3%
2009	1,810.4	1,486.3	324.1	0.2%
2010 (e)	1,882.2	1,352.4	529.8	0.3%
	65,667.6	23,935.4	41,732.2	2.9%

## Notes:

National annual figures may differ in some instances to European Commission published figures. This is due to a number of factors including different accounting periods and practices.

2010 figures are estimates. Rounding may affect totals.

Sources: Department of Finance and Paying Authorities.

### Banking Sector Regulation

144. **Deputy Pearse Doherty** asked the Minister for Finance the cost to AIB from staff

[Deputy Pearse Doherty.]

overtime including the total overtime bill and total overtime hours worked broken down by month from January 2011 to January 2012; the average number of hours of overtime worked by affected staff; the number of staff working overtime broken down by month from January 2011 to January 2012 and expressed in numerical terms and as a percentage of the total workforce; and if he will make a statement on the matter. [7655/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, notwithstanding the fact that the State is a significant shareholder in AIB, the bank is run on a commercial arm's length basis and I do not have a role in the day-to-day commercial and operational decisions taken by the board and management of the bank. In relation to employment costs, the management and board of the bank are aware of their duties to their shareholders to ensure that all costs incurred by the bank are necessary and reflect the needs of the business.

### Disabled Drivers

145. **Deputy Jack Wall** asked the Minister for Finance if there is any assistance for a person wishing to purchase a car for a person with a medical disability; and if he will make a statement on the matter. [7683/12]

**Minister for Finance (Deputy Michael Noonan):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT (up to a certain limit) on the purchase of a car adapted for the transport of a person with specific severe and permanent physical disabilities, to those who meet certain disability criteria. The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get the Primary Medical Certificate, an applicant must be severely and permanently disabled and satisfy one of the following conditions:

- a) be wholly or almost wholly without the use of both legs;
- b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;
- c) be without both hands or without both arms;
- d) be without one or both legs;
- e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

If the Primary Medical Certificate is refused, the person may appeal the refusal to the Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

### Banking Sector Regulation

146. **Deputy Gerry Adams** asked the Minister for Finance if he will confirm if a retention agreement has been circulated between a company (details supplied) and IBRC and if there was a public procurement process for this agreement; if he will further confirm if the retention

agreement is for this company to advise upon the UK commercial loan book and if not, if he will detail what the company may have appointed to advise IBRC upon; the duration and cost of such a retention agreement; if such a retention agreement prevents one of the largest distressed debt purchasers in the world the company to purchase any IBRC assets; and if he will make a statement on the matter. [7689/12]

**Minister for Finance (Deputy Michael Noonan):** While IBRC is wholly State owned, it is not formally covered by public procurement rules as its commercial remit makes it subject to market forces. Under the Relationship Framework the Board of the bank is responsible for the day to day operations of the bank. The bank has retained the services of the ‘strategic advisory arm’ of the Group, referred to in the question. The bank has previously been requested by my Department to confirm that there is no conflict in relation to the appointment. The bank obtained independent advice that this entity operates independently of the ‘investment arm’ of the Group. The appointment was made having regard for the Bank’s procurement policy. Details of the terms and purpose of the bank’s appointment of this advisor are commercially sensitive and it is not appropriate to disclose such information.

### State Aid

147. **Deputy Gerry Adams** asked the Minister for Finance if with respect to the disposal of bank assets in IBRC that a clear model in accordance with EU state aid rules has been formulated in the event IBRC decides to proceed with specific asset sales; if disposal of IBRC assets shall always be sold directly by the bank or through a third party; if he will outline if asset disposal by IBRC can be done in accordance with EU state aid rules without the appointment of a third party adviser; and if he will make a statement on the matter. [7690/12]

**Minister for Finance (Deputy Michael Noonan):** IBRC is bound to adhere to the requirements of the EU Commission state aid decision on the revised restructuring plan for Anglo Irish Bank and Irish Nationwide Building Society. The commitments set out in the decision are monitored by a monitoring trustee approved by the Commission. The Commission decision does not determine whether or how assets should be sold by the Bank or through a third party. The Bank has the capacity to either use third party advisors or sell directly and in practice both mechanisms are used in order to achieve the most economically advantageous result for the taxpayer. The Bank does have a robust procurement policy and process for the appointment of any advisors or other providers of services to the Bank and this is used in support of the sales process.

148. **Deputy Gerry Adams** asked the Minister for Finance if he will outline if with respect to disposal of bank assets in Allied Irish Bank that a clear model in accordance with EU state aid rules has been formulated in the event Allied Irish Bank decides to proceed with specific asset sales; if he will explain if disposal of Allied Irish Banks assets shall always be sold directly by the bank or through a third party; if asset disposals by Allied Irish Bank can be done in accordance with EU state aid rules without the appointment of a third party advisor; and if he will make a statement on the matter. [7691/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, a key component of the Financial Measures Programme is the establishment of deleveraging plans to reduce the Irish banking system to an appropriate size and to stabilise its funding base. The Central Bank has agreed with the troika that a sustainable Loan to Deposit Ratio for the aggregate domestic banking system is 122.5%. As a first step in the Financial Measures Programme process, banks were instructed to segregate their loan assets strategically into core and non-

[Deputy Michael Noonan.]

core portfolios. The key principle governing the definition of core portfolios was the need to service the retail, SME and corporate banking requirements of the Irish economy, including cross-border trade and investment, acknowledging that some limited element of international business remains essential. In doing so, the banks needed to ensure that at the end of the process a viable core bank, independent of direct or indirect State support and capable of returning to the capital markets in the medium term, would remain. To this end, separate Non-core teams have been established by each of the banks to focus on managing the deleveraging process. AIB's Non-core team continues to manage AIB's deleveraging as required under the Financial Measures Programme.

AIB is in the process of agreeing its Restructuring Plan with the European Commission. Once that process has concluded compliance with its commitments will be monitored by a Monitoring Trustee approved by the Commission. My understanding is that the Restructuring Plan will not prescribe a particular method or structure of sale. Normally a bank retains the ability to conduct deleveraging using the most appropriate structure for that transaction, in order to obtain a competitive price whilst satisfying any further requirements under its Restructuring Plan. I have been informed by AIB that for material disposals, it often uses the services of agents in the marketing and sales process if it believes this will ensure the price achieved on disposal of assets is maximised.

#### **National Asset Management Agency**

149. **Deputy Gerry Adams** asked the Minister for Finance if the National Asset Management Agency continues to pay salaries to NAMA borrowers when NAMA has appointed receivers over their assets; if NAMA allows the NAMA borrower to recoup any rental income from assets where receivers have been appointed over their assets; and if he will make a statement on the matter. [7692/12]

150. **Deputy Gerry Adams** asked the Minister for Finance the funds made available to NAMA borrowers from assets which are in NAMA to pay for the legal fees incurred by the borrower in attempting to prevent NAMA appoint a receiver over their assets; the number of borrowers in NAMA who have commenced proceedings against NAMA but continue to receive a salary from NAMA in accordance with their agreed business plans with NAMA; and if he will make a statement on the matter. [7693/12]

151. **Deputy Gerry Adams** asked the Minister for Finance the number of borrowers in the National Asset Management Agency who have one or more performing assets in NAMA; if these NAMA borrowers are allowed recoup income from the performing NAMA asset as well as the salary which the borrower is receiving from NAMA in accordance with their business plans with NAMA; and if he will make a statement on the matter. [7694/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 149 to 151, inclusive, together.

I am informed by NAMA that it does not pay salaries to its debtors. In certain cases, NAMA allows debtors to retain part of the income from their income-producing assets to pay overheads, including salaries. In other cases, such as development assets, NAMA will provide funding for overheads to enable works to be brought to completion, where this makes commercial sense.

On appointment, one of the duties of a receiver is to take control of the assets and any income produced by them will therefore no longer be available to the debtor concerned.

NAMA informs me that arrangements which have been in place to allow income to be retained or to provide funds to meet overheads no longer apply after receivers have been appointed over a debtor's assets.

NAMA informs me that its credit approval process requires debtors to obtain NAMA authorisation for expenditure. NAMA does not authorise expenditure by debtors on legal actions intended to prevent enforcement action. Nor does it authorise the retention of income in cases where proceedings have commenced.

As of end-September 2011, the percentage of performing loans in the NAMA portfolio was 21%. Debtors with performing loans make payments of interest and principal from their income-producing assets to NAMA and, in certain cases, they may also, with authorisation from NAMA, retain part of the income from these assets to pay overheads, including salaries.

NAMA advises me that the number of debtors who have one or more performing assets is not readily available. NAMA has undertaken to provide me with this information and, accordingly, I will issue a reply to the Deputy as soon as the information is to hand.

152. **Deputy Gerry Adams** asked the Minister for Finance the number of borrowers in NAMA who have one or more assets in NAMA that receives rental income from the State, a State owned entity or semi-State entity; and if he will make a statement on the matter. [7695/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by NAMA that details regarding NAMA borrowers who have assets producing rental income from the State, State entities or semi-State entities are not yet available. However, NAMA informs me that the loan due diligence process is currently approaching completion and a database with detailed information on the collateral securing acquired loans, including lease arrangements, is in the process of being developed. The Agency expects to have the type of information sought by the Deputy later in the year.

153. **Deputy Gerry Adams** asked the Minister for Finance if he will detail the processes and procedures by which loans shall be assigned to any of the 16 loan sale advisers which have already been appointed by the National Asset Management Agency; the number of employees in NAMA who formerly worked for any of the loan sale advisers appointed on the panel; if he will name any of the loan sale advisers appointed for whom no NAMA employee has ever worked for; if he will detail the names of the loan sale advisers where NAMA employees have previously worked and will be directly or indirectly responsible to in the decision making process for determining which broker shall be appointed for which loan sale; and if he will make a statement on the matter. [7697/12]

154. **Deputy Gerry Adams** asked the Minister for Finance if he will detail which month or quarter of 2012 that NAMA has targeted to sell on the US and European loans where they have appointed 16 loan sale advisers; and if he will make a statement on the matter. [7698/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 153 and 154 together.

NAMA has appointed two panels of Loan Sale Advisors for both Europe (including UK) and the US to assist the agency in selling acquired loans that are linked to assets in those markets. There are 13 firms on the Europe panel and 10 firms on the US panel. Seven firms are common to both panels, which means that there are 16 firms in total.

[Deputy Michael Noonan.]

NAMA informs me that particular loan sale assignments will be allocated following competitive mini-tenders within each of the panels.

NAMA advises me that there are some officers in the Agency who have worked for firms on one or both panels. NAMA also advises me that, given its remit under the NAMA Act, it must recruit staff with the requisite experience and expertise and that it would not therefore be possible to recruit officers who have not worked with firms on NAMA panels, particularly given the breadth of activities with which the larger law and accountancy firms are involved.

The key issue, however, is that NAMA takes steps to ensure conflicts of interest do not occur. Under Section 42 of the NAMA Act, before he or she is assigned to NAMA, each officer is required to provide a statement of his or her interests, assets and liabilities to the Chief Executive Officer of NAMA and the Chief Executive of NTMA. Furthermore, a key item for any NAMA evaluation group for procurement of services is a declaration by each member that they have no conflict of interest. NAMA advises me that this enables the Agency to ensure

- that potential conflicts of interest in the management of the loan portfolios are managed effectively; and
- that staff do not participate in decisions which may involve the allocation of work to companies for which they worked previously.

As regards the sale of US or European loans, NAMA will shortly begin the process of identifying certain segments of its loan portfolio for sale. NAMA advises that the volume and timing of actual sales will depend on whether NAMA considers that market bids represent good value for the taxpayer in any particular instance.

155. **Deputy Gerry Adams** asked the Minister for Finance the amount the National Asset Management Agency has spent on legal fees in total since its establishment; if he will provide a breakdown of the legal fees spent each year since its establishment; if he will provide a breakdown of the names of the top ten recipients of legal fees from NAMA each year since its establishment; and the amount these recipients received each year from NAMA. [7724/12]

**Minister for Finance (Deputy Michael Noonan):** The details requested by the Deputy are set out hereunder. It should be noted that the details are on a cash paid basis as opposed to the accrual accounting basis that must be used in the Agency's annual financial statements. It should also be noted that the figures for 2012 are those incurred up to 6 February only.

Total Legal expenses by year (€)

Year	Base Amount
2010	9,746,625.68
2011	16,455,532.56
2012	1,349,117.41
Total	27,551,275.65

Top Ten suppliers to date (€)

1	Arthur Cox	3,074,552.86
---	------------	--------------

## Top Ten suppliers to date (€)

2	Hogan Lovells International LLP	2,926,301.47
3	Allen and Overy LLP	2,473,941.32
4	Maples and Calder	2,046,545.39
5	Matheson Ormsby Prentice	1,577,475.09
6	Byrne Wallace	1,507,035.68
7	William Fry Solicitors	1,445,142.62
8	A&L Goodbody Solicitors	1,374,989.35
9	Dillon Eustace	1,189,329.74
10	Beauchamps Solicitors	1,166,591.81

## Top Ten Suppliers by year

## 2012

1	A&L Goodbody Solicitors	324,087.32
2	Hogan Lovells International LLP	164,437.04
3	William Fry Solicitors	152,472.45
4	Byrne Wallace	114,664.76
5	Beauchamps Solicitors	68,014.10
6	Simmons and Simmons LLP	62,056.91
7	Maples and Calder	56,959.78
8	SNR Denton UK LLP	46,350.20
9	Taylor Wessing LLP	42,991.63
10	DLA Piper UK LLP	42,488.52

## 2011

1	Hogan Lovells International LLP	1,482,460.33
2	Maples and Calder	1,436,958.03
3	Arthur Cox	1,161,824.36
4	Matheson Ormsby Prentice	1,147,062.53
5	McCann Fitzgerald	1,030,955.02
6	Allen and Overy LLP	1,012,815.95
7	A&L Goodbody Solicitors	858,613.10
8	William Fry Solicitors	851,490.29
9	Beauchamps Solicitors	809,880.15
10	Byrne Wallace	787,574.42

## 2010

1	Arthur Cox	1,896,827.73
2	Allen and Overy LLP	1,424,973.95
3	Hogan Lovells International LLP	1,279,406.10
4	Dillon Eustace	708,632.76
5	Byrne Wallace	604,796.50
6	Maples and Calder	552,627.58
7	William Fry Solicitors	441,179.33

[Deputy Michael Noonan.]

2010

8	Eversheds O'Donnell Sweeney	424,198.20
9	Matheson Ormsby Prentice	407,353.51
10	LK Shields Solicitors	376,848.75

### Departmental Staff

156. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7739/12]

**Minister for Finance (Deputy Michael Noonan):** An organisational chart detailing the responsibilities of certain officials in my Department is as follows.

Department of Finance: Management Chart

February 2012

Minister's Office

Press Office

		Division	Senior Staff
Secretary General	Vacancy	International Financial Institutions/EU Budget and Finance Directorate	Paul Ryan
Second Secretary General	Ann Nolan	Human Resource Manager Financial Services and Taxation Division	Niall Ó Ceallaigh Aidan Carrigan, Derek Moran
Second Secretary General	Mr John Moran	Banking Division Shareholding Management Unit	Neil Ryan Michael Torpey
Second Secretary General	Jim O'Brien	Budget and Economic Division	Michael McGrath

Financial Services and Taxation Division

Second Secretary General — Ann Nolan

Senior Staff	Responsibilities
Aidan Carrigan	Reform of Financial Regulatory Structures, Credit Unions Central Bank Credit Unions Financial Service Consumer Issues, Mortgage Arrears Anti Money Laundering and Fin Sanctions and Asset Freezing, FATF Consumer Credit Directive and Financial Ombudsman and Council, IFSAT EU Financial Services Policy and Legislation, Central Co-Ordination Unit Investment Services and Securities, Funds, UCITS, EU Fin Supervision Insurance, IFS

Senior Staff	Responsibilities
Derek Moran	NAMA Bank Legislation Legal Advisor Business tax team — EU and International Business tax team — Tax Incentives Business tax team — IFSC Business tax team — Corporation Taxation Income Tax Policy Income tax Incentives VAT Excise Duty, VRT Energy Tax Policy Capital and saving Tax Finance Bill, Tax Clearance Pension Taxation

## Banking Division

Second Secretary General — John Moran

Senior Staff	Responsibilities
John Hogan	Credit and Lending Policy Mortgage arrears
Neil Ryan	Systemwide Funding and Deleveraging, Bank Sector Balance Sheet Management Bank Sector HR and IR Policy D.G. Comp, State Aid
Michael Torpey	Stability Monitoring and Planning, ELG Operation Shareholding Management Unit

## Budget and Economic Division

Second Secretary General — Jim O'Brien

Senior Staff	Responsibilities
Michael Mc Grath	EU Co-ordination/Ecofin/Eurogroup/EFC/ EWG EU Economic Governance/EU 2020/EU EPC/ NESC and NSB Liaison/ Budget and Economic Statistics/Monthly Economic Bulletin Analysis International Economy/OECD Central Budget Office Statistical Issues NTMA Issues/Debt Management/Funding/EIB Domestic Macroeconomic Analysis and Forecasts Labour Market/Incomes EU/IMF External Programme Compliance Unit EU Advisory Unit

[Deputy Michael Noonan.]

International Financial Institutions/EU Budget and Finance Directorate

Director: Paul Ryan

Director	Responsibilities
Paul Ryan	International Financial Institutions, including IMF (SCIMF) — not External Programme), World Bank, ADB, EBRD and CEB. EU Budget/EU Multiannual Financial Framework 2014-12 Departmental Finance Unit including Corporate Services <sup>1</sup> (excluding HR/Personnel) PMG Pensions <sup>2</sup> PMG Banking <sup>2</sup> Control Unit <sup>2</sup> Accounts Section <sup>2</sup> Exchequer Section <sup>2</sup> Business Admin Unit <sup>2</sup>

<sup>1</sup>Shared service to Department of Public Expenditure and Reform.<sup>2</sup>Shared service to a number of Departments/Agencies.

Corporate Services Division

Human Resource Manager : Niall O’Ceallaigh

HR Manager	Responsibilities
Niall O’Ceallaigh	Employee Relations/Performance Workforce Planning/Resourcing

### Tax Code

157. **Deputy Áine Collins** asked the Minister for Finance if he will clarify whether the Garda reserve allowance is taxable income or a travel allowance and if it is included in assessment for third level grant applications. [7792/12]

**Minister for Finance (Deputy Michael Noonan):** The position is that the annual allowance paid to a Garda Reserve is income for tax purposes. The assessment procedure for third level grant applications is a matter, in the first instance, for the Minister for Education and Skills.

### Banking Sector Regulation

158. **Deputy Peter Mathews** asked the Minister for Finance his views on a matter (details supplied) regarding banking practice; and if he will make a statement on the matter. [7812/12]

**Minister for Finance (Deputy Michael Noonan):** Under the Central Bank’s Consumer Protection Code (the Code) if a customer is a “consumer” for the purposes of the Code, a financial institution, regulated by the Central Bank, must gather and record sufficient information from the consumer prior to offering, recommending, arranging or providing a product or service and that information must be appropriate to the nature and complexity of the product or service. The Central Bank has advised me that there are no requirements in the Code requiring financial institutions to seek tax clearance certificates from their customers but nor does the Code prohibit the request of such information. The Bank has also advised me that a mortgage loan account must operate in accordance with the terms and conditions applying to the mortgage

agreement and that financial institutions regulated by the Central Bank may look for updated information when the nature of a product is about to change.

The Revenue Commissioners have advised me that from their point of view they do not require tax payers to provide Tax Clearance Certificates to financial institutions.

### National Asset Management Agency

159. **Deputy Michael McGrath** asked the Minister for Finance further to his announcement on budget day 6 December 2011, when he intends to formally establish the National Asset Management Agency advisory group; the number of members who will form the advisory group; the anticipated nature of its composition in terms of sectoral background and relevant experience of its members; the role he envisages for the advisory group; and if he will make a statement on the matter. [7813/12]

164. **Deputy Gerry Adams** asked the Minister for Finance if he will report on the new National Asset Management Agency advisory group which he announced in December; if the group has been established; the members of the group; the salaries, expenses or other benefits for membership of this group; how often the group meets; the group's accountability to the Government and or to NAMA; and if he will make a statement on the matter. [7952/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 159 and 164 together.

I have appointed Mr Michael Geoghegan to chair a small group of advisors to advise me on the future strategic direction of NAMA. Mr Geoghegan has agreed to carry out his role on a *pro bono* basis.

I am currently considering the names of potential candidates who have the appropriate experience and background to work effectively on the group of advisors with Mr Geoghegan. I expect to announce the other members shortly. At that stage, I will also announce the group's terms of reference, as well as its reporting framework and arrangements in relation to costs.

### Ministerial Appointments

160. **Deputy Shane Ross** asked the Minister for Finance if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7822/12]

**Minister for Finance (Deputy Michael Noonan):** The information requested by the Deputy is contained in the following table:

Appointments made to boards since March 2011

Name of Body	Name of appointee	Date appointed/ reappointed	Remuneration Received
Disabled Drivers Medical of Appeal	Dr Angela McNamara	Re-appointed on 7 Nov 2011	Dr McNamara is entitled to a session rate of €607.20 when attending each appeal Board sitting.
*Irish Bank Resolution Corporation (IBRC)	Mr Roger McGreal	15th Nov 2011	€73,600 p.a.
	Mr Oliver Ellingham	14th Oct 2011	€73,600 p.a.

[Deputy Michael Noonan.]

Name of Body	Name of appointee	Date appointed/ reappointed	Remuneration Received
Fiscal Advisory Council (established June 2011)	Mr. Sebastian Barnes Professor Alan Barrett Dr. Donal Donovan, Professor John McHale Dr Roisin O'Sullivan	7th July 2011	Council members not already working in Irish public sector roles receive a stipend of €5,000 per annum. Council members employed in the Irish public sector receive no payment for their role on the Council.

\*The Directors of the Irish Bank Resolution Corporation were appointed by the board of the bank with my approval. For the sake of completeness, I have formed a panel of suitably qualified people in 2011 for possible appointment or nomination to the board of certain banks following a public expressions of interest process. Recently, Bank of Ireland has appointed Mr Patrick Haren who was included on this panel to their Court (board).

### Financial Services Regulation

161. **Deputy Finian McGrath** asked the Minister for Finance his views on a matter (details supplied) regarding US advisers. [7832/12]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank of Ireland has instituted a new Fitness and Probity Regime which came into effect on 1 December 2011 and will be fully implemented by 1 December 2012. The Regulations apply to Pre-Approval Controlled Functions and Controlled Functions. The Regulations apply to financial service providers other than Credit Unions. The Regulations identify 41 senior positions as Pre-Approval Controlled Functions such as Chief Executive Officer, Director or Heads of Compliance, Risk, and Internal Audit. Central Bank approval is required before appointments are made to these positions. The Regulations also prescribe specific categories as Controlled Functions and persons performing these functions include the staff that exercise a significant influence on conduct of the affairs of the financial service provider, monitor compliance or perform functions in a customer-facing role. The Fitness and Probity Standards are being implemented on a phased basis as follows:

- From 1 December 2011, apply to persons performing Pre-Approval Controlled Functions;
- From 1 March 2012, they will apply to persons appointed to Controlled Functions (other than Pre-Approval Controlled Functions). This is to include new offers of employment and internal transfers/promotions which may involve a Controlled Function role after that date;
- They will apply to all persons occupying Controlled Functions as at 1 December 2012.

A full overview of the Fitness and Probity regime can be found on the CBI's website at the following link: <http://www.centralbank.ie/regulation/processes/fandp/pages/introductiontofitnessandprobity.aspx>

The institution referred to in the Deputy's question has confirmed that a US headquartered firm, was engaged by the Chairman of EBS to perform an independent assessment of the EBS Chief Executive's fitness and probity. The output report was submitted to the Central Bank of Ireland on 3 February. The institution has indicated that the decision to take expert advice was taken in the context of this key position as CEO of the subsidiary and member of the Executive Committee on the institution.

The procurement of external service providers is a matter for the management and board of the institution. I have no role in the day-to-day commercial and operational decisions of the banks, which include these matters. These decisions are taken by the board and management of the institution. As the Deputy will be aware, notwithstanding the fact that the State is a significant shareholder in the institution, the bank is run on a commercial arm's length basis as per the Memorandum on Economic and Financial Policies agreed with the EU Commission, the ECB and the IMF.

In relation to costs incurred, the management and board of the institution are aware of their duties to their shareholders to ensure that all costs incurred by the bank are necessary and reflect the needs of the business.

### **National Asset Management Agency**

162. **Deputy Stephen S. Donnelly** asked the Minister for Finance with regard to the recent advertisement by the National Asset Management Agency for a company to provide management services for a qualified investment fund, the estimated size of this fund, in value; the assets, or asset types, that will be transferred to the fund; if loan and property valuations and due diligence will be conducted on these assets before their transfer to the fund; the way the funds will be marketed; the origin of this initiative, that is with a proposal from within NAMA or from within the Department of Finance, or from elsewhere; the analysis that was conducted prior to this decision; if he will release a copy of that analysis; and the rationale for the initiative. [7874/12]

170. **Deputy Pearse Doherty** asked the Minister for Finance with respect to the establishment of a qualified investment fund by the National Asset Management Agency, the scale of the funds involved in this fund; which assets will be transferred to the fund; will the establishment of this fund or transfer of assets to the fund involve more loan and property valuations and due diligence before assets are transferred to the funds; the way the funds will be marketed; if this will involve the taking on of more staff beyond NAMAs existing top-line 200 employee claim; if this initiative emerged from within NAMA, the Department of Finance or another body; if the initiative will prevent property coming onto the market and thereby prevent property reach a clearing price and bottom; and if he will make a statement on the matter. [8131/12]

172. **Deputy Michael McCarthy** asked the Minister for Finance in relation to the qualified investment fund being set up by the National Asset Management Agency, the type of assets that will be transferred to the fund; how large the funds will be; the way the funds will be marketed; from whom the idea to establish the QIF came; and if he will make a statement on the matter. [8149/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 162, 170 and 172 together.

I am informed by NAMA that it is currently tendering for Investment Management, Custodian and Fund Administration services with a view to establishing a Qualifying Investment Fund (QIF). Preparations are currently being made by NAMA to obtain the requisite regulatory approval and to set in place the appropriate governance and operational arrangements with a view to establishing a number of such funds during 2012.

The proposal emanated from within NAMA and has received approval in principle from the NAMA Board. NAMA advises me that the analysis which was presented to the Board contains commercially sensitive information and it has no plans to publish it.

[Deputy Michael Noonan.]

The proposal would involve NAMA acquiring property assets, on an arm's length basis, from receivers (or from debtors who would cede secured property directly to NAMA) and to package them into various combinations which could be monetised through sale to investors. It is proposed to assemble portfolios based on asset types (office, residential, retail, etc.) or geographical region (Ireland, Dublin, UK, etc.) and to secure international investment based on specialist investor preferences.

It is not envisaged that additional due diligence will be required given the substantial amount of information which has already been collated on loans and on the property assets securing them.

If regulatory approval is granted, the Board will consider issues such as the size of the QIF and its marketing.

It is not envisaged that additional recruitment of staff will be required as the administration and management of the Fund will operate on an arm's length basis from NAMA. As the Fund is intended to facilitate the investment of funds from abroad into the Irish commercial property market, NAMA anticipates that its impact will therefore be positive.

### **Financial Services Regulation**

163. **Deputy Michael McGrath** asked the Minister for Finance if the Central Bank of Ireland legislation permits a regulated financial institution, without the express permission of the customer, to transfer money out of an account held by one of its customers and to offset it against an amount owing by the same customer to the bank in a separate loan account with the same institution. [7877/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Central Bank that the legislation governing the Central Bank does not permit nor does it prevent a financial institution regulated by it (regulated entity), from transferring money out of an account held by one of its customers and offsetting it against an amount owing by the same customer to the bank in a separate loan account with the same institution, without the express permission of the customer. This practice referred to as “off-setting” can be provided for in lending contracts and would be more a matter for contract law. I have also been advised by the Central Bank that provision 8.6 (i) of their Consumer Protection Code requires lenders to advise consumers in arrears of any impact of the non-payment on other accounts held by the personal consumer with that regulated entity including the potential for off-setting of accounts, where there is a possibility that this may occur under existing terms and conditions.

*Question No. 164 answered with Question No. 159.*

### **Tax Code**

165. **Deputy Jim Daly** asked the Minister for Finance if it is possible for a person that has a savings account designated exempt from deposit interest retention tax to apply for a refund of tax deducted previous to the date the exemption was granted; and if he will make a statement on the matter. [7955/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that an individual who qualifies for exemption from Deposit Interest Retention Tax (DIRT) may apply for a refund of tax deducted prior to the date the exemption was granted, if he or she fulfilled the conditions for granting the exemption at the time the DIRT was deducted. The conditions for granting exemption from DIRT are:

1. the individual (or his or her spouse or civil partner) is aged 65 or over during the year and their gross income from all sources (e.g., old age pension, deposit interest etc) is less than:

(a) €18,000 (or €36,000 in the case of a married couple / civil partnerships) for the 2011 tax year, or

(b) €20,000 (or €40,000 in the case of a married couple) for the 2008, 2009 and 2010 tax years.

2. the individual (or his/her spouse or civil partner) is permanently incapacitated by physical or mental infirmity from maintaining himself or herself and he or she (and his/her spouse or civil partner) would be entitled to a full refund of DIRT if their tax credits exceed any tax payable (including DIRT) for the tax year. The claim for a refund of DIRT should be made by submitting a *Form 54 Claims* for the relevant year to the individual's local tax office. Refunds of DIRT are covered by the overall four-year time limit that applies to tax refund claims.

166. **Deputy Pearse Doherty** asked the Minister for Finance the potential amount that could be raised for the Exchequer by removing the current capital gains tax exemption for disposal of a site to a child. [7972/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that, as information on the value of the gain arising from the disposal of a site to a child is not required in capital gains tax returns, there is no dedicated basis for separately identifying the potential amount that could be raised for the Exchequer by removing the current exemption. However, on the basis of indicative information on the relevant tax returns, it is unlikely that the yield would exceed €1 million in a full year.

167. **Deputy Pearse Doherty** asked the Minister for Finance if he has examined the issue of placing a cap on the disposal of a business or farm on retirement and within families. [7973/12]

**Minister for Finance (Deputy Michael Noonan):** In Budget 2012 I announced a modification of retirement relief from Capital Gains Tax (CGT) to encourage timely transfer of farms and businesses. Disposals of farm or business assets within families will continue to be fully relieved from CGT where the transferor is aged between 55 and 65 years. Where the transferor is aged 66 or over, the relief will apply subject to an upper limit of €3 million on the value of the assets. For such disposals outside families, the current upper limit of €750,000 will continue to apply where the transferor is aged between 55 and 65 years; where the transferor is aged 66 or over, the upper limit will be €500,000. Individuals who are currently aged 66 years or who reach age 66 between now and the end of 2013 can continue to avail of the current regime (that is, no limit for intra-family transfers and €750,000 for transfers outside the family) until 31 December 2013. The Finance Bill 2012, being introduced to the Dáil today, will give effect to these measures.

### Departmental Expenditure

168. **Deputy Pearse Doherty** asked the Minister for Finance the total number of contracts awarded for legal, professional and consultancy services in his Department, National Treasury Management Agency, National Asset Management Asset, any agency that falls under his remit and the covered institutions for the years 2010 and 2011; the value of these contracts; the duration of these contracts; the firms to whom the contracts were awarded; if the contracts

[Deputy Pearse Doherty.]

were put out to tender and when they were not put out to tender the reason behind this decision and the selection process in each case; and if he will make a statement on the matter. [8013/12]

**Minister for Finance (Deputy Michael Noonan):** The table details the information requested by the Deputy in relation to my Department and the Agencies under the remit of my Department. 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.

The Financial Services Ombudsman Council, Financial Services Ombudsman's Bureau and Irish Financial Services Appeals Tribunal are also self-funded enterprises and I do not have a role in the day to day decisions taken by these bodies.

The NTMA group (including National Treasury Management Agency, State Claims Agency, National Pensions Reserve Fund, National Development Finance Agency and NAMA), is unable to provide the information requested in the time available. A reply will issue to the Deputy as soon as the information is to hand.

The Central Bank of Ireland cannot provide details of payments to individual consultants due to commercial confidentiality reasons. Their total professional fees for 2010 amounted to €7,097,044 (which includes legal fees of €1,070,974). Professional fees for 2011 amounted to €35,954,471. The majority of this (€29 million) relates to the PCAR/PLAR exercises performed in relation to the Irish credit institutions and also includes legal fees of €2,918,842.

The Central Bank has over the last several years retained McCann FitzGerald as its principal external legal adviser to provide specialist legal services to the Bank primarily in the areas of central banking, financial regulation, and High Court proceedings to which the Bank is a party. Additionally, the Bank has also engaged Arthur Cox to provide specialist financial services legal advice on individual projects; and the Bank has also retained the services of Byrne Wallace to provide specialist employment law advisory services. A number of individual barristers have also been used when required. The Bank reviews its legal panel arrangements from time to time.

Summary of contracts awarded — legal, professional and consultancy 2010 and 2011

Office/Agency	Value	Duration	Service provider	Tendered?	If not, why not and how was the provider selected?
Irish Fiscal Advisory Council	€12,908	The work specified in the contract was carried out between September 2011 and January 2012.	Dr. Robert Hagemann	No	Dr Hagemann is an expert in this field and was known to have the specific expertise required and to have satisfactorily undertaken similar work for the OECD. The contracted work was a key input into IFAC's report on the Fiscal Responsibility Bill. At the time of awarding the contract, intended publication of the FRB was end 2011, therefore a rapid turnaround was an initial requirement.

Office/Agency	Value	Duration	Service provider	Tendered?	If not, why not and how was the provider selected?
Department of Finance	€15,125	May-10	Paul O'Higgins Senior Council	Yes	
Department of Finance	€38,287	Feb — June 2010	Regling (KR Economics)	No	Mr Regling was appointed by the Minister for Finance, Mr Brian Lenihan T.D., to work alongside Mr Watson to conduct a preliminary investigation into the crisis in the banking system in Ireland.
Department of Finance	€59,814	Feb — June 2010	Watson (John Howell)	No	Mr Watson was appointed by the Minister for Finance, Mr Brian Lenihan T.D., to work alongside Mr Regling to conduct a preliminary investigation into the crisis in the banking system in Ireland.
Department of Finance	€7,638	Jan — Feb 2011	David Lennon	No	Counsel appointed on recommendation of Office of Attorney General
Department of Finance	€6,939	Jan — Feb 2011	Garret Byrne B.L	No	Counsel appointed on recommendation of Office of Attorney General
Department of Finance	€2,783	Renewed annually	A&L Goodbody Secretarial	Awarded by Dept of Industry and Commerce in 1985	A&L Goodbody helped establish SAT for the Department of Industry and Commerce in 1985, when Insurance Corporation of Ireland when into administration.
Office of the C&AG	€16,000	4 months	Petrus Consulting Ltd	Yes	
Office of the C&AG	€32,800	2 months	Milliman Ltd	No	This was deemed a continuation of previous contract due to specialised knowledge and facts already with the Contractor
Office of the C&AG	€12,500	5 months	Tom Walsh	Yes	
Office of the C&AG	€4,500	2 months	Productive Personnel Ltd	Yes	
Office of the C&AG	€26,116	17 days	David Rainey	No	It was property advice in relation to the Audit of the National Asset Management Agency. The Office was advised by the valuation Office and Mr Rainey who is a former Commissioner for Valuation in Northern Ireland. It was considered impracticable to tender the work due to conflict of interest.
Office of the C&AG	€40,165	less than 6 months	Philip Lee Solicitors	No	After approaching a number of the large legal firms it became evident that tendering for legal services in relation to NAMA would be impracticable due to conflicts of interest
Office of the C&AG	€2,000	a week	Grace Dempsey	No	Individual chosen due to specialist knowledge

[Deputy Michael Noonan.]

Office/Agency	Value	Duration	Service provider	Tendered?	If not, why not and how was the provider selected?
Office of the C&AG	€1,993	2 days	Access Accounting Ireland Ltd	No	Upgrade of existing accounts package made tendering impracticable
Office of the C&AG	€3,960	4 days	Access Accounting Ireland Ltd	No	Upgrade of existing accounts package made tendering impracticable
Office of the C&AG	€112,000	3 years	Philip Lee Solicitors	Yes	
Office of the C&AG	€32,835	3 years	Deloitte	Yes	
Office of the C&AG	€27,000	4 years	Mazars	Yes	
Office of the C&AG	€34,500	1 year	DHKN	Yes	
Office of the C&AG	€32,500	1 year	DHKN	Yes	
Office of the C&AG	€27,500	1 year	Moores Stephens Nathans	Yes	
Office of the C&AG	€27,600	1 year	Moylan Mulcahy	Yes	
Office of the C&AG	€38,500	1 year	OSK	Yes	
Office of the C&AG	€29,500	1 year	DHKN	Yes	
Office of the C&AG	€21,700	1 year	DHKN	Yes	
Office of the C&AG	€31,735	1 year	Moylan Mulcahy	Yes	
Office of the C&AG	€33,000	1 year	Moore Stephens Nathans	Yes	
Office of the C&AG	€62,002	2 years	Crowleys DFK	Yes	
Office of the C&AG	€60,100	2 years	O'Connor Pyne	Yes	
Office of the C&AG	€60,198	2 years	Moylan Mulcahy	Yes	
Office of the C&AG	€45,842	2 years	Crowleys DFK	Yes	
Office of the C&AG	€44,000	2 years	Moore Stephens Nathans	Yes	
Office of the C&AG	€65,600	2 years	LHM Casey McGrath	Yes	
Revenue	2010: €716,246.01 2011: €746,715.76	6 years from 1/1/10	Holmes O' Malley, Sexton Limerick	Yes	
Revenue	2010: €1,095,244.07 2011: €1,006,232.03	6 years from 1/1/10	Ivor Fitzpatrick and Co. Dublin	Yes	

Office/Agency	Value	Duration	Service provider	Tendered?	If not, why not and how was the provider selected?
Revenue	2010: €239,377.62 2011: €571,874.15	6 years from 1/1/10	Lavelle Coleman and Co. Dublin	Yes	
Revenue	2010: €615,068.15 2011: €687,422.49	6 years from 1/1/10	Mason hayes and Curran, Dublin	Yes	
Revenue	2010: €712,809.63 2011: €918,844.76	6 years from 1/1/10	Matheson Ormsby Prentice, Dublin	Yes	
Revenue	2010: €730,064.68 2011: €802,525.59	6 years from 1/1/10	Pierse and Fitzgibbon, Listowel	Yes	
Revenue	2010: €639,838.16 2011: €111,744.98	New cases to end 2009.	George V. Maloney, Cavan.	Yes	
Revenue	2010: €33,233.86 2011: €33,553.30	1 Aug 2008 — 31 Jul 2012	Connolly Sellors Geraghty	Yes	
Revenue	2010: €3,876.84 2011: €7,814.18	1 Aug 2008 — 31 Jul 2012	Lee Solicitors	Yes	
Revenue	2010: €3,222.20 2011: €3,437.61	5 Jan 2009 — 4 Jan 2013	Robert Cussen and Son	Yes	
Revenue	2010: €6,100.00 2011: €7,660.00	1 Aug 2008 — 31 Jul 2012	Patrick F Treacy and Co	Yes	
Revenue	2010: €8,719.26 2011: €6,691.30	1 Aug 2008 — 31 Jul 2012	McMahon Williams	Yes	
Revenue	2010: €32,282.80 2011: €32,068.99	2 years from 1/11//11	Gerard O' Leary	Yes	
Revenue	2011: 10,690.35		Driver Focus	Selective	Public Procurement Threshold for tendering is > €25,000. However, in line with procurement guidelines a number of quotations would have been obtained before making the final selection (selective tendering). Also, specialist knowledge would have been a factor.
Revenue	2011: €229.04		Darlington Consulting	Selective	
Revenue	2011: €300.00		Murray McCarter	Selective	
Revenue	2011: €150.00		Riverside Medical Centre	Selective	

[Deputy Michael Noonan.]

Office/Agency	Value	Duration	Service provider	Tendered?	If not, why not and how was the provider selected?
Revenue	2011: €6,993.03		Baker Ryan Tilly Glennon	Selective	
Revenue	2010: €7,278.00		Vector Workplace and Facilities Mgt Ltd.	Selective	
Revenue	2011: €943.80		Vector Workplace and Facilities Mgt Ltd.	Selective	
Revenue	2010: €21,980.27		Polaris HR Consultants	Selective	
Revenue	2010: €2,178.00		James Adams	Selective	
Revenue	2010: €8,712.00		DZMG — Archives Consulting Services	Selective	
Revenue	2010: €3,003.35		Professor Sean Doyle	Selective	
Revenue	2010: €871.20		Elevator Consulting Ltd	Selective	
Revenue	2010: €544.50		Innovative Food Solutions	Selective	
Revenue	2010: €2,099.81		Philip Lee	Selective	
Revenue	2010: €15,447.40		Philip Lee	Selective	
Revenue	2010: €656.80		Arthur Cox	Selective	
Revenue	2011: €2,922.15		Arthur Cox	Selective	
Revenue	2011: €14,345.18		Arthur Cox	Selective	
Revenue	2010: €3,525.20		Doran Cray Architectural Services	Yes	Consultant architects were appointed by OPW in accordance with the necessary procedures from Property Maintenance Consultants list.
Revenue	2011: €12,856.50		Doran Cray Architectural Services	Yes	
Revenue	2010: €5,141.75 2011: €66,535.22		Achilles Procurement Services	Selective	Specialised knowledge. Also, circa. €38,000 went to 3rd parties in legal and other fees.

### Banking Sector Regulation

169. **Deputy Clare Daly** asked the Minister for Finance the reason KBC bank refused to say if it would pass on the European Central Bank interest rate cut of 14 December to variable mortgage rate holders; the steps he proposes to take to ensure that they will make a statement in the event of future interest rate changes. [8024/12]

**Minister for Finance (Deputy Michael Noonan):** Neither I, nor officials from the Department of Finance have responsibility for the decisions of KBC Bank regarding the passing on of the ECB interest rate reductions to mortgage customers, nor have I any powers to compel the Bank to make a statement on the interest rate that is charged to their mortgage customers. The lending institutions in Ireland are independent commercial entities. Ultimately the pricing of financial products, including standard variable mortgage interest rates, is a commercial decision for the management team and board of each lending institution, having due regard to their customers and the impact on profitability, particularly where the cost of funding to each lending institution, including deposit pricing, is under pressure. The Deputy will be aware of the Central Bank's Code of Conduct on Mortgage Arrears, a copy of which can be accessed on [www.centralbank.ie](http://www.centralbank.ie).

*Question No. 170 answered with Question No. 162.*

### **Tax Code**

171. **Deputy Pearse Doherty** asked the Minister for Finance if the activity in commercial property transfers has been monitored since budget 2012 was announced; and if the reduction in the higher rate of stamp duty has any noticeable impact on that activity. [8141/12]

**Minister for Finance (Deputy Michael Noonan):** As I announced in the Budget, a single Stamp Duty rate of 2 per cent will apply to non-residential property transactions executed on or after Budget night 6 December 2011. A significant proportion of the Stamp Duty yield received since 6 December from commercial property transactions is likely to relate to transactions which predate the Budget change and accordingly it is too early at this stage to determine what impact the change will have on the Stamp Duty yield or the level of activity.

*Question No. 172 answered with Question No. 162.*

173. **Deputy Terence Flanagan** asked the Minister for Finance if provision was made in the 2011 Finance Act for tax relief to be claimed for home energy improvements; if so, the way a person may make an application; if not, the reason there is a delay in introducing this; and if he will make a statement on the matter. [8159/12]

**Minister for Finance (Deputy Michael Noonan):** Section 13 of Finance Act 2011 provided for income tax relief at the standard rate for expenditure incurred by individuals on a range of works carried out to improve the energy efficiency of residential premises situated in the State. The underpinning legislation for the scheme was subject to Commencement Order. However, that legislation, on review, was found to have flaws and would have required amendment before it could be implemented.

As part of the announcement in the Jobs Initiative, the Government undertook to provide further funding for the grants available under the Better Energy Homes scheme operated by the Sustainable Energy Authority of Ireland (SEAI). Because of these circumstances, I decided to review the requirement for a co-existing tax incentive for similar works and, following this review, I decided not to proceed with the introduction of the tax relief scheme.

It is worth pointing out that it was never envisaged that individuals could qualify for both the grants and the proposed tax relief. Refocusing the funding such that it is provided via the grants scheme clarifies Government support measures for energy efficiency works.

### **Liquor Licences**

174. **Deputy Seán Kenny** asked the Minister for Finance the number of beer, wine and spirits

[Deputy Seán Kenny.]

off licences issued in 2008, 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [8220/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the numbers of beer, wine and spirits off licences issued for the calendar years 2008, 2009, 2010, 2011 and to date in 2012 are as follows:

	2008	2009	2010	2011	2012
	Numbers Issued				
Spirit Retailer's Off Licence	1,487	1,770	1,537	1,722	57
Beer Retailer's Off Licence	1,525	1,779	1,541	1,732	58
Wine Retailer's Off Licence	3,718	3,705	3,206	3,405	136
Total	6,730	7,254	6,284	6,859	251

These licences are issued either singularly such as “Wine Retailer’s Off Licence” or in combinations such as Spirits and/or beer, and/or wine. Off licences can also be issued in combination with Wholesale Dealer licences. Therefore, the above figures reflect the actual number of each category of licence issued and cannot be taken to reflect either numbers of licensees or premises. The second issue to note is that as the figures above relate to the calendar year and not the licence year, which runs from 1st October to 30th September, it is possible for a licensee to be reflected twice in the above figures. The Deputy may be interested to note that statistical annual data of this nature is available on the Revenue Commissioners website [www.revenue.ie](http://www.revenue.ie) and the link to specific data in relation to excise is at: <http://www.revenue.ie/en/about/publications/statistical/2010/index.html> Current year data regarding liquor licences, which includes premises and licensee information and is updated on a monthly basis, is available to the public at: <http://www.revenue.ie/en/tax/excise/index.html>

The most recent publication is as of 7th February 2012.

### Tax Code

175. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on the belief that there are 270,000 persons awaiting mortgage relief as announced in budget 2012; and if he will make a statement on the matter. [8237/12]

**Minister for Finance (Deputy Michael Noonan):** As announced in the Budget, the proposed new 30% rate of tax relief in respect of interest paid on qualifying homes 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. As with many of the reliefs announced in the Budget this comes into effect when the Finance Bill, which was published last week, is enacted. 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.

In advance of the passing of the Finance Act, I am informed by the Revenue Commissioners that they have been in ongoing contact with all qualifying lenders, some 132 in total, 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 so that, when the Finance Bill is passed into law,

the relief, which will be retrospective to 1 January 2012, can be passed onto the borrowers by qualifying lenders without undue delay. 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.

It should be noted that approximately 189,000 mortgage accounts are entitled to the new higher 30% rate. The Deputy will be aware that a mortgage account may have one or more individuals associated with it and in total there are approximately 270,000 individuals associated with these 189,000 accounts.

As an interim relieving measure Revenue has already informed lenders that they may grant tax relief at an existing rate of 25% to those who will be entitled to the 30% rate of relief. When the necessary software necessary to implement the 30% rate of tax relief is in place, the lenders will grant the additional 5% relief retrospectively. The reason the 25% rate can apply now is simply because that rate is already in the software systems as part of the existing first time buyer tax relief regime.

176. **Deputy Paschal Donohoe** asked the Minister for Finance the rate of deemed disposal tax and when it is due; the persons liable for this tax on investments or managed funds; and if he will make a statement on the matter. [8249/12]

**Minister for Finance (Deputy Michael Noonan):** The Finance Act 2006 introduced a new chargeable event for investment undertakings and life office investment products, which are subject to the “gross roll-up” regime introduced in Finance Act 2000. This chargeable event occurs at the end of an eight year period commencing on the date of the initial investment, and at the end of each subsequent period of eight years commencing when the previous eight year period ends. Deemed disposal tax arises in respect of Irish resident investors and is at a rate of 33% of the gain on the deemed disposal for such chargeable events occurring on or after 1 January 2012. Certain tax exempt Irish resident investors, such as pension funds and charities, are exempt from the deemed disposal tax.

Investment undertakings and life offices remit the deemed disposal tax to Revenue in January and July in each year. They appropriate or cancel part of the investment holdings of the investors concerned by such amounts as are required to meet the tax liabilities arising.

Irish resident investors who invest in offshore funds or in foreign life policies, which come within the taxation regime introduced in Finance Act 2001 for such investments, are responsible for paying tax on deemed disposals under the self-assessment system.

### **Departmental Staff**

177. **Deputy Catherine Murphy** asked the Minister for Finance if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8272/12]

183. **Deputy Sean Fleming** asked the Minister for Finance if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left;

[Deputy Sean Fleming.]

the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8436/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 177 and 183 together.

In the time allowed it is not possible to provide a detailed response to the Deputy. The information will be provided directly to the Deputy as soon as possible.

### Job Losses

178. **Deputy Sean Fleming** asked the Minister for Finance his plans in relation to the redundancies for staff in AIB which were announced in 2011; and if he will make a statement on the matter. [8299/12]

**Minister for Finance (Deputy Michael Noonan):** I refer the Deputy to my reply to a recent Parliamentary Question (ref: 5664/12 of 1 February 2012) on this subject which set out the position in relation to the issues raised in his question.

### National Asset Management Agency

179. **Deputy Terence Flanagan** asked the Minister for Finance if he will provide a full breakdown of the firms paid professional fees such as accountants, solicitors and other advisors of the National Asset Management Agency since the date of NAMA's inception; and if he will make a statement on the matter. [8321/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA informs me that it cannot provide all the details requested by the Deputy in the time available. NAMA has undertaken to provide me with this information before the end of the week and, accordingly, I will issue a reply to the Deputy at that stage. In the meantime, I can provide the Deputy with certain information on legal fees. These details are set out as follows.

NAMA advise that the details are on a cash paid basis as opposed to the accrual accounting basis that must be used in the Agency's annual financial statements. It should also be noted that the figures for 2012 are those incurred up to 6 February only.

#### Total Legal expenses by year (€)

Year	Base Amount
2010	9,746,625.68
2011	16,455,532.56
2012	1,349,117.41
Total	27,551,275.65

#### Top Ten suppliers to date (€)

1	Arthur Cox	3,074,552.86
2	Hogan Lovells International LLP	2,926,301.47
3	Allen and Overy LLP	2,473,941.32
4	Maples and Calder	2,046,545.39
5	Matheson Ormsby Prentice	1,577,475.09
6	Byrne Wallace	1,507,035.68

---

 Top Ten suppliers to date (€)
 

---

7	William Fry Solicitors	1,445,142.62
8	A&L Goodbody Solicitors	1,374,989.35
9	Dillon Eustace	1,189,329.74
10	Beauchamps Solicitors	1,166,591.81

---

 Top Ten Suppliers by year
 

---

 2012
 

---

1	A&L Goodbody Solicitors	324,087.32
2	Hogan Lovells International LLP	164,437.04
3	William Fry Solicitors	152,472.45
4	Byrne Wallace	114,664.76
5	Beauchamps Solicitors	68,014.10
6	Simmons and Simmons LLP	62,056.91
7	Maples and Calder	56,959.78
8	SNR Denton UK LLP	46,350.20
9	Taylor Wessing LLP	42,991.63
10	DLA Piper UK LLP	42,488.52

 2011
 

---

1	Hogan Lovells International LLP	1,482,460.33
2	Maples and Calder	1,436,958.03
3	Arthur Cox	1,161,824.36
4	Matheson Ormsby Prentice	1,147,062.53
5	McCann Fitzgerald	1,030,955.02
6	Allen and Overy LLP	1,012,815.95
7	A&L Goodbody Solicitors	858,613.10
8	William Fry Solicitors	851,490.29
9	Beauchamps Solicitors	809,880.15
10	Byrne Wallace	787,574.42

 2010
 

---

1	Arthur Cox	1,896,827.73
2	Allen and Overy LLP	1,424,973.95
3	Hogan Lovells International LLP	1,279,406.10
4	Dillon Eustace	708,632.76
5	Byrne Wallace	604,796.50
6	Maples and Calder	552,627.58
7	William Fry Solicitors	441,179.33
8	Eversheds O'Donnell Sweeney	424,198.20
9	Matheson Ormsby Prentice	407,353.51
10	LK Shields Solicitors	376,848.75

### Tax Yield

180. **Deputy Ciarán Lynch** asked the Minister for Finance the value of legitimate green diesel fuel transactions recorded for the years 2010 and 2011; the current monitoring system for the sale of green fuel; if there is any record or database of purchasers of green diesel and quantities purchased per transaction; if he will provide an estimate of the loss in quantity and cost in revenue due to fuel laundering for the years 2010 and 2011; and if he will make a statement on the matter. [8401/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the quantities of marked diesel for which mineral oil tax was paid in 2010 and 2011 were 1.226 billion litres and 1.155 billion litres respectively, and the net mineral oil tax receipts for those years in respect of that fuel were €51.04 million and €50.49 million. Premises or places from which marked diesel is sold or delivered, other than tax warehouses or certain small-scale operations, are required to be approved by the Revenue Commissioners in accordance with the Mineral Oil Tax Regulations 2001 (S.I. No. 442 of 2001). Those Regulations also require the keeping of specified records of stocks, sales and movements of fuels by mineral oil traders.

The Finance Bill 2012 proposes to enhance the supervision and control of the mineral oils supply chain by requiring that, in future, any person dealing in marked mineral oils will have to be licensed by the Revenue Commissioners to do so. It is envisaged that this important change will be complemented by amendments to the Mineral Oil Tax Regulations that will lay down new requirements for the recording and reporting of transactions by mineral oil traders.

The Deputy will appreciate that it is not possible to estimate accurately the loss to the national Exchequer from particular activities in the shadow economy such as fuel laundering. It is clear, however, that illegal activity in the fuel market is significant, and that it poses a threat to the tax yield and to legitimate business. Combating it will, therefore, continue to be a priority for the Revenue Commissioners, and the legislative action that is being taken will provide additional support for them in this important work.

### Tax Code

181. **Deputy Seán Kyne** asked the Minister for Finance in view of the financial difficulties arising from the extraordinary economic and financial situation being experienced by persons who purchased a second residential property as a means of securing funds for retirement and so forth, if he will consider increasing the amount claimable of mortgage interest against tax from 75% to 100%, particularly as the cost of running a non-residential property is a legitimate business expense. [8411/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy notes an individual who rents out their residential property may be allowed a deduction (subject to certain conditions) in computing the taxable rents from that letting of 75% of the interest accruing on money borrowed to purchase, improve or repair that property. The level at which interest repayments could be claimed against tax for residential rental properties was reduced from 100% to 75% in April 2009 as part of an urgent revenue-raising package aimed at stabilising the public finances. The restriction, which applies to interest accruing on or after 7 April 2009, significantly reduced the cost of this relief to the Exchequer.

I am informed by the Revenue Commissioners that the amount of tax foregone in 2009 (the most recent year available) by allowing a deduction for interest on borrowings to be offset against all rental income assessable under Case V, Schedule D for both residential and commercial property was estimated at €745 million. Increasing the relief for residential properties to 100% could result in an additional annual cost to the Exchequer of the order of €100 million.

The need to stabilise public expenditure, which formed the backdrop to the introduction of the 2009 restriction, still exists. The terms of the EU/IMF Programme of Financial Support for Ireland commit the State to further substantial decreases in public expenditure. While tax expenditures in many areas have been reduced to broaden the tax base, a 25% restriction on the allowable interest available to residential landlords does not seem excessive and I have no plans to undo the 2009 Act provision.

### **Sovereign Debt**

182. **Deputy Kevin Humphreys** asked the Minister for Finance the amount of Irish sovereign debt purchased in the secondary market which is held by the European Central Bank; if he will provide a breakdown by purchase date and the rate that was paid; the amount in total that would be saved if this debt was repaid to the ECB at the rate it paid in the secondary market; if he will ask the ECB to redeem these bonds at the rate paid in the secondary market as is now being proposed for Greece; and if he will make a statement on the matter. [8421/12]

**Minister for Finance (Deputy Michael Noonan):** There has been much speculation in recent months about the extent of the European Central Bank's (ECB) purchases of sovereign debt on the secondary markets. The Central Bank and Financial Services Authority of Ireland maintains the register of holders of Irish Government bonds. I am informed by the Central Bank however that the ECB does not disclose its holdings of sovereign debt and therefore it is not possible to supply the information requested by the Deputy.

*Question No. 183 answered with Question No. 177.*

### **Crime Prevention**

184. **Deputy Willie Penrose** asked the Minister for Finance if, in the context of correspondence (details supplied), which was submitted to his Department, he will take steps to deal with the issue outlined therein; and if he will make a statement on the matter. [8470/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of mineral oil tax and for tackling the illicit trade in mineral oil products, that they are acutely aware of the various illegal activities that lead to loss to the Exchequer of mineral oil tax. The most serious risk in this regard is the large scale laundering of markers from mineral oil (diesel), and the onward supply and sale of the laundered product as auto diesel. Marked mineral oil is subject to a reduced rate of mineral oil tax on condition that it is not used in road vehicles.

Revenue employs a broad range of compliance and enforcement strategies to detect and counteract illegal practices involving mineral oils. These include ongoing analysis of the nature and extent of the problem; development and sharing of intelligence with agencies on both sides of the border; the conduct of intelligence driven operations using covert surveillance to identify oil laundry locations; seizure of illicit product, laundering equipment and vehicles; physical sampling at road checkpoints; and prosecution of those involved in illegal activities in relation to mineral oils.

The Revenue Commissioners are conscious of a number of suspect retail outlets that have opened in various parts of the country and are taking steps to review their compliance with all aspects of the law. In the latter half of 2011 Revenue commenced a vigorous campaign targeting specific locations nationwide, with the intention of immediate closure of unlicensed outlets and the challenging of other instances of non-compliance. As part of this drive, warning letters have been issued to unlicensed retail outlets and a number of these have been effectively closed

[Deputy Michael Noonan.]

down by the actions of Revenue enforcement teams. This campaign is ongoing and Revenue is in the process of seizing illicit product and closing down a further number of unlicensed or otherwise illegal retail outlets.

The Finance Bill 2012 proposes to enhance the supervision and control of the mineral oils supply chain by requiring that, in future, any person dealing in marked mineral oils will have to be licensed by the Revenue Commissioners to do so. It is envisaged that this important change will be complemented by amendments to the Mineral Oil Tax Regulations that will lay down new requirements for the recording and reporting of transactions by mineral oil traders.

In 2011 nine oil laundries and 327,000 litres of laundered fuel were seized, together with nine oil tankers and twenty-nine other vehicles. Sixteen persons were arrested in the course of these operations and files have been sent to the Director of Public Prosecutions, who has to date issued directions to prosecute on indictment in respect of two of the cases. In addition to this a further 718,181 litres of illicit mineral oil has been seized, the large majority from retail outlets or in the course of delivery to such outlets. To date in 2012, a total of 53,530 litres of Mineral Oil has been seized from retail outlets.

The Revenue Commissioners would advise the public to purchase their diesel from known branded outlets, and where they have any concerns or suspicions about a particular outlet to report these to Revenue or the Irish Petrol Retailers Association, which represents the majority of legitimate retail outlets in the State, and who are working closely with the Revenue Commissioners to counteract the threat posed by the sale and distribution of illicit mineral oil.

### **Bank Guarantee Scheme**

185. **Deputy Michael McGrath** asked the Minister for Finance the extent to which he understands contractual and non-contractual bonuses continue to be paid by institutions covered by the eligible liabilities guarantee; and if he will make a statement on the matter. [8481/12]

**Minister for Finance (Deputy Michael Noonan):** I refer the Deputy to my reply (ref: 41005/11 of 11 January 2012) on this subject when he last raised this issue. The respective operating agreements with the covered institutions, which underpin the State's investments, contain prohibitions on the payment of bonuses save in exceptional circumstances such as meeting obligations on foot of a court order.

As has been the practice to date with pre-existing contractual rights, the legal advice that continues to be available is that such rights prevail and, as the Deputy will appreciate, with the passage of time such entitlements become less material in view of the prohibitions described above.

### **State Savings Products**

186. **Deputy Michael McGrath** asked the Minister for Finance if he will confirm the overall amount of money currently managed by the National Treasury Management Agency through the various State savings products; if he will provide a breakdown of the overall amount by the type of product, savings bonds, savings certificates, national solidarity bond and so on; the way the money is managed; and if he will make a statement on the matter. [8483/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the National Treasury Management Agency (NTMA) that at end-2011 the amount of State Savings was €14 billion which represented 12% of the national debt of €119 billion. The breakdown of State Savings by product at end-December 2011 was as follows:

	€ billions
3 year Savings Bonds	4.8
5½ year Savings Certificates	4.2
6 year Instalment Savings	0.5
4-10 year National Solidarity Bond	0.6
Deposit Accounts (including Savings Stamps)	2.5
Prize Bonds	1.4
<b>Total</b>	<b>14.0</b>

State Savings constitute part of the overall national debt which is managed by the NTMA.

### Ministerial Correspondence

187. **Deputy Jack Wall** asked the Minister for Education and Skills his comments and views in relation to a submission (details supplied); and if he will make a statement on the matter. [7729/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is in receipt of separate correspondence from the company referred to by the Deputy. My officials have made contact with the company and will respond to the company in due course.

### European Globalisation Fund

188. **Deputy Patrick Nulty** asked the Minister for Education and Skills the position regarding the SR Technics European Globalisation Fund funding; the amount of funding that has been spent; if any funding was left unspent and returned to the EU; and if he will make a statement on the matter. [7979/12]

200. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will confirm the amount, date and to whom European Globalisation Adjustment Fund grants were disbursed to with regards to SR Technics by his EGF policy and operations. [7651/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 188 and 200 together.

On foot of an application made by the Irish authorities in October 2009 in support of workers made redundant in 2009 at the SR Technics aircraft maintenance facility at Dublin Airport, EU funding of €7.45m was subsequently received from the European Globalisation Adjustment Fund (EGF) in December 2010. Including required matching national funding, a total of €11.46m was available to fund active labour market measures including guidance, training, apprenticeship, further and higher education opportunities and enterprise supports, subject to demand and up-take.

The relevant EGF programme ended on 9 October 2011. The recent EGF review consultation document circulated by my Department in December 2011 estimated that in the region of 1,850 supports and interventions were provided to the redundant workers over the period of this EGF programme. These included grant aid for self-employment and business start ups from relevant City and County Enterprise boards and EGF training grants administered by FÁS.

Activity data and relevant management information is currently being gathered and collated from the relevant service providers by WRC Social and Economic Consultants Ltd., who are

[Deputy Ruairí Quinn.]

contracted to deliver certain administrative and technical support services to EGF funded programmes in Ireland, including in respect of the closure of the SR Technics programme.

To date, on the basis of claims received, the Department has paid some €1,300,073 on EGF programme measures pertaining to the SR Technics workers. A number of additional claims are currently being processed by my Department or are awaited in the context of the ongoing verification and certification process.

A Final Report and statement justifying expenditure is being prepared by my Department and is required to be submitted to the European Commission by 9 April 2012. Until the Final Report and accompanying statement are prepared and submitted and considered and duly responded to by the European Commission, it is not possible to state how much funding will be required to be reimbursed to the EU. However, it is anticipated that total expenditure on this programme will be significantly lower than the total funding available.

### **FÁS Training Programmes**

189. **Deputy Patrick Nulty** asked the Minister for Education and Skills the reason an organisation in Balbriggan, County Dublin (details supplied) has not been selected by FÁS as a location for training of unemployed persons in 2012; if she will have this issue reviewed as a matter of urgency; and if he will make a statement on the matter. [7987/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am informed that the FÁS Training Centre located in Baldoyle has responsibility for the operation and administration of contracted training in North Dublin which includes the Balbriggan area.

In 2011, FÁS Baldoyle Training Centre conducted a performance review of its training portfolio and provision provided over the previous two years. This review in conjunction with the FÁS training strategy and corporate objectives has determined the 2012 training portfolio and the allocation of training provision.

In light of the prevailing economic conditions it is imperative for training courses to achieve critical performance measurements to justify continuing budget allocation. The FÁS analysis of the courses delivered in the Balbriggan area highlighted that in some cases the required training outcomes, particularly placement into employment were not being achieved. Consequently, the initial 2012 allocation of training provision located in the Balbriggan area has been adjusted from the 2011 provision.

I have been informed that a number of contributing factors were taken into consideration when allocating funds for the allocation of contracted training provision. With the closure of the FÁS Cabra Training Centre and the FÁS City Training Centre in recent years the provision of direct training facilities has resulted in a greater dependence on contracted training. A greater number of urban dwelling clients no longer have direct public transport routes to the remaining FÁS training locations. However, Balbriggan residents can access FÁS Baldoyle Training Centre directly by mainline rail, within the payable travel allowance. If individuals are successful in obtaining employment there is no guarantee the jobs will be located in the Balbriggan hinterland.

FÁS selects approved training contractors through an equitable and transparent procurement process although, it must be born in mind that training contracts are not automatically awarded to particular training contractors located in a specific area. I am however, given to understand that Balbriggan Enterprise Development Group remains on the FÁS approved tender list of contracted trainers and will be provided with the opportunity to tender for training provision

in a number of geographical areas, in accordance with their approved areas of expertise and competence.

The FÁS Baldoyle Training Centre contracted training provision and allocation is continually reviewed and the provision of training in the Balbriggan area will continue to be considered in this process.

### **School Staffing**

190. **Deputy Noel Harrington** asked the Minister for Education and Skills if he has examined the role that guidance teachers and councillors employed in schools in providing assistance to pupils regarding their personal health and mental health issues; and if he will make a statement on the matter. [8181/12]

239. **Deputy Joe McHugh** asked the Minister for Education and Skills his views on the context of section 9 of the Education Act on giving secondary school principals discretion about the employment of school counsellors; and if he will make a statement on the matter. [8032/12]

243. **Deputy Noel Harrington** asked the Minister for Education and Skills if he will initiate discussions with the Department of Health and the Department of Children and Youth Affairs to review the role of school guidance teachers and councillors in their role in providing assistance and advice to pupils regarding their personal health and mental health issues; and if he will make a statement on the matter. [8175/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 190, 239 and 243 together.

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

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

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

My Department will be issuing a circular to schools in the coming weeks for the 2012/13 school year.

### **Grant Payments**

191. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the number of boarding schools in which pupils are entitled to attend and be paid the remote area grant subject to being eligible under the conditions of this grant; the names of these schools; the locations and roll numbers of same; and if he will make a statement on the matter. [7553/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The purpose of the Remote Area Boarding Grant is to give pupils who are educationally disadvantaged because of their remote-

[Deputy Ruairí Quinn.]

ness from schools an opportunity to attend school on the same basis as other pupils not so disadvantaged.

A list of boarding schools providing free second-level education is available on my Department's website.

### School Accommodation

192. **Deputy Pearse Doherty** asked the Minister for Education and Skills the number of prefabs currently being used by schools at locations (details supplied); and the number of pupils currently being educated in these structures. [7557/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Information on rented prefabricated accommodation is recorded by my Department on a county by county basis. Attached is a list of schools where prefab accommodation is currently being rented in Dublin City and County.

My Department does not hold information on the numbers of pupils in individual schools who currently occupy temporary accommodation; this depends on the organisation of class groups by schools within available accommodation and may vary from year to year. Local school managements are responsible for organising their class numbers, year on year, to achieve the optimum local efficiencies.

#### Rented Prefabs at Schools in Dublin City and County — February 2012

283 Rented Prefabs at 95 Schools

Roll No.	School Name	Address	Town/Townland	County
00697S	St Brigids Mixed Ns	Castleknock		Dublin
00697S	St Brigids Mixed Ns	Castleknock		Dublin
00697S	St Brigids Mixed Ns	Castleknock		Dublin
00697S	St Brigids Mixed Ns	Castleknock		Dublin
00752A	Central Model Senior Mixed NS	Marlborough St		Dublin
01170G	Naul National School	Naul		Dublin
01170G	Naul National School	Naul		Dublin
01170G	Naul National School	Naul		Dublin
01795A	Central Model Infants School	Marlborough St		Dublin
01795A	Central Model Infants School	Marlborough St		Dublin
01795A	Central Model Infants School	Marlborough St		Dublin
06200O	St Mary's BNS	Grotto Place	Boosterstown	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
07546J	Our Lady of Lourdes NS	Goldenbridge	Inchicore	Dublin
09932B	Stanhope St Convent	Stanhope St		Dublin
12014D	St Andrew's NS	Chapel Hill	Lucan	Dublin



## [Deputy Ruairí Quinn.]

Roll No.	School Name	Address	Town/Townland	County
17961E	Lusk NS	Chapel Rd	Lusk	Dublin
17961E	Lusk NS	Chapel Rd	Lusk	Dublin
17961E	Lusk NS	Chapel Rd	Lusk	Dublin
17977T	Scoil Aine	Raheny		Dublin
17978V	Naiscoil Ide	All Saints Drive	Raheny	Dublin
17978V	Naiscoil Ide	All Saints Drive	Raheny	Dublin
18046A	Scoil Bhríde BNS	Church Ave	Blanchardstown	Dublin
18046A	Scoil Bhríde BNS	Church Ave	Blanchardstown	Dublin
18046A	Scoil Bhríde BNS	Church Ave	Blanchardstown	Dublin
18047C	Scoil Bhríde GNS		Blanchardstown	Dublin
18047C	Scoil Bhríde GNS		Blanchardstown	Dublin
18047C	Scoil Bhríde GNS		Blanchardstown	Dublin
18047C	Scoil Bhríde GNS		Blanchardstown	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18210K	St Michaels House Special School	College St	Baldoyle	Dublin
18386B	Marist NS	Crumlin		Dublin
18386B	Marist NS	Crumlin		Dublin
18411U	St Marys NS	Bancroft Ave	Tallaght	Dublin
18411U	St Marys NS	Bancroft Ave	Tallaght	Dublin
18411U	St Marys NS	Bancroft Ave	Tallaght	Dublin
18412W	Scoil Phadraic C	Donabate		Dublin
18632N	SN Eoin Bosco	Navan Rd		Dublin
18671A	St Michaels House	16/17 Grosvenor Rd	Rathgar	Dublin
18763F	St Michaels Special NS	Ballymun Rd		Dublin
18763F	St Michaels Special NS	Ballymun Rd		Dublin
18763F	St Michaels Special NS	Ballymun Rd		Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18778S	St. Mochta's NS	Porterstown Road	Clonsilla	Dublin
18815V	Our Lady of Lourdes	Rochestown Ave	Dun Laogharie	Dublin
18976W	St Colmcilles BNS	Chapel Lane	Swords	Dublin

Roll No.	School Name	Address	Town/Townland	County
18976W	St Colmcilles BNS	Chapel Lane	Swords	Dublin
18977B	St Colmcilles GNS	Chapel Lane	Swords	Dublin
18977B	St Colmcilles GNS	Chapel Lane	Swords	Dublin
18977B	St Colmcilles GNS	Chapel Lane	Swords	Dublin
19066L	Loreto Primary		Dalkey	Dublin
19220S	Scoil Ide	New Rd	Clondalkin	Dublin
19220S	Scoil Ide	New Rd	Clondalkin	Dublin
19221U	Scoil Aine	New Rd	Clondalkin	Dublin
19221U	Scoil Aine	New Rd	Clondalkin	Dublin
19221U	Scoil Aine	New Rd	Clondalkin	Dublin
19259W	St. Patricks GNS	Foxrock		Dublin
19374W	Our Lady's Grove NS	Goatstown Rd	Goatstown	Dublin
19374W	Our Lady's Grove NS	Goatstown Rd	Goatstown	Dublin
19374W	Our Lady's Grove NS	Goatstown Rd	Goatstown	Dublin
19374W	Our Lady's Grove NS	Goatstown Rd	Goatstown	Dublin
19390U	St. Marks SNS	Tallaght		Dublin
19435Q	St Francis Xavier JNS	Roselawn Rd	Castleknock	Dublin
19435Q	St Francis Xavier JNS	Roselawn Rd	Castleknock	Dublin
19435Q	St Francis Xavier JNS	Roselawn Rd	Castleknock	Dublin
19435Q	St Francis Xavier JNS	Roselawn Rd	Castleknock	Dublin
19470S	St Francis Xavier JNS	Coolmine	Castleknock	Dublin
19472W	St Marks JNS	Springfield	Tallaght	Dublin
19472W	St Marks JNS	Springfield	Tallaght	Dublin
19472W	St Marks JNS	Springfield	Tallaght	Dublin
19472W	St Marks JNS	Springfield	Tallaght	Dublin
19472W	St Marks JNS	Springfield	Tallaght	Dublin
19510E	Talbot SNS	Bawnogue	Clondalkin	Dublin
19510E	Talbot SNS	Bawnogue	Clondalkin	Dublin
19510E	Talbot SNS	Bawnogue	Clondalkin	Dublin
19515O	St. Teresa's NS	Balbriggan Rd	Balbriggan	Dublin
19515O	St. Teresa's NS	Balbriggan Rd	Balbriggan	Dublin
19515O	St. Teresa's NS	Balbriggan Rd	Balbriggan	Dublin
19515O	St. Teresa's NS	Balbriggan Rd	Balbriggan	Dublin
19535U	St Cronan's SNS	Brackenstown	Swords	Dublin
19535U	St Cronan's SNS	Brackenstown	Swords	Dublin
19535U	St Cronan's SNS	Brackenstown	Swords	Dublin
19535U	St Cronan's SNS	Brackenstown	Swords	Dublin
19535U	St Cronan's SNS	Brackenstown	Swords	Dublin
19545A	St Patricks JNS	Corduff	Blanchardstown	Dublin
19574H	Divine Word NS	Marley Grange	Rathfarnham	Dublin
19574H	Divine Word NS	Marley Grange	Rathfarnham	Dublin
19601H	St Philip the Apostle JNS	Mountview	Clonsilla	Dublin
19605P	Scoil Mhuire JNS	Blakestown		Dublin
19624T	St Catherine's NS	Kenure	Rush	Dublin
19624T	St Catherine's NS	Kenure	Rush	Dublin
19624T	St Catherine's NS	Kenure	Rush	Dublin
19625V	Scoil Realt na Mara	Balbriggan Rd	Skerries	Dublin
19625V	Scoil Realt na Mara	Balbriggan Rd	Skerries	Dublin

## [Deputy Ruairí Quinn.]

Roll No.	School Name	Address	Town/Townland	County
19625V	Scoil Realt na Mara	Balbriggan Rd	Skerries	Dublin
19628E	St Fiachras SNS	Montrose Park	Beaumont	Dublin
19628E	St Fiachras SNS	Montrose Park	Beaumont	Dublin
19628E	St Fiachras SNS	Montrose Park	Beaumont	Dublin
19636D	St Patricks SNS	Corduff	Blanchardstown	Dublin
19636D	St Patricks SNS	Corduff	Blanchardstown	Dublin
19636D	St Patricks SNS	Corduff	Blanchardstown	Dublin
19636D	St Patricks SNS	Corduff	Blanchardstown	Dublin
19636D	St Patricks SNS	Corduff	Blanchardstown	Dublin
19652B	Sacred Heart NS	Tallaght		Dublin
19660A	Rush NS		Rush	Dublin
19660A	Rush NS		Rush	Dublin
19660A	Rush NS		Rush	Dublin
19660A	Rush NS		Rush	Dublin
19662E	St Michael's Primary School	Dominican Campus	Ballyfermot	Dublin
19676P	Scoil Aine Naofa	Esker	Lucan	Dublin
19676P	Scoil Aine Naofa	Esker	Lucan	Dublin
19757P	St Michaels Special NS	Skerries		Dublin
19782O	St Brigids JNS	Brookfield	Tallaght	Dublin
19782O	St Brigids JNS	Brookfield	Tallaght	Dublin
19782O	St Brigids JNS	Brookfield	Tallaght	Dublin
19782O	St Brigids JNS	Brookfield	Tallaght	Dublin
19782O	St Brigids JNS	Brookfield	Tallaght	Dublin
19785U	St Bernadettes SNS	Quarryvale	Clondalkin	Dublin
19785U	St Bernadettes SNS	Quarryvale	Clondalkin	Dublin
19785U	St Bernadettes SNS	Quarryvale	Clondalkin	Dublin
19785U	St Bernadettes SNS	Quarryvale	Clondalkin	Dublin
19817H	Scoil Mhuire	Woodview	Lucan	Dublin
19817H	Scoil Mhuire	Woodview	Lucan	Dublin
19817H	Scoil Mhuire	Woodview	Lucan	Dublin
19817H	Scoil Mhuire	Woodview	Lucan	Dublin
19834H	St Aidans NS		Brookfield	Dublin
19834H	St Aidans NS		Brookfield	Dublin
19834H	St Aidans NS		Brookfield	Dublin
19834H	St Aidans NS		Brookfield	Dublin
19877C	Holy Family SNS	River Valley	Swords	Dublin
19877C	Holy Family SNS	River Valley	Swords	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin
19878E	Holy Rosary PS	Old Court Avenue	Firhouse	Dublin

Roll No.	School Name	Address	Town/Townland	County
19907I	Gaelscoil Mologa	Charleville Road		Dublin
19949B	Muslim NS	19 Roebuck Rd	Clonskeagh	Dublin
20012S	Griffith Barracks Multi D School	The Old Guard House	South Circular Rd	Dublin
20012S	Griffith Barracks Multi D School	The Old Guard House	South Circular Rd	Dublin
20028K	Setanta Special School	Stillorgan		Dublin
20028K	Setanta Special School	Stillorgan		Dublin
20028K	Setanta Special School	Stillorgan		Dublin
20028K	Setanta Special School	Stillorgan		Dublin
20035H	St. Gabriels NS	Cowper St		Dublin
20043G	Gaelscoil Chnoc Liamhna	Sean Bhothar Chnoc Liamhna	Cnoc Liamhna	Dublin
20047O	Gaelscoil Bharra	Ascal an Fhasaigh	Cabra	Dublin
20047O	Gaelscoil Bharra	Ascal an Fhasaigh	Cabra	Dublin
20139T	Inchicore NS	Sarsfield Road	Inchicore	Dublin
20139T	Inchicore NS	Sarsfield Road	Inchicore	Dublin
20139T	Inchicore NS	Sarsfield Road	Inchicore	Dublin
20152T	North Dublin Muslim School	Cabra		Dublin
20152T	North Dublin Muslim School	Cabra		Dublin
20152T	North Dublin Muslim School	Cabra		Dublin
20168D	Glasnevin Educate Together NS	Church Ave	Glasnevin	Dublin
20168D	Glasnevin Educate Together NS	Church Ave	Glasnevin	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holly Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin

[Deputy Ruairí Quinn.]

Roll No.	School Name	Address	Town/Townland	County
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20190T	Holy Trinity NS	Glencairn Drive, The Gallops	Leopardstown	Dublin
20223I	Gaelscoil Eiscir Riada	Bothar an Ghrifin	Leamhcan	Dublin
20223I	Gaelscoil Eiscir Riada	Bothar an Ghrifin	Leamhcan	Dublin
20304I	St. Francis of Assisi	Belmayne		Dublin
20308Q	Belmayne ETNS	Belmayne		Dublin
20334R	Gaelscoil Ros Eo	Rush		Dublin
20334R	Gaelscoil Ros Eo	Rush		Dublin
20334R	Gaelscoil Ros Eo	Rush		Dublin
20348F	Hollywell ETNS	Swords		Dublin
20348F	Hollywell ETNS	Swords		Dublin
20348F	Hollywell ETNS	Swords		Dublin
20348F	Hollywell ETNS	Swords		Dublin
20348F	Hollywell ETNS	Swords		Dublin
60092U	Clonkeen College	Clonkeen Rd	Blackrock	Dublin
60092U	Clonkeen College	Clonkeen Rd	Blackrock	Dublin
60092U	Clonkeen College	Clonkeen Rd	Blackrock	Dublin
60343T	St Josephs Sec School	Convent Lane	Rush	Dublin
60343T	St Josephs Sec School	Convent Lane	Rush	Dublin
60343T	St Josephs Sec School	Convent Lane	Rush	Dublin
60370W	St Fintan's High School	Sutton		Dublin
70010V	Balbriggan Community College	Chapel Street	Balbriggan	Dublin
70010V	Balbriggan Community College	Chapel Street	Balbriggan	Dublin
70230M	Killester College	Collins Avenue		Dublin
76062B	Castleknock Community College	Castleknock		Dublin
76062B	Castleknock Community College	Castleknock		Dublin
76085N	Gaelcholaiste Reachrann	Grange Abbey Rd	Donaghmede	Dublin
76085N	Gaelcholaiste Reachrann	Grange Abbey Rd	Donaghmede	Dublin
76085N	Gaelcholaiste Reachrann	Grange Abbey Rd	Donaghmede	Dublin
76085N	Gaelcholaiste Reachrann	Grange Abbey Rd	Donaghmede	Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin
76130P	Luttrellstown Community College	Luttrellstown		Dublin

Roll No.	School Name	Address	Town/Townland	County
81002K	Mount Temple Comprehensive School	Malahide Road		Dublin
81002K	Mount Temple Comprehensive School	Malahide Road		Dublin
81002K	Mount Temple Comprehensive School	Malahide Road		Dublin
01795A	Central Model Infants School	Marlborough St		Dublin
01795A	Central Model Infants School	Marlborough St		Dublin
01795A	Central Model Infants School	Marlborough St		Dublin
03359N	Ballyroan Boys NS	Ballyroan Road	Rathfarnham	Dublin
19877C	Holy Family SNS	River Valley	Swords	Dublin

### Teachers' Remuneration

193. **Deputy Simon Harris** asked the Minister for Education and Skills the total travel expenses paid to teachers shared between schools, in tabular form, for each of the years 2008 to 2012; the number of teachers who availed of such expenses; the average payment made per teacher; and if he will make a statement on the matter. [7563/12]

194. **Deputy Simon Harris** asked the Minister for Education and Skills the projected travel expenses which will be paid to teachers shared between schools following the revisions to the general allocation model; the methodology employed to arrive at this projection; and if he will make a statement on the matter. [7564/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 193 and 194 together.

The information sought by the Deputy from 2008 to 2012 is set out in the table. Shared-full-time teaching posts and travel between schools is a long standing feature of the primary system. The cost of this travel in 2011 was just over €1.3m. My Department does not anticipate any significant increase in these costs in 2012. The teaching allocation for many schools under the General Allocation Model (GAM) has not been updated since it was first introduced in 2005. This has led to inequity and inefficiencies. The GAM clustering arrangements that date back to 2005 may no longer be the most appropriate and efficient arrangements for 2012. The updating of the GAM allocation for all schools is now being done and this will take effect from September 2012. Under the new and simplified arrangements the GAM hours are being allocated in 5-hour blocks (equivalent to 1 school day) to facilitate clustering of hours into full-time posts and which will also, where feasible, facilitate a teacher going to a neighbouring school from the start of a school day. The Department will be giving autonomy to schools to decide who to cluster their GAM hours with. This should facilitate schools clustering with their nearest neighbouring schools and thereby ensure that travel and travel costs are minimised. The Department will be working closely with schools and the relevant education partners to ensure that the arrangements operate as efficiently as possible.

Summary of Travel Expenses paid to Primary Teachers from 2008 to 2012 to date

Year	Total Expenditure paid in the year	Number of teachers	Average payment per teacher
2008	1,786,514.64	1,130	1,581
2009	1,653,176.40	1,144	1,445

[Deputy Ruairí Quinn.]

Year	Total Expenditure paid in the year	Number of teachers	Average payment per teacher
2010	1,319,244.43	1,134	1,163
2011	1,335,924.70	1,035	1,291
2012 to date	169,344.03	276	614

### School Staffing

195. **Deputy Clare Daly** asked the Minister for Education and Skills the way staff in Longford Vocational Education Committee who are availing of the early retirement scheme are being re-employed into the same positions on a part time basis; the number of these cases that exist; the positions to which they relate; and in view of the cuts at VEC level, the budgets from which these payments are being funded. [7567/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I announced measures in November 2011 permitting post-primary schools to re-employ teachers who retire between 1 December 2011 and 29 February 2012 and who, immediately before their retirement, have been teaching students preparing to sit the Junior or Leaving Certificate examinations in 2012. Such teachers may be re-employed until the summer holidays for the teaching duties for which they were timetabled immediately before their retirement.

In the case of the VEC referred to by the Deputy, my Department has been advised that one teacher who availed of the early retirement scheme has been re-employed on a part-time basis for 18 hours per week from 9 January, 2012 on a fixed term contract to the end of the 2011/2012 school year. Payments to any staff re-employed must be funded by the VEC from its annual instruction pay grant.

### Personal Vacation Days

196. **Deputy Clare Daly** asked the Minister for Education and Skills if he will consider reversing the decision made by the previous Government to cut extra personal vacation days to teachers who engage in voluntary overseas work. [7604/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A teacher's entitlement to extra personal vacation (EPV) days is on the basis of attending approved summer courses. My Department has in place, a quality assurance system that approves all summer courses and evaluates a sample of summer courses. This is necessary to ensure that the summer courses on offer to teachers and which are eligible for EPV days, foster and facilitate quality learning.

As the Deputy can appreciate it would not be possible for my Department to quality assure summer courses which are located overseas and therefore I have no plans to reintroduce EPV days for these courses.

### Information and Communications Technology

197. **Deputy Andrew Doyle** asked the Minister for Education and Skills if he will provide a breakdown of the second level schools due to be connected to high speed 100Mbps broadband under the national roll-out of high speed broadband in 2012, 2013 and 2014. [7614/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A working group comprising representatives from my Department, HEAnet and the Department of Communications and Natural Resources have recommended a strategy for the roll out of 100mbps to post primary

schools. All schools will be connected by the end of 2014. The strategy which has been accepted by Government is based upon the best technical advice available and designed to achieve best value for money. Any issues arising in the course of the roll out will be referred to the Steering Group in the first instance for guidance.

The national roll-out will be completed over three stages with 200 schools being connected by September 2012, a further 200 being connected next year and the remaining 250 schools being connected in 2014. The first 200 schools to be installed are located in areas which are served by poorer performing technologies *viz.* Cavan, Clare, Donegal, Galway, Laois, Leitrim, Longford, Louth, Mayo, Monaghan, Offaly, Roscommon, Sligo, Westmeath.

The next 200 schools will be selected once work is complete on the re-tendering of schools under the current schools broadband programme and once the first 200 schools have been connected to the 100Mbps scheme.

### Higher Education Grants

198. **Deputy John O'Mahony** asked the Minister for Education and Skills the date on which the centralised office for higher education grants will be in place; the location of same; when it will come into operation; and if he will make a statement on the matter. [7642/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Plans are well underway to replace the 66 existing student grant awarding bodies with one single grant awarding authority. I have appointed the City of Dublin VEC to operate the centralised authority commencing operation for all new grant applicants for the 2012/13 academic year and implementation arrangements are well advanced for this purpose. The office will be located in Ballsbridge, Dublin 4, adjacent to the headquarters of City of Dublin VEC.

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

I am sure the Deputy will agree that this is a positive example of genuine public sector reform. The establishment of the single student grant awarding authority will provide for fundamental reform of the student grants system and represents a concrete development in meeting the objectives set out in the action plan for the education sector on the Croke Park Agreement. I believe it will ensure a better level of customer service for all those who use the student grant system.

### School Staffing

199. **Deputy Pat Breen** asked the Minister for Education and Skills if his attention has been drawn to the concerns regarding the future of a school (details supplied) in County Clare; and if he will make a statement on the matter. [7649/12]

**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 neigh-

[Deputy Ruairí Quinn.]

bouring 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.

*Question No. 200 answered with Question No. 188.*

### School Staffing

201. **Deputy Pat Breen** asked the Minister for Education and Skills if his attention has been drawn to the concerns of a school (details supplied) in County Clare; and if he will make a statement on the matter. [7656/12]

202. **Deputy Pat Breen** asked the Minister for Education and Skills if his attention has been drawn to concerns regarding the future of a school (details supplied) in County Clare; and if he will make a statement on the matter. [7659/12]

204. **Deputy Michael Lowry** asked the Minister for Education and Skills if he will detail the effect that the changes to staffing schedules for schools with less than four teachers as outlined in budget 2012 will have on two teacher schools; if he will detail what will happen when such a school is in line to lose a teacher, in view of the fact that departmental guidelines state that you cannot have a one teacher school; if he foresees the closure of such schools or does he envisage a situation whereby there will be one teacher schools or some other arrangement; and if he will make a statement on the matter. [7682/12]

223. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the position regarding the retention of a teacher at a school (details supplied) in County Cork; and if he will make a statement on the matter. [7889/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 201, 202, 204 and 223 together.

My Department will be notifying schools in the coming weeks of the new staffing arrangements for the 2012/13 school year. It will include detail of the staffing appeals process and appeal criterion for those small schools that are projecting increased enrolments that would be sufficient to allow them to retain their existing classroom posts over the longer term.

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

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible. If amalgamations take place, they will be voluntary and follow decisions taken by local communities and not by my Department.

### **Disadvantaged Status**

203. **Deputy Seán Crowe** asked the Minister for Education and Skills the rationale behind the decision to strip a school (details supplied) in Dublin 24 of its DEIS band 2 status and that in view of the social and economic demographics of the school's catchment area, and the large percentage of children attending the school from low income families, if consideration will be given to reversing the decision to revoke the school's DEIS status. [7662/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** DEIS (Delivering Equality of Opportunity in Schools) provides for a standardised system for identifying levels of disadvantage and an integrated School Support Programme (SSP). The process of identifying schools for participation in DEIS, was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate.

The school to which the Deputy refers was among a number of schools that was judged by an independent identification process in 2005 not to have a sufficient level of disadvantage among their pupils to warrant their inclusion in DEIS.

A review mechanism was put in place in 2006 to address the concerns of schools that did not qualify for inclusion in DEIS but regarded themselves as having a level of disadvantage which was of a scale sufficient to warrant their inclusion in the programme. There was no application for review received from the school referred to by the Deputy.

The current economic climate and the challenge to meet significant targets on reducing public expenditure limits opportunities and means that there is no capacity to provide for additionality to the DEIS programme.

*Question No. 204 answered with Question No. 201.*

### **Schools Building Projects**

205. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will actively support the completion of the junior and senior schools (details supplied) in Dublin 3. [7685/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The project for the school to which the Deputy refers, commenced construction in February 2011. It is anticipated that the project will be complete in quarter 3 of 2012.

### **School Enrolment**

206. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will review a matter in respect of a person (details supplied). [7686/12]

250. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a school placement in respect of a child (details supplied) in Dublin 15. [8225/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 206 and 250 together.

[Deputy Ruairí Quinn.]

The selection and enrolment of pupils in schools is the responsibility of the authorities of the individual school. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places in an area. However, this may result in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a vocational education committee (VEC) school to the VEC in the first instance, where a board of management of a school, or a person acting on behalf of the board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under section 29 of the Education Act 1998 being upheld.

The parents/guardians of the pupil in question may wish to contact my Department at the section 29 appeals administration unit, Friar's Mill Road, Mullingar, County Westmeath, phone 044-9337008, if they wish to take an appeal under section 29 of the Education Act 1998.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB may be able to offer assistance and advice on securing a school placement within the pupil's area. The contact details for the NEWB in the area is National Educational Welfare Board, Block 3 Floor 1, Grove Court, Blanchardstown, Dublin 15, phone number 01-8103260.

### **State Examinations**

207. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide a breakdown of the costs involved in having second level leaving certificate mock examinations marked externally; his views on parents having to pay for the marking of mock exams; and should he ensure mock exams are assessed internally as a cost saving measure. [7715/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Mock examinations are not part of the State examinations system. The decision to organise and/or charge for mock examinations is made at school level, and mock examinations are not a requirement of my Department. Schools are provided with capitation and school services grants to meet their running costs. Post-primary schools receive school services grant of €201 per pupil plus a capitation grant of €317 per pupil. DEIS schools also receive additional funds for targeted interventions to improve educational outcomes for students at risk. Schools are free to prioritise these resources in accordance with the overall needs of the school.

Assessment is part of the core work of every teacher. While many schools wish to provide students with the experience of assessment under examination conditions, I see no educational advantage in such arrangements being externally marked. Ideally, if there are to be mock exams, they should be marked by the class teacher. Having the class teacher involved in assessment and giving clear feedback to students on strengths and weaknesses is a vital part of assessment for learning. While schools in the free education scheme may seek voluntary contributions from parents, they may not charge fees for teaching and learning activities scheduled

as part of the school day, or exclude students from such services for non payment of a fee. It is important for schools to be sensitive to the financial pressures on families.

The Department is not in a position to provide additional funding towards the cost of mock examinations.

### **Schools Building Projects**

208. **Deputy Robert Dowds** asked the Minister for Education and Skills the position regarding a site for a new school building (details supplied). [7721/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has carried out a number of site assessments with a view to identifying a suitable site for the school referred to by the Deputy. Due to commercial sensitivities attaching to site acquisitions generally it is not possible for me to comment further at this time.

### **Disadvantaged Status**

209. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will explain the qualifying criteria for the designation of DEIS band one and two schools; the frequency that DEIS band status is reviewed; the person responsible for initiating a review of a DEIS schools status; and the appeals procedures should a school lose its DEIS status. [7726/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The process of identifying schools for participation in DEIS in 2005 was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. ERC's overall approach was guided by the definition of educational disadvantage set out in the Education Act 1998 as "the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education in schools". The identification process was devised by the ERC and had regard to and employed the existing and most appropriate data sources available.

In the primary sector, the identification process was based on a survey carried out by the ERC and the identification of schools for participation in DEIS followed an analysis of the survey returns from primary schools.

Furthermore, an appeal mechanism was put in place in 2006 to address the concerns of schools that did not qualify for inclusion in DEIS but regarded themselves as having a level of disadvantage which was of a scale sufficient to warrant their inclusion in the programme.

An ongoing evaluation of DEIS has been underway since the roll-out of supports commenced in 2006. My Department commissioned the Educational Research Centre to undertake this evaluation, the aim of which is to monitor the implementation of the programme and assess its impact on students and schools at primary and post primary levels. In addition, the Inspectorate of my Department conducted evaluations of planning in a sample of 36 DEIS schools, 18 primary and 18 post-primary. A national composite report on the effectiveness of DEIS planning in primary and post-primary schools has been completed and this report along with the ERC report have been published.

My Department will fully consider these evaluation reports before any decisions can be made regarding the future of DEIS. While a key priority for me is to continue to prioritise and target resources at schools with the most concentrated levels of educational disadvantage, the current economic climate and the challenge to meet significant targets on reducing public expenditure limits opportunities and means that there is no capacity to provide for additionality to the DEIS programme.

### School Curriculum

210. **Deputy Maureen O’Sullivan** asked the Minister for Education and Skills if he considers that a study should be carried out on the students from the project maths schools now in third level education on the way they are faring with the mathematical aspects of their courses and the way they compare with students of the old syllabus. [7727/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Project Maths began in all second level schools in September 2010, building on the experiences of 24 Project Schools which started the programme in 2008. This is being supported by a national programme of professional development for teachers which began in 2009, and will continue to at least 2013.

A Project Maths implementation support group, as an industry/education partnership, reported in 2010 on how stakeholders from business, second level and higher education can work together to achieve the objectives of Project Maths. The recommendations of this report are being progressed.

Research has also been commissioned on the impact of Project Maths on student’s attitudes and attainment. In the meantime, the results of the examinations in the 24 Project Maths schools have been published in the leaving certificate in 2010 and 2011, and the junior certificate in 2011. These show an improvement in the proportions scoring grades A,B or C, and fewer students scoring at Grade E, F, N and G.

My Department has produced the national strategy to improve literacy and numeracy among children and young people 2011-20, “Literacy and Numeracy for Learning and Life” which is designed to promote a significant improvement in mathematical skills across primary and second level schools. The strategy sets out a range of integrated actions in regard to helping parents to support their children’s learning, professional development of teachers, expansion of the duration of initial teacher education, and improving school leadership, assessment and school management and review.

### Teaching Qualifications

211. **Deputy Maureen O’Sullivan** asked the Minister for Education and Skills if he expects the Teaching Council to complete the survey with maths teachers in view of the fact that it was only 58% complete and did not include the exact qualifications of the maths teachers as the standard of qualification deemed qualified can vary greatly. [7728/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The survey conducted by the Teaching Council provided a good overview of the qualifications of math teachers. All post-primary schools were requested to participate in the survey and there were 422 valid responses. The results provide a clear picture of what is actually happening in schools and help the Department to plan for meeting the training needs of teachers. The survey is now closed and there are no plans for any further follow up.

The Minister of State, Deputy Sherlock announced on 12 September 2011 proposals to introduce a course for teachers of mathematics who may not have an approved qualification in the subject. The competition to identify providers of the course is underway and it is anticipated that courses will be in place this year.

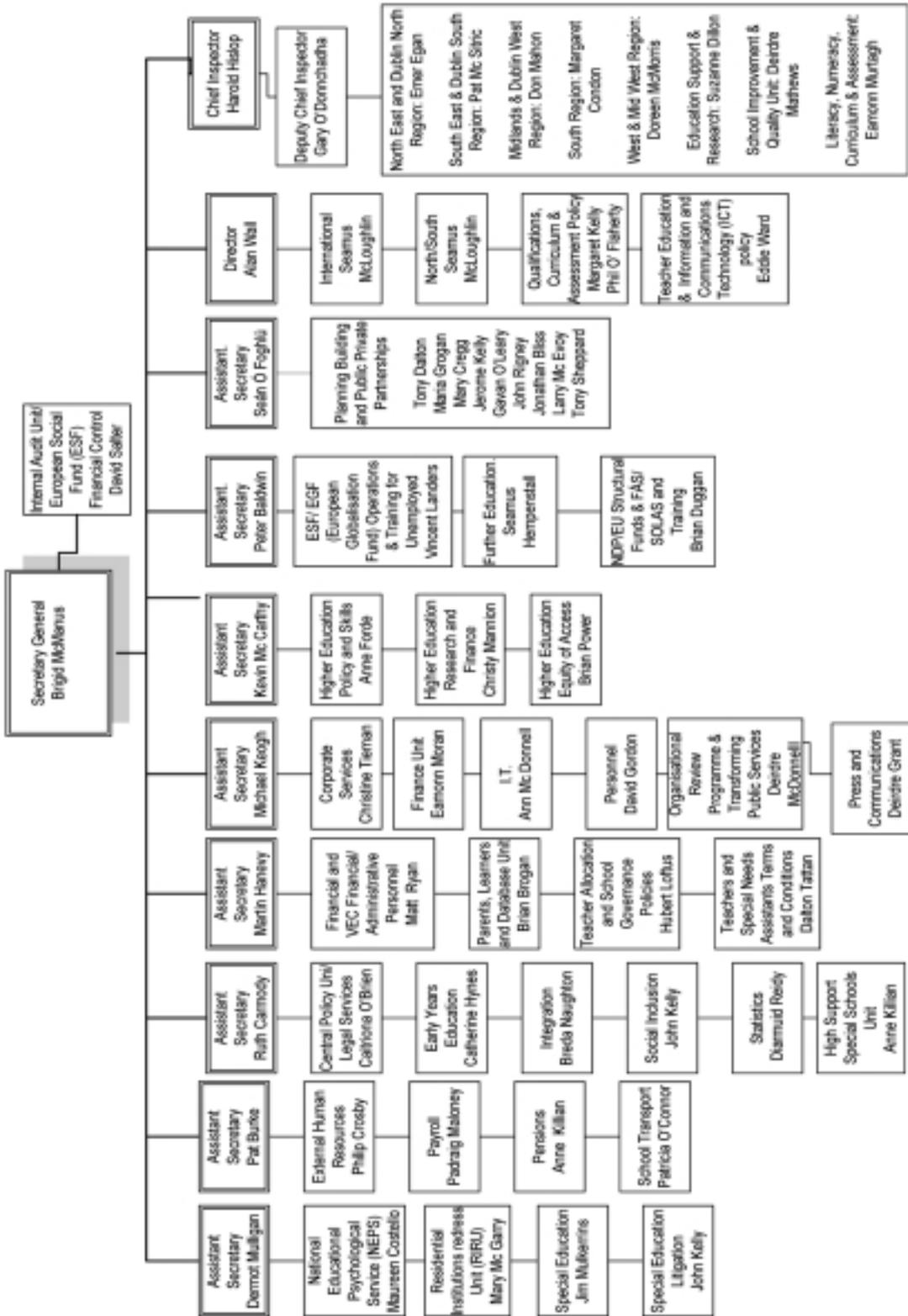
### Departmental Staff

212. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7737/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** An organisational chart detailing officials and their responsibilities within my Department is set out as follows for the Deputy's information:

[Deputy Ruairí Quinn.]

**Organisation Chart – Department of Education and Skills**



### **Garda Reserve**

213. **Deputy Áine Collins** asked the Minister for Education and Skills if he will clarify whether the Garda Reserve allowance is taxable income or a travel allowance and if it is included in assessment for third level grant applications. [7793/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will appreciate that the decision on eligibility for a student grant is a matter for the relevant grant awarding authority.

However, I am informed that payments made in respect of the Garda Reserve Allowance are taxable and are therefore included in the assessment of income for student grant purposes. The assessment of means under my Department's Student Grants Scheme is based on gross income from all sources.

### **Teachers' Remuneration**

214. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding a qualification allowance in respect of a person (details supplied); and if he will make a statement on the matter. [7809/12]

242. **Deputy Ann Phelan** asked the Minister for Education and Skills if those who have commenced programmes prior to the budget announcement that teachers will no longer receive an allowance for a master's qualification should benefit from a dispensation, whereby their expectations in relation to a master's allowance will be honoured; and if he will make a statement on the matter. [8148/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 214 and 242 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.

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.

I am not in a position to comment on the position of existing teachers who, on 5 December 2011, were undertaking courses until the outcome of the of the public service-wide review of allowances is known.

### **Ministerial Appointments**

215. **Deputy Shane Ross** asked the Minister for Education and Skills if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7820/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested is included for the Deputy's information. It should be noted that Board appointments, while made by me, as Minister, are not in all cases made at my sole discretion. Individuals may be nominated for appointment by various organisations as specified in the relevant statute of the body concerned.

The Deputy may also wish to note that my Department has recently corresponded with survivors groups seeking nominations for the new Board of the Education Finance Board (EFB). This Board will effectively be a caretaker board which will serve for a number of months pending the establishment of the Statutory Fund. It is envisaged that the new Fund will assume the functions of the Board and the Board will be dissolved when the fund is set up.

Last December, in accordance with Government policy, expressions of interest were sought from suitably qualified and experienced persons for consideration for appointment to the following boards of Bodies operating under (or will operate under) my Department's aegis:

- Leárgas Ltd — The Exchange Bureau
- The Higher Education Authority
- The Qualifications and Quality Assurance Authority of Ireland (to be newly established) Interested applicants were advised to register an Expression of Interest through the Public Appointments Service (PAS) with a closing date for receipt of applications of 10th January 2012. No appointments have been made to date.

Last week expressions of interest were sought from suitably qualified and experienced persons for consideration for appointment to the following boards:

- The National Council for Curriculum and Assessment (NCCA)
- The State Examinations Commission (SEC)
- The Teaching Council Note: In respect of the SEC no fees will be applicable to the new Commission.

Vacancies on other Boards of Bodies under the aegis of my Department that arise during 2012 will continue to be advertised on my Department's website. The Deputy should note that in making any direct Ministerial appointments, I am not necessarily confined to those who make such expressions of interest but will ensure that all of those appointed have the relevant skills and competencies for the positions.

Breakdown of appointments since March 2011

Agency Name	Number Appointments /re-appointments	Names	Remuneration Fees p.a. (other than standard expenses)	Notes
Foras Áiseanna Saothair	1 appointment	Mr. Michael Moriarty	€11,790	Mr. Moriarty, who is General Secretary of the IVEA, was appointed in July 2011 because of his expertise in the area of Vocational Education which will be particularly useful in the context of the future integration of the FÁS training division and the VECs and the creation of SOLAS, the new further education and training authority.

Agency Name	Number Appointments /re-appointments	Names	Remuneration Fees p.a. (other than standard expenses)	Notes
Further Education and Training Awards Council (FETAC)	11 re-appointments (See Note 1)	Mr. Donal O'Rourke, Dr. Padraig Walsh, Ms Margaret O'Connell, Mr. Rory O'Sullivan, Mr. Joseph O'Leary, Ms Deirdre Keyes, Ms Bridie Daly, Ms Margaret Mernagh, Mr. John Mulcahy, Mr. Tony Petit, Ms Shira Mehiman	Not applicable	As FETAC's term of office expired in December 2011, and to meet with statutory obligations, eligible members of the outgoing Board were re-appointed to the Board until such time as the new QQAAI is established. All 11 re-appointed on 21st December 2011.
Higher Education and Training Awards Council (HETAC)	2 appointments 8 re-appointments (See Note 1)	Dr. Maria Hinfelaar (1st appointed 9/6/2011), Mr. Aengus Ó Maoláin (1st appointed 1/7/2011), Prof. Séamus Smyth, Dr. Finola Doyle-O'Neill, Dr. Marion Palmer, Dr. Íde Ní Fhaoláin, Ms Mary Mc Glynn, Dr. Diarmuid O'Callaghan	Not applicable	As HETAC's term of office expired in December 2011, and to meet with statutory obligations, eligible members of the outgoing Board were re-appointed to the Board until such time as the new QQAAI (see note 1) is established. All 8 re-appointed on 21st December 2011.
Higher Education Authority	1 re-appointment	Mr Gary Redmond	€7,695	Mr. Redmond was re-appointed in July 2011 by virtue of his re-appointment as President of the USI
National Council for Curriculum and Assessment	2 appointments	Mr. Seán Ó Coinn, Professor Noirín Hayes	Not applicable	Mr. Ó Coinn nominated by Foras na Gaeilge and Professor Noirín Hayes nominated by the Office of the Minister for Children and Youth Affairs. Both appointed on the 13th of December 2011.
National Council for Special Education	1 appointment	Ms Maureen Costello	Not applicable	Director of the National Educational Psychological Service (NEPS) appointed in September 2011.
National Qualifications Authority of Ireland	1 appointment 5 re-appointments (See Note 1)	Mr. Gary Redmond (1st appointed 24/6/2011), Prof. Anne Scott, Ms Marie Bourke, Mr. Eamon Devoy, Ms Audry Deane, Mr. Tony Donohue	Not applicable	All re-appointed on 31st March 2011 with exception of Mr Redmond.

[Deputy Ruairí Quinn.]

Agency Name	Number Appointments /re-appointments	Names	Remuneration Fees p.a. (other than standard expenses)	Notes
Residential Institutions Redress Board (RIRB)	11 re-appointments	Dr. Fionnuala O'Loughlin, Dr. Helen Cumiskey, Dr. Harry Bugler, Dr. Mary Bluett, Dr. Ruth Pilkington, Dr. William Delaney, Mr. John Campbell, Ms Ann O'Brien, Ms Samantha Cruess Callaghan, Ms Dariona Conlon	See Note 2	All re-appointed on 16th December 2011
Residential Institutions Review Committee (RIRC)	6 re-appointments	The Hon. Mr. Justice Francis D. Murphy, Mr. John Dalton, Ms Ita Managan, Mr. Justice John Buckley, Mr. Brendan Gogarty, Mr. Colm Gaynor	See Note 3	All re-appointed on 16th December 2011
Skillnets Ltd (See Note 1)	1	Mr. Mícheál Ó Fiannachta	Not Applicable	A Departmental official appointed in June 2011.

*Note 1:* The Further Education and Training Awards Council (FETAC) the Higher Education and Training Awards Council (HETAC) and the National Qualifications Authority of Ireland (NQAI) are to merged to form a new body to be known as the Qualifications and Quality Assurance Authority of Ireland (QQAAI) in the coming months.

*Note 2:* The Chairperson of the RIRB is due to retire with effect from 15th February and will be paid an annual salary for a former President of the Circuit Court subject to abatement to take account of his pension. The other board members of the RIRB are paid a *per diem* rate and the *per diem* rate from 1st January 2011 is €668 per day.

*Note 3:* The Chairperson of the RIRC is paid an annual salary for a Supreme Court judge subject to abatement to take account of his pension. Since October 2011 the Chairperson has taken a 50% voluntary reduction in salary. The other board members of the RIRC are paid a *per diem* rate and pension abatement applies in the case of members receiving a pension from the State. The *per diem* rate from 1st January 2011 is €668 per day.

### European Globalisation Fund

216. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will confirm whether an application has been made to the European Globalisation Fund for workers made redundant in TalkTalk in 2011; if so, when the application was made; the number of workers named in the application; the total funding being sought from the EGF for this application; and if he will make a statement on the matter. [7838/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Officials in the Department are currently finalising an application for EGF co-financing of certain measures in support of almost 600 redundant workers at the TalkTalk company in Waterford and a number of ancillary enterprises.

The application has involved considerable consultation to date with representatives of the redundant TalkTalk workers and the relevant service providers at local, regional and national levels and including a grouping chaired by the Waterford City manager. Both I and my officials

have met with the relevant parties on a number of occasions since the redundancies were announced with the aim of ensuring the most sustainable and appropriate EGF application is submitted to the European Commission.

As the final details are being put to the application currently I am not in a position to state the total amount of funding being sought at this time. Subject to final inputs it is intended to submit the application by the end of February 2012. Already certain support measures have been provided by local service providers and by Skillnets networks to the redundant workers since the redundancy announcement was made. Recently the Department approved the running of a tailored certificate in career development and skills enhancement for this cohort at the Waterford Institute of Technology in order to provide early interventions and advice to the workers even in advance of the EGF application being submitted.

### **Departmental Programmes**

217. **Deputy Michael McCarthy** asked the Minister for Education and Skills the number of applications that have been received to date for the 17 new graduate skills conversion programmes across the country; if he is expecting over-subscription to the programme; and if he will make a statement on the matter. [7842/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The 17 programmes on offer in the new level 8 conversion programme will provide for 768 places countrywide. The courses will be delivered on average over two semesters of 12/13 weeks study and will include a period of about 12 weeks work experience. Applications for the programmes can be submitted online through the Bluebrick.ie website. To date 422 applications have been received. The closing dates for applications have not yet passed and participating colleges are still accepting applications. Given the very close involvement of industry in the design and development of these programmes, which are being fully funded by my Department, I would expect a high level of interest on the part of jobseekers.

The question of the provision of additional places will be considered in the light of the outcome of an interim evaluation of the initiative to be carried out by the HEA before the end of the year.

### **Value for Money Reviews**

218. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will forward to this Deputy the small schools value for money report; the consultation if any he engaged in with parent representative groups with regard to his planned cuts to teaching numbers in small schools threatening their future viability; and if he will publish the value-for-money audit upon which he has based his budgetary decisions for small schools. [7847/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A value for money review on small primary schools is currently under way in my Department. This review is part of the normal review processes undertaken by all Departments on an annual basis on selected areas of expenditure and is being conducted in line with the standard procedure for value for money reviews. Work on the review is well advanced and I expect that the report of the review should be available to me early in 2012. I will then have to consider its outcomes and proposals. When this process is complete, publication will be arranged.

My Department will be notifying schools in the coming weeks of the new staffing arrangements for the 2012/13 school year. It will include detail of the staffing appeals process and appeal criterion for those small schools that are projecting increased enrolments that would be sufficient to allow them to retain their existing classroom posts over the longer term.

[Deputy Ruairí Quinn.]

As part of the Budget 2012 decisions, the number of pupils required to gain and retain a classroom teaching post in small primary schools will be gradually increased between September 2012 and September 2014. Even when all of these phased increases are implemented, the threshold for small schools will still be significantly lower than the minimum of 28 pupils that was required for the appointment of a second teacher in schools prior to the mid-1990s. All schools are being treated equally irrespective of the type of patronage.

The phasing of these measures can provide the schools concerned with time to consider the potential for amalgamation with other schools where this is feasible. If amalgamations take place, they will be voluntary and follow decisions taken by local communities and not by my Department.

### Teacher Training

219. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of students attending courses here at present to qualify as primary school teachers; the number of these doing these courses online; and if he will make a statement on the matter. [7858/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The statistics requested by the Deputy are set out in the attached table. The current average number of graduates from the State-funded colleges is approximately 1,300 per annum.

Hibernia College provides a part-time online course. The College has two intakes per year in October and March. The average number of graduates is 650 per annum.

All courses are subject to review by the Teaching Council to ensure that they meet the required standards.

Bachelor of Education Years 1-3 Current Enrolment	Postgraduate Students commenced February 2011	Postgraduate Students commenced February 2012	Postgraduate Students commenced 2011	Total
1,261	64	65		1,390
94	0	0		94
1,239	74	60		1,373
199	33	35		267
320	62	65		447
			685	685
3,113	233	225	685	4,256

### School Staffing

220. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if he is satisfied that there are enough teachers available to meet the demand for teachers due to the recent retirement scheme; and if he will make a statement on the matter. [7859/12]

257. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills if he believes that there will be any vacancies available in schools for recently graduated teachers and unemployed teachers who are seeking teaching posts arising from the public sector retirement deal; if there are such vacancies to indicate when he believes they will become available; and if he will make a statement on the matter. [8456/12]

262. **Deputy Brendan Smith** asked the Minister for Education and Skills the number of teachers at primary level and at second level who are expected to retire by the end of February 2012; the number that will be re-employed up to the end of the current school year; and if he will make a statement on the matter. [8473/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 220, 257 and 262 together.

At the outset, I want to be very clear that vacancies created in the teaching profession by the forthcoming wave of public sector retirements up to February 29th 2012 will be filled. Students and pupils will not be left without teachers to teach them as a result of retirements. Furthermore, the turnover in teaching staff will provide many newly qualified teachers with opportunities to gain employment. The filling of vacancies in individual schools will be addressed by Boards of Management at school level.

I am also seeking to reduce the impact of these retirements on students preparing for the State examinations. I am allowing schools to re-employ teachers who retire between 1 December 2011 and 29 February 2012, and who had been teaching classes due to sit State exams in 2012, until the end of the school year. I do not have information of the numbers of retirees who will be re-employed under these special arrangements as it will be a matter for the school and teacher concerned to decide if they wish to avail of them.

In the case of teachers who are not teaching exam classes, replacements can be employed until the end of the school year, subject to the numbers framework.

The information available to the Pensions Unit of my Department in relation to projected retirements nationally from 1 January 2012 to 29 February 2012 are of the order of 729 Primary teachers, 507 Secondary/Community and Comprehensive School teachers and 220 Vocational teachers.

The Government has prioritised, as best as possible, the filling of front-line posts in the Education sector within the constraints of the Employment Control Framework. For example, schools are permitted to fill teaching vacancies that arise within their approved staffing allocations. 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.

221. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if he has proposals for a central database of all positions to be filled in primary schools that both prospective teachers and schools could register with similar to the website *www.publicjobs.ie* for the Public Services; and if he will make a statement on the matter. [7860/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The recruitment and appointment of teachers to fill teaching posts is a matter for the individual school authority, subject to procedures agreed under Section 24(3) of the Education Act 1998. The Constitution of Boards and Rules of Procedure document 2011 sets out the procedures for appointment of teachers and special needs assistants at primary level.

From 1 December 2011 all advertising of teaching and special needs assistant positions at primary level must be through one of the four listed websites, which include sites run by the Irish Primary Principals Network (IPPN) and the management bodies. Vacancies for the post of principal may also be advertised on *www.publicjobs.ie*.

I issued Circular 31/2011 in May of last year which requires that, from September 2011, schools at primary and post-primary level maintain a list of appropriately qualified registered teachers who notify the school that they are available for substitute teaching at short notice.

[Deputy Ruairí Quinn.]

Jobseeking teachers at primary level may also register with the IPPN *www.educationposts.ie* website for both permanent and temporary roles or may also register with SubSearch, which is run by the INTO. I have no plans to further rationalise recruitment procedures at primary level at this time.

### **European Globalisation Fund**

222. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will supply the names of those individuals from County Donegal who were named in the application to the European Globalisation Fund for construction workers made redundant between 2009 and 2010. [7861/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am precluded by the provisions of the Data Protection Acts from supplying the data sought by the Deputy.

*Question No. 223 answered with Question No. 201.*

### **School Staffing**

224. **Deputy Finian McGrath** asked the Minister for Education and Skills the number of primary school teachers in each county who retired in December 2011. [7902/12]

225. **Deputy Finian McGrath** asked the Minister for Education and Skills the number of primary school teachers in each county who retired in January 2012. [7903/12]

226. **Deputy Finian McGrath** asked the Minister for Education and Skills the number of primary school teachers in each county who have indicated their intentions to retire in February 2012. [7904/12]

227. **Deputy Finian McGrath** asked the Minister for Education and Skills the number of post-primary teachers in each county who retired in December 2011. [7905/12]

228. **Deputy Finian McGrath** asked the Minister for Education and Skills the number of post-primary teachers in each county who retired in January 2012. [7906/12]

229. **Deputy Finian McGrath** asked the Minister for Education and Skills the number of post-primary teachers in each county who have indicated their intention to retire in February 2012. [7907/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 224 to 229, inclusive, together.

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 December 2011 to 29 February 2012 is detailed in the attached table. 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.

Primary Secondary Community and Comprehensive Teachers Retirements based on applications received.

Month	Primary	Secondary and C+C	Total
December 2011	142	110	252
January 2012	136	61	197
February 2012	532	437	969
Total for Period	810	608	1,418

### Teachers' Remuneration

230. **Deputy Peter Mathews** asked the Minister for Education and Skills his views on a matter (details supplied) regarding teaching positions; and if he will make a statement on the matter. [7909/12]

260. **Deputy Willie Penrose** asked the Minister for Education and Skills if, in the context of the attached correspondence (details supplied), he will review the decision to suspend payments of allowances to new entrants pending a review; in view of the impact that this will have upon persons who are currently obtaining their professional qualifications and are due to graduate in the next four months or so; and if he will make a statement on the matter. [8469/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 230 and 260 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.

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.

I am not in a position to comment on the position of existing teachers who, on 5 December 2011, were undertaking courses until the outcome of the of the public service-wide review of allowances is known.

### State Examinations

231. **Deputy Robert Dowds** asked the Minister for Education and Skills which company has won the tender for printing the State examination paper in 2012; and the process undergone before the contract was awarded. [7946/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the preparation of examination papers and other examination materials, holding examinations and determining procedures in places where examinations are conducted including the supervision of examinations.

In view of the above I have forwarded your query to the State Examinations Commission for direct reply to you. The normal public procurement procedures apply to such issues.

### Departmental Correspondence

232. **Deputy Seán Ó Fearghail** asked the Minister for Education and Skills if he will consider the contents of correspondence (details supplied); and if he will make a statement on the matter. [7957/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is in receipt of separate correspondence from the company referred to by the Deputy. My officials have made contact with the company and will respond to the company in due course.

### Third Level Institutions

233. **Deputy Catherine Murphy** asked the Minister for Education and Skills if he will inform Dáil Éireann of the mean and median class contact hours for professors, associate professors and senior lecturers in the departments of economics of the following third level institutions: University College Dublin, University of Dublin, National University of Ireland Maynooth, National University of Ireland Galway, University College Cork, Dublin City University and the University of Limerick; and if he will make a statement on the matter. [7958/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** While in practice class contact hours account for approximately one-third of the total time of an academic, the very specific level of detail required by the Deputy is not available within my Department. Staff management and the allocation of class contact hours are entirely a matter for the individual universities concerned.

### Departmental Funding

234. **Deputy Ciarán Lynch** asked the Minister for Education and Skills the portion of the education budget that was allocated to the operation of AONTAS in 2011; and if he will make a statement on the matter. [7966/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** In 2011, the Department provided funding of €896,000 to AONTAS. The Department's budget for 2011 exceeded €8.8 billion.

### Residential Institutions Redress Scheme

235. **Deputy Patrick Nulty** asked the Minister for Education and Skills the position regarding progress in securing additional financial contributions from religious congregations towards redress for survivors of residential child abuse; the amount of additional funding that has been

sought; if the congregations have responded positively in this regard; and if he will make a statement on the matter. [7980/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The cost of the response to residential institutional abuse is now estimated to exceed €1.36 billion. The Government believes that this cost should be shared on a 50:50 basis, between the State and the congregations who were responsible for the management of institutions. The contribution of the 18 congregations under the 2002 Indemnity Agreement amounted to €128 million. They have since committed to contribute a further €110 million to the proposed Statutory Fund for former residents, of which €21.05m has already been received. They have also offered properties they value at a further €235.5m to different State bodies and voluntary organisations. If all of these properties were acceptable to the State and their values confirmed, the congregations' offers would fall short of the €680m contribution required to realise a 50:50 share by at least €200m.

Of the properties offered to the State, 12 have been identified as of potential immediate benefit and the transfer of these properties is being pursued. The value of these 12 properties, based on the congregations' own valuations is approximately €60m. Following consideration of the issues involved by the Government I met with representatives of the 18 congregations who were party to the 2002 Indemnity Agreement either on 22 July 2011 or on dates since then. At those meetings I expressed my disappointment that their offers fell well short of the contribution required to realise a 50:50 share. I sought their agreement to exploring a legal mechanism to transfer the title of school properties to the State and my Department is currently examining this possibility.

I will be writing to the congregations shortly to continue to pursue these issues.

### **Departmental Funding**

236. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills his views on a matter (details supplied) regarding cuts to smaller schools. [8026/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I fully acknowledge that the reduction in resources to second level schools will be challenging for schools. However, the change must be seen in the context of the major challenges we have as a Government in trying to shelter public services to the greatest extent that we can in these exceptional times. The net impact on overall teacher numbers in our schools has been minimised to the greatest extent possible. In the budget announcement for education I made clear that the net impact of the measures relating to second level schools for the school year commencing next September would, after taking account of demographics amount to about 450 posts.

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

I have also provided for the filling of 300 Assistant Principal posts in second-level schools over the level originally planned. This will ensure that schools have sufficient management positions to ensure appropriate supports are available for all students. A key priority for me is to continue to prioritise and target available funding at schools with the most concentrated levels of educational disadvantage. All 195 second-level school in DEIS will be given targeted support by a more favourable staffing schedule of 18.25:1. This is a 0.75 point reduction compared to the existing PTR of 19:1 that applies in non fee-paying second-level schools.

[Deputy Ruairí Quinn.]

My Department is currently notifying schools of the new staffing arrangements for 2012/13 school year.

### **Disadvantaged Status**

237. **Deputy Brendan Smith** asked the Minister for Education and Skills when he expects his Department to report to him on the impact of the withdrawal of posts under DEIS; when he proposes to make decisions in relation to the recommendations; and if he will make a statement on the matter. [8028/12]

263. **Deputy Brendan Smith** asked the Minister for Education and Skills if his attention has been drawn to the concern in an area (details supplied) in Dublin 11 in relation to the proposed changes to DEIS which would adversely affect a number of schools; when the DEIS review is likely to be completed; and if he will make a statement on the matter. [8479/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 237 and 263 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.

When the report is finalised and submitted to me 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.

### **Third Level Institutions**

238. **Deputy Brendan Smith** asked the Minister for Education and Skills if the Higher Education Authority have yet submitted to him the criteria in relation to the establishment of technological universities; when this report will be published; and if he will make a statement on the matter. [8029/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The HEA submitted and recommended “Process and Criteria for designation as Technological University” and I have now approved these with the agreement of Government. The criteria set a performance bar appropriate to a national and international understanding of the term “university” so as to safeguard the quality and reputation of Ireland’s higher education system. They will also preserve and enhance the diversity required in a modern higher education system by ensuring that any Technological University is not just of high quality but is also clearly differentiated by mission to existing universities through the nature of its research, teaching and engagement activities.

At my request, the HEA published the agreed Process and Criteria document on Monday 13th February 2012 along with other system development papers to give clarity and certainty to institutes of technology that are considering consolidation and designation proposals.

The relevant documents are available to read at *www.heai.ie*.

*Question No. 239 answered with Question No. 190.*

### **Ministerial Correspondence**

240. **Deputy Pat Breen** asked the Minister for Education and Skills when an application will be processed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [8033/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I will arrange for a reply to issue direct to the Deputy in relation to the case that he has referred to.

### **Literacy Levels**

241. **Deputy Mary Mitchell O'Connor** asked the Minister for Education and Skills the action being taken to address the findings of Thomas Hammerberg, Commissioner for Human Rights of the Council of Europe, who estimated on the 15 of September 2011 that 30% of Roma children in Ireland attend school and that 95% of Roma women in Ireland cannot read or write in any language; and if he will make a statement on the matter. [8144/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** All children are entitled to pre-school, primary and post-primary education, irrespective of nationality or ethnicity. All children are, in fact, required to attend from age 6-16 years. A student's nationality is noted at primary and post-primary schools. Whether a student from Romania or Hungary etc. is a member of the Roma community is not noted.

If a student has identified educational needs, such as gaining proficiency in the language of instruction or difficulties with literacy or numeracy, then assistance is provided based on the student's educational needs and not on their cultural background. If a student has a poor attendance record, a significant amount of data is collected by the school about the student and provided to the NEWB but data on their ethnicity is not recorded.

The Intercultural Education Strategy was launched in 2010. Amongst its ten key components are "mainstreaming of education provision" and "knowledge of the language of instruction". English as a Second Language (ESOL) classes are provided free of charge by Vocational Education Committees (VECs) as part of adult literacy provision, based on local demand, and are open to all adults (of the 54,000 adult literacy participants in 2010, some 11,500 were ESOL participants). There have been some initiatives organised specifically for Roma women.

Into the future, the approach to provision of further education programmes will continue to be one that is inclusive, mainstreamed and available to all based on identified educational need, irrespective of nationality or ethnicity.

*Question No. 242 answered with Question No. 214.*

*Question No. 243 answered with Question No. 190.*

### **FÁS Training Programmes**

244. **Deputy Clare Daly** asked the Minister for Education and Skills if a person (details supplied) will be eligible to complete a FÁS plumbing apprenticeship under the scheme for redundant apprentices and when the funding will be available for them to do so. [8185/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Redundant Apprentice Placement Scheme 2012 (RAPS) will provide opportunities for redundant apprentices to complete

[Deputy Ruairí Quinn.]

the minimum duration for off-the-job training and assessment with FÁS approved employers for Phase 3, Phase 5 and Phase 7 of the standard based apprenticeship programme.

I am informed that the person in question has currently completed 62 weeks of his apprenticeship only 5 of which were in unsupported employment. He completed his Phase 2 off-the-job training with FÁS from 11th May to 25th September 2009. He then completed his Phase 4 off-the-job training in DIT from 4th January to 18th March 2011.

Subsequently, the person in question participated in the Redundant Apprentice Placement Scheme (RAPS) from the 9th May to 14th November 2011, which allowed him to complete Phase 3 on-the-job training of his apprenticeship. He is currently scheduled to commence his Phase 6 off-the-job training in April 2012.

If he successfully completes his Phase 6 off-the-job training he will then be eligible to complete his Phase 5 and Phase 7 on-the-job training phases by re-engaging with the Redundant Apprentice Placement Scheme.

The RAPS interventions will not complete the person in question's apprenticeship, as he will still be a number of weeks short of the mandatory 208 weeks required to complete his apprenticeship.

However FÁS has recently introduced a new Competency Determination Mechanism where apprentices undertake to complete a competence assessment. If eligible apprentices successfully complete this assessment they will be deemed to have completed their apprenticeship. At the appropriate juncture the person in question may also be offered the opportunity to avail of this intervention.

### **Schools Building Projects**

245. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he will arrange a meeting between representatives of the board of management of a school (details supplied) in County Kildare and appropriate officials in the primary planning and building unit of his Department; and if he will make a statement on the matter. [8194/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My officials in the Department's Planning and Building Unit have no record of receiving a request for a meeting from the school referred to by the Deputy. It is open to the school authority to make direct contact with my officials relating to any accommodation issues it may have.

### **Departmental Funding**

246. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Skills if he will outline the total adult and further education budget per vocational education committee for 2011; and if he will make a statement on the matter. [8199/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** In 2011, my Department provided funding of nearly €420 million for further education programmes delivered by Vocational Education Committees (VECs). This covered the pay of staff, non-pay capitation, participant allowances and student support for learners in Post Leaving Certificate (PLC) courses.

Funding for the Vocational Training Opportunities Scheme, Youthreach, Senior Traveller Training Centres, the Back to Education Initiative, Adult Literacy and Community Education, the Adult Education Guidance Initiative and a range of other smaller programmes is totalled,

broken down by VEC, and set out in the attached table, along with expenditure on student support for PLC learners.

Funding for the pay of staff and an element of non-pay funding for PLC is administered to VECs as part of mainstream allocations. The estimated costs of these for each VEC are set out in the table.

Funding is also allocated to some VECs under the co-operation hours scheme for further education services delivered in non-VEC centres, like prisons. The total estimated cost of this provision nationally is €25 million.

Adult and Further Education provision 2011

VEC	Actual Further Education provision — VTOS, Youthreach, STTC, PLC FE Capitation, BTEI, Adult Literacy, Community Education and Adult Guidance €	Estimated Post Leaving Certificate Pay €	Estimated Post Leaving Certificate Post Primary Capitation €	Actual Post Leaving Certificate Student Grants €	Total €
City of Cork	9,124,313	14,141,176	820,080	2,914,633	27,000,203
City of Dublin	36,830,655	27,310,588	1,586,712	4,318,638	70,046,594
City of Limerick	8,791,491	3,282,353	193,800	1,288,876	13,556,520
City of Waterford	6,224,368	2,741,176	161,160	907,750	10,034,454
Dun Laoghaire	3,245,872	7,656,471	450,024	1,784,847	13,137,213
City of Galway	6,309,080	4,164,706	248,880	1,814,133	12,536,799
County Carlow	3,500,648	2,917,647	171,360	1,058,641	7,648,297
County Cavan	4,250,535	4,341,176	259,080	2,536,998	11,387,789
County Clare	8,199,510	463,529	28,152	434,280	9,125,471
County Cork	10,302,304	4,743,529	278,256	164,670	15,488,759
County Donegal	9,340,879	652,941	37,740	243,112	10,274,673
County Dublin	26,809,645	3,268,235	192,984	560,897	30,831,761
County Galway	9,978,725	658,824	40,800	337,162	11,015,511
County Kerry	9,626,291	1,941,176	120,360	958,110	12,645,938
County Kildare	8,105,481	1,260,000	72,828	308,548	9,746,857
County Kilkenny	4,820,867	1,729,412	104,040	418,368	7,072,687
County Laois	4,481,869	1,305,882	75,480	344,029	6,207,260
County Leitrim	1,757,019	324,706	18,768	53,124	2,153,617
County Limerick	4,799,916	1,117,647	67,320	314,921	6,299,804
County Longford	3,746,306	1,235,294	71,400	277,903	5,330,902
County Louth	5,714,124	3,952,941	236,640	1,490,564	11,394,270
County Mayo	7,507,867	1,496,471	94,656	649,884	9,748,878
County Meath	7,510,634	1,150,588	74,664	320,705	9,056,591
County Monaghan	3,220,206	1,051,765	68,952	482,643	4,823,565
County Offaly	4,411,089	200,000	14,280	34,771	4,660,140
County Roscommon	4,201,620	222,353	12,852	79,913	4,516,738
County Sligo	2,877,185	1,623,529	102,000	1,077,885	5,680,599
County Tipperary NR	4,110,924	2,205,882	131,580	1,015,812	7,464,199

[Deputy Ciarán Cannon.]

VEC	Actual Further Education provision — VTOS, Youthreach, STTC, PLC FE Capitation, BTEI, Adult Literacy, Community Education and Adult Guidance €	Estimated Post Leaving Certificate Pay €	Estimated Post Leaving Certificate Post Primary Capitation €	Actual Post Leaving Certificate Student Grants €	Total €
County Tipperary SR	3,011,730	1,011,765	61,200	261,633	4,346,328
County Waterford	4,180,918	787,059	45,492	335,291	5,348,760
County Westmeath	4,609,722	511,765	33,660	915,129	6,070,276
County Wexford	8,697,432	2,682,353	155,040	614,715	12,149,540
County Wicklow	10,511,153	3,529,412	212,160	1,371,281	15,624,005
	250,810,380	105,682,353	6,242,400	29,689,865	392,424,997

### School Transport

247. **Deputy Pearse Doherty** asked the Minister for Education and Skills the proposed savings to be attained from the changes introduced to post primary school transport; if he will review the situation; and if he will make a statement on the matter. [8208/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The Deputy will be aware that changes to the School Transport Scheme, including the ceasing of the catchment boundary system effective from the 2012/2013 school year, were announced in Budget 2011 and derive from recommendations in the Value for Money Review of the Scheme. There is no scope for reversing these changes as under the four year recovery plan, there is a requirement to deliver savings of €17 million on the school transport budget and all these measures, including the ceasing of the catchment boundary system, are an integral part of this.

### School Staffing

248. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of primary school teachers who have less than two years experience, between two and five years experience, between five and ten years, between ten and 20 years experience, between 20 and 30 years and over 30 years; and if he will make a statement on the matter. [8212/12]

249. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of post primary school teachers who have less than two years experience, between two and five years experience, between five and ten years, between ten and 20 years experience, between 20 and 30 years and over 30 years; and if he will make a statement on the matter. [8213/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 248 and 249 together.

The information requested by the Deputy in relation to teachers in Primary, Voluntary Secondary, Community and Comprehensive Schools is being compiled and will be forwarded directly to him. Details regarding teachers employed in VEC schools are held by individual VECs.

*Question No. 250 answered with Question No. 206.*

### Departmental Staff

251. **Deputy Catherine Murphy** asked the Minister for Education and Skills if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8270/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** At the 31st, December 2011 one retired Assistant Principal Officer, two retired Principal Officers and eleven retired school inspectors were engaged by my Department to assist the Department in certain functions. In addition to this one retired Assistant Secretary was appointed to the board of FÁS. Where appropriate, pension abatement was applied. The tabular statement gives details of the officials concerned, their grade at retirement and the remuneration they received in 2011.

One retired school inspector has been appointed to the holding company and another appointed to the board of directors of the Middletown Centre for Autism which is a body jointly funded by my Department and the Department of Education in Northern Ireland. The holding company meets once a year while the Board of Directors is expected to meet 8 to 10 times a year. A daily rate for attendance of £160 (sterling) will apply. No payments were made in 2011.

At this juncture 39 officials at my Department have applied to retire on or before the 29th, February 2012. There are currently no plans to re-engage any of these officials.

Department of Education and Skills 2011 List of re-engaged retired civil servants

Name:	Grade at Retirement:	Amount Payable in 2011 €
Joan Williams	Inspector	€2,901.51
Frank Murray	Principal Officer	1923.18
Ian Murphy	Assistant Chief Inspector	€22,364.90
Eamonn Stack	Chief Inspector	€13,000.00
Sean MacConmara	Divisional Inspector	€1,714.50
Tadhg O'Ruairc	Assistant Principal Officer	€690.00
Con O'Caoimh	Inspector	€927.81
Sean O Cearbhaill	Divisional Inspector	€1,858.65
Liam O hEigearta	Assistant Chief Inspector	€6,720.45
Caitlin Ni Bhraonain	Inspector	€3,315.30
Michael Leonard	Inspector	€1,314.17
Eddie Bracken	Primary Inspector	€654.93
Dermot Ryan	Principal Officer	€230.00
Torlach O'Connor	Assistant Chief Inspector	€15,088.00
Paddy McDonagh	Assistant Secretary	€11,970.00
		€84,673.40

### European Globalisation Fund

252. **Deputy Pearse Doherty** asked the Minister for Education and Skills if it is permissible

[Deputy Pearse Doherty.]

under European Globalisation Fund rules for a person to receive funds from the EGF or interventions funded via the EGF while in full time employment; and if he will make a statement on the matter. [8306/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** A redundant worker, who meets the criteria of the EGF Regulations and who is included in an EGF application which is subsequently approved by the EU budgetary authorities, may avail of the measures provided under the approved EGF programme even where such a redundant worker subsequently obtains employment. This position has been confirmed to my Department by the European Commission.

253. **Deputy Pearse Doherty** asked the Minister for Education and Skills if a person (details supplied) received a payment from the European Globalisation Fund or interventions funded via the EGF while employed by the Department of Finance; the nature and value of this payment; if this payment complied with the rules of the European globalisation fund; and if he will make a statement on the matter. [8307/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am precluded by the provisions of the Data Protection Acts from releasing the specific personal information sought by the Deputy.

A redundant worker who meets the criteria of the EGF Regulations and who is included in an EGF application which is subsequently approved by the EU budgetary authorities, may avail of the measures provided under the approved EGF programme even where such a redundant worker subsequently obtains employment. This position has been confirmed to my Department by the European Commission.

### Departmental Staff

254. **Deputy Sean Fleming** asked the Minister for Education and Skills if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8434/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information in the format sought by the Deputy is not readily available. I have requested officials at my Department to collate the information and this will be forwarded to the Deputy when it is to hand.

### Áiseanna Spóirt

255. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna an bhfuil cinneadh déanta aige ar iarratas le haghaidh áiseanna spóirt atá déanta ag scoil dara leibhéal i gContae na Gaillimhe (sonraí leis seo); agus an ndéanfaidh sé ráiteas ina thaobh. [8448/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Chuir an scoil i gceist iarratas ar Mhaoiniú Éigeandála faoi bhráid i mí Lúnasa 2010 chun an pháirc imeartha a uasghrádú. Os rud é go bhfuil scóip na n-oibreacha don tionscadal seo lasmuigh de théarmaí na Scéime Oibreacha Éigeandála ní féidir é a chur san áireamh i gcomhair mhaoiniú éigeandála. Eisíodh litir dhiúltaithe i leith an iarratais seo chuig údaráis na scoile ar 30ú Lúnasa 2010.

### Vocational Education Committees

256. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide in tabular form the annual salary for each vocational education committee chief executive officer. [8453/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Chief Executive Officers of Vocational Education Committees (VECs) are paid directly by the Committees which employ them. Accordingly, the information which the Deputy is seeking is not readily available. However, my Department has requested the information from the VECs and this will be forwarded to the Deputy as soon as it is received and collated.

*Question No. 257 answered with Question No. 220.*

### School Patronage

258. **Deputy Peadar Tóibín** asked the Minister for Education and Skills if, while reforming the education system, he will consider putting in place measures that will meet some of the demands (details supplied); and if he will engineer future reforms to facilitate the meeting of this significant demand. [8457/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware the Forum on Patronage and Pluralism in the Primary Sector, which is a key objective of the Programme for a National Government 2011-2016, was officially launched by me in April last year. Part of the terms of reference of the Forum are to advise me on the practicality of how transfer/divesting of patronage should operate for individual primary schools in communities where it is appropriate and necessary; and how such transfer/divesting can be advanced to ensure that demands for diversity of patronage (including from an Irish language perspective) can be identified and met on a widespread basis nationally. An Advisory Group appointed to convene the Forum has held a number of meetings in public, during June and November 2011. The Group sought and received submissions from the education stakeholder groups and from the public as part of its work. The Group is currently finalising its report and I expect to receive it shortly. In addition, in June 2011, I announced that 20 new primary and 20 new post-primary schools are to be established up to 2017 across a number of locations. I also announced new arrangements for the recognition of new primary and second-level schools. The new arrangements published by my Department, provide a balanced approach to allow for applications to be made from prospective patrons for the establishment of schools. The criteria to be used in deciding on patronage of the new schools place a particular emphasis on parental demand for plurality and diversity of patronage.

259. **Deputy Catherine Murphy** asked the Minister for Education and Skills if, in respect of the proposed new post-primary school in Maynooth, County Kildare, he can confirm if An Foras Pátrúnachta has been ruled out of consideration for patronage of same, either as a single application or as part of a joint one; if he can confirm that An Foras Pátrúnachta will not be considered for patronage either as a single application or as part of a joint one; and if he will make a statement on the matter. [8458/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy may be aware, as part of the new arrangements for the establishment of new post-primary schools, which I announced in June 2011, I said that an initial decision would be made by my Department, before seeking applications for patronage, on whether the school would operate through the

[Deputy Ruairí Quinn.]

medium of Irish or English and that applications would be sought from patrons when this decision was made.

In inviting applications for the new post-primary schools to be established on 2013 and 2014 patron bodies were informed about which schools would operate through the medium of Irish. The new school to be established in Maynooth in 2014 will provide instruction through the medium of English. However, one of the requirements that must be satisfied by prospective school patrons is the confirmation of willingness to establish an Aonad where there is demand for it (for a school where the primary medium of instruction is to be English). The closing date for receipt of applications for new post-primary schools to be established in 2013 and 2014 is 24 February 2012. Full details of the new arrangements for patronage of new schools and the criteria for deciding on patronage of these new schools are available on my Department's website.

*Question No. 260 answered with Question No. 230.*

### **Schools Refurbishment**

261. **Deputy Pat Breen** asked the Minister for Education and Skills further to a Parliamentary Question No. 83 of 23 November 2011 the position regarding an application in respect of a school (details supplied) in County Clare; and if he will make a statement on the matter. [8471/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school in question was allocated devolved funding for the provision of a resource room and boiler replacement under my Department's Additional Accommodation Scheme 2010.

The school authorities have sought additional funding towards this project and in September 2011, my Department's Planning and Building Unit requested further supporting information. When this information is received a final decision will be communicated to the school authority.

*Question No. 262 answered with Question No. 220.*

*Question No. 263 answered with Question No. 237.*

### **Departmental Staff**

264. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform the names of the persons on the transitional teams he has established to manage the exodus of staff from the public sector at the end of February; the number of teams that have been established; the number of times each of the transition teams has met; and the reporting mechanisms of the teams to the Government. [7748/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Strategic Workforce Planning Groups, which have been in place for a number of months, have been considering the impact of reductions in public service numbers in the longer term as well as the more immediate implications of the ending of the grace period.

However, the Government decided that in order to deal with specific short-term challenges arising from the ending of the grace period, transition teams, drawn from the existing Workforce Planning Groups, will manage the process in each of the five sectors: Health, Education, Local Government, Justice and Defence and the Civil Service. Each Team, which is headed by an Assistant Secretary in the relevant Department, will prepare a report for Government on how the impact of the retirements before end-February will be managed. These reports will be

submitted to Government via a Memorandum from the Minister for Public Expenditure and Reform. The Teams will also be responsible for a pro-active communications strategy to relay to the public the plans that are in place to deal with the impact of retirements to end-February.

Details of membership of the various teams and other details sought will be forwarded directly to the Deputy.

### **State Assets**

265. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if it is his intention to propose the disposal of Bord Gáis electricity generation and or supply as part of the programme for Government commitment to sell off State assets. [7870/12]

266. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform following the statement by An Taoiseach to Dáil Éireann on 24 January 2012 that the Government has made a formal decision in respect of the ESB assets, if it intends to sell to private interests; and when he intends to relay this information to Dáil Éireann. [7891/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 265 and 266 together.

As I have previously informed the House, the matters referred to in the Deputy's questions have been examined by two inter-departmental groups: one group examined the ESB part-sale and the second examined other assets, including Bord Gáis Éireann, in order to inform any further decisions that the Government may wish to take. Although the reports of these groups have been considered and discussed by relevant Ministers, they have not yet been considered by the Government as a whole.

I have also had a series of discussions with the EU/ECB/IMF Troika on these matters, and I am pleased to report that significant progress has been made, particularly on the issue of the use to which the proceeds generated from any assets sales will be put. I expect the Government to shortly be in a position to make a final decision on the scale and composition of the asset disposal programme to be pursued and when this is finalised the House will be fully briefed on these matters.

### **EU Funding**

267. **Deputy Maureen O'Sullivan** asked the Minister for Public Expenditure and Reform his plans to draw funding from the European Social Fund which contains €30 billion of uncommitted funding and must be committed by the end of 2013; the plans in place to use this funding towards job initiatives for young persons and the long-term unemployed here; if he has notified the EU of his interest in drawing such funding for the purposes of job initiatives; and if he will make a statement on the matter. [8022/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Ireland has been allocated a total of €901m in EU Structural Funding for the period 2007-13. Of this, €750 million is assigned to the Regional Competitiveness and Employment (RCE) objective, and the balance to Territorial Co-operation programmes, including the including the PEACE III (Ireland/NI), INTERREG IVA (Ireland/NI and Western Scotland) and the Ireland Wales Programme. The RCE objective is being delivered through three operational programmes, the National ESF Human Capital Investment OP, managed by the Department of Education and Skills, and the Border Midland and Western (BMW) and Southern and Eastern Regional ERDF (S&E) OPs, managed by the BMW and S&E Regional Assemblies.

[Deputy Brendan Howlin.]

The general programme priorities in Ireland are the promotion and encouragement of innovation, the knowledge economy, enterprise, research and development, upskilling the workforce and increasing the participation of groups outside the workforce. It is expected that the overall objectives of each programme will be achieved and that Ireland will drawdown the funding we have been allocated.

Following the informal European Council meeting on 30 January, EU Commission President Barroso has launched a special initiative to boost growth and tackle the problem of youth unemployment.

The Commission will work with the eight Member States with the highest youth unemployment rates to develop a plan which could use unallocated structural funds to strengthen national programmes. The Commission will be promoting a plan in each Member State with measures to deal with youth employment and strengthen support schemes for SMEs. President Barroso envisages that the funding would come from existing unallocated EU funds and from any available national funding, from either public or private sources.

At present, Ireland has no unallocated Structural Funds. Recent Commission figures show that Ireland has the highest Cohesion absorption rate in the EU at 48% for the current 2007-2013 Structural and Cohesion funding round and it is estimated that the remaining 52% allocated to Ireland will be drawn down.

I strongly welcome President Barroso's initiative. I and other members of the Government will be working closely with the EU Commission.

As there are no unused Structural and Cohesion funds available for Ireland at present, we will, in the first instance, be looking at whether employment programmes might be re-focused to better effect. If, at a later stage, additional EU funding becomes available, Ireland will make the necessary application.

Dealing with unemployment is the major priority for the Government and this is an initiative which must be utilized to maximum effect.

### **Public Private Partnerships**

268. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform his understanding of the number of financial institutions willing to participate in public private partnerships, PPPs; his views of the operation of the market for PPPs; and the steps he intends to take to assist a more efficient operating of the market. [8480/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** It is widely acknowledged that there is limited liquidity in the European PPP market as the majority of the large international project finance banks have refocused activities on home markets. Furthermore Ireland's fiscal and banking difficulties has meant that such international banks are additionally, for the first time in modern times, taking 'country risk' into account before considering funding a project in Ireland. In reality, this has led to the absence of international project finance banks in the Irish PPP market.

However the European Investment Bank (EIB) continues to be a strong supporter of our PPPs and we appreciate the support and confidence shown by EIB's continued engagement to help us meet our infrastructure needs. In addition, our domestic 'pillar' banks continue to give positive indications of support for our PPP projects. My Department has worked closely with the NDFSA and the Department of Finance to secure funding from a mixture of EIB and domestic bank funding for the two 'live' PPP projects on a value for money basis for the State.

The principle rationale for pursuing projects as PPPs alongside traditionally funded exchequer projects is that they provide value for money for the State and that they are affordable. With respect to the operation of the PPP market, to date the reduction in liquidity has had limited impact on the operation of the small/ medium PPP market and it continues to operate efficiently. Recent experience of PPP tender competitions here indicate that there remains a market for well defined projects with relatively low funding requirements and with clear Government support.

My Department and the National Development Finance Agency are actively engaged in identifying and incentivising additional sources of funding for our PPP's, for example there is engagement with the Council of Europe Development Bank (CEB) with a view to it supporting some of our capital projects in 2012 /2013 and engagement with our domestic pension funds similarly remains ongoing with a view to investing in Irish infrastructure. Furthermore we maintain close links with international best practice to ensure that there is consistency of approach across our projects in order to remain competitive in what is a very competitive international market.

### Departmental Staff

269. **Deputy Paschal Donohoe** asked the Minister for Public Expenditure and Reform if the Office of Public Works have taken on any employees in a permanent or temporary capacity for the western region; and if he will make a statement on the matter. [7556/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** Within the last six months the Office of Public Works has employed six seasonal drainage operatives in the western region. Additional seasonal staff will be employed as the year progresses, namely, drainage operatives and guide/information officers for visitor sites.

270. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide an organisational chart detailing officials and their responsibilities in his Department. [7744/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** An organisational chart detailing the responsibilities of certain officials in my Department is contained in the following tables:

#### Department of Public Expenditure and Reform: Management Chart

February 2012

Minister's Office

Press Office

	Senior Staff	Division
Secretary General	Robert Watt	
Assistant Secretary	Deirdre Hanlon	Expenditure Policy Evaluation and Management
Assistant Secretary	John O'Connell	Health, Pension Policy and EU/NI
Assistant Secretary	David Moloney	Labour Market and Enterprise Policy
Assistant Secretary	Michael Errity	Remuneration and Industrial Relations
Assistant Secretary	Tim Duggan	CMOD and eGovernment

[Deputy Brendan Howlin.]

	Senior Staff	Division
Assistant Secretary	Paul Reid	Public Service Reform and Delivery
Assistant Secretary	William Beausang	Government Reform Unit
Director	Patricia Coleman	Civil Service Human Resource
Human Resource Manager	Angela Costello	Human Resources
Chief Medical Officer	Dr Thomas O'Connell	

## Expenditure Policy Evaluation and Management Division

Senior Staff	Responsibilities
Deirdre Hanlon	This division deals with civil service numbers policy; administrative budgets; national procurement policy; construction procurement policy; lottery licence, capital expenditure/PPPs; expenditure evaluation; and manages various Votes (Arts, Heritage and Gaeltacht; Environment; Foreign Affairs; Justice; OPW; Taoiseach's Group of Votes).

## Health, Pension Policy and EU/NI Division

Senior Staff	Responsibilities
John O'Connell	This division deals with health policy, public sector pension policy and issues relating to the EU and Northern Ireland such as EU Structural Funds and North/South Programme policy. This Section is also responsible for the ERDF Audit Authority and Internal Audit Unit The Internal Audit Unit provides a shared internal audit service to the Department of Public Expenditure and Reform and the Department of Finance.

## Labour Market and Enterprise Policy Division

Senior Staff	Responsibilities
David Moloney	This division manages various Votes (Agriculture, Communications, Energy and Natural Resources; Children and Youth Affairs; Defence; Health; Jobs, Enterprise and Innovation; Social Protection; Transport, Tourism and Sport); and also deals with Education Policy, Climate Change, Commercial Semi-State Bodies, New Era State Assets and Government Accounting.

## Remuneration and Industrial Relations Division

Senior Staff	Responsibilities
Michael Errity	This division deals with pay policy and industrial relations in the public service including remuneration in non-commercial state agencies, CEOs of commercial state companies, education sector, Defence and EU officials; C&A Scheme — civil service and garda; board fees; travel and subsistence policy; Croke Park implementation body secretariat; training — civil service, Gaeleagras, language training centre.

## CMOD and eGovernment Division

Senior Staff	Responsibilities
Tim Duggan	This division deals with eGovernment and the application of information technology including ICT infrastructure policies and services, ICT Vote Control and IT systems development

## Public Service Reform and Delivery Division

Senior Staff	Responsibilities
Paul Reid	This division is responsible for driving overall Public Service Reform. It reports on the integrated plans for all departments and major offices. It drives a whole set of cross cutting reforms agreed by Government, It also has specific responsibilities for business consulting; organisational review programme; baselining public service reform and delivery programme office; cabinet committee and sub-structures; communications; and shared services policy.

## Government Reform Unit

Senior Staff	Responsibilities
William Beausang	This unit deals with the Government reform agenda; freedom of information policy; civil service codes of standard and behaviour; and Whistleblowing.

## Civil Service Human Resources Directorate

Senior Staff	Responsibilities
Patricia Coleman	This directorate is responsible for the development and implementation of HR policies in the civil service including workforce planning encompassing the workforce planning framework and policies on recruitment; promotion; mobility; secondment, redeployment and decentralisation. The Directorate is also responsible for performance management including policy on induction; probation; PMDS and underperformance. It also deals with the Senior Public Service, policy on equality and diversity; the establishment of the Civil Service HR Shared Service.

## Human Resources Division

HR Manager	Responsibilities
Angela Costello	Employee Relations/ Performance Workforce Planning/ Resourcing

## Chief Medical Officer

Dr. Tom O'Connell

**Non-Governmental Organisations**

271. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform if he will detail all cuts, mergers and abolishments that have been made to all non-governmental organis-

[Deputy Shane Ross.]

ations since the Government came to power; the number and names of the non-governmental organisations in operation; his plans in this area; and if he will make a statement on the matter. [7802/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Details relating to part one of the Deputy's question are set out in the following table:

Department	Bodies Abolished or Merged
Education and Skills	The National Centre for Technology in Education (NCTE)
Health	The National Social Workers Qualifications Board The National Council for the Professional Development of Nursing and Midwifery
Environment, Community and Local Government	Affordable Homes Partnership <sup>1</sup> Centre for Housing Research <sup>1</sup> Local Government Management Services Board <sup>2</sup> Local Government Computer Services Board <sup>2</sup> Comhar (Sustainable Development Council) Limerick Northside and Southside Regeneration Agencies <sup>3</sup>
Transport, Tourism and Sport	Dublin Regional Tourism Authority
Children and Youth Affairs	The Children Acts Advisory Board

Notes:

<sup>1</sup>The Housing and Sustainable Communities Agency is operating on an administrative basis and will include the functions of the Affordable Homes Partnership and the Centre for Housing Research. The Agency will also include the National Building Agency which is in the process of being wound up.

<sup>2</sup>The Local Government Management Agency includes the functions of these Boards and will be given legal effect in 2012.

<sup>3</sup>Both Agencies are currently operating as a single administrative unit and will form part of an Office for Regeneration in conjunction with Limerick City Council.

With regard to the second part of the question, I refer the Deputy to my answer to Deputy Mary Lou McDonald (PQ Ref No: 5539/12) on 31 January 2012, which sets out the different bodies currently in operation and the approach which my Department is taking in classifying the different types of organisation. Regarding my plans in this area, as the Deputy will know, the *Public Service Reform* Report, published in November 2011, outlined the programme of public service reforms and improvements which are designed to deliver the commitments made in the Programme for Government. The radical streamlining of state bodies is a key element in the programme of reforms and to this end, the Report listed 48 bodies which are due to be rationalised by end 2012 and a further 46 bodies which are to be critically reviewed by June 2012.

In addition, the Government has also decided to:

- introduce sunset clauses when new bodies are created which will ensure a new body will cease to exist after a predetermined date unless its mandate is specifically renewed;
- ensure Departments regularly review the continuing business case for all significant State bodies; and
- require that robust service level agreements are put in place as a matter of urgency by each Department with each of its State bodies.

These reforms, once implemented, will not only simplify the administrative landscape but will lead to a more transparent, accountable and efficient public service.

### Ministerial Appointments

272. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7827/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In response to the Deputy's Question the following table lists the details requested:

#### Appointments made since March 2011

Name of Body	Name of appointee	Date appointed/ reappointed	Remuneration Received
An Post National Lottery Company	Mr Donal Connell	22nd November 2011. Mr Connell was re-appointed as chairman of the Board until 28th February 2012. This was in order to allow sufficient time for him to appear before the relevant Oireachtas Committee in accordance with Government policy.	Nil
Board of the Public Appointments Service	Mr. Eddie Sullivan, Chairman	All appointed/ reappointed 1st September 2011	€11,970 per annum
	Mr. Des Dowling, Assistant Secretary — Department of the Environment, Community and Local Government		Nil
	Dr Deirdre O'Keeffe, Assistant Secretary — Department of Justice and Equality		Nil
	Ms. Patricia Coleman, Director — Department of Public Expenditure and Reform		Nil
	Mr. Seán McGrath — National Director of HR in the HSE		Nil
	Ms Judith Eve — former Chairperson the Civil Service Commissioners, Northern Ireland		€7,695 per annum
	Dr. Eddie Molloy — Management Consultant		€7,695 per annum
	Mr. Dan Murphy, former General Secretary of the PSEU		€7,695 per annum
	Mr. Bryan Andrews as CEO of the PAS holding office on an ex officio basis.		Nil

[Deputy Brendan Howlin.]

Name of Body	Name of appointee	Date appointed/ reappointed	Remuneration Received
Civil Service Arbitration Board (for the civil service, the Defence Forces, the Gardaí and the teachers)	Mr Turlough O'Donnell, S.C. (Chair)	1st July 2011. Re-appointment was by Government following agreement with the staff side in accordance with the terms of the Conciliation and Arbitration Scheme	€786 per sitting
	Mr Gerard Barry		€416 per sitting
	Mr Tom Wall*		€416 per sitting
	Mr George Maybury		€416 per sitting
	Mr Hugh O'Flaherty		€416 per sitting

\*Note Mr. Wall who sits on the Arbitration Boards for the Civil Service and Teachers receives an annual retainer of €4,625 to cover 11 sitting days.

### Coast Guard Service

273. **Deputy Michael McNamara** asked the Minister for Public Expenditure and Reform the date by which conveyance of the lands for the development of a new coast guard station at Doolin, County Clare, which has already been considerably delayed by the Office of the Chief State Solicitor, will be concluded; and if he will make a statement on the matter. [8023/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** I would refer the Deputy to my reply to his question for written answer on 19 January 2012.

The position remains that the Chief State Solicitor's Office is in ongoing correspondence with the vendor's solicitors to complete the legal formalities for the conveyance of the site, and with the solicitors for the owner of the sewage treatment plant, in relation to the Grant of Easement for connection to same. I can assure the Deputy that this matter is being afforded the highest priority.

### Flood Relief

274. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform if he will review a matter (details supplied) regarding flooding. [8040/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** As Minister of State with responsibility for the Office of Public Works (OPW), I can advise the Deputy that the OPW has no role or function in relation to the operation and maintenance of surface water drainage infrastructure. Under section 31 of the Water Services Act 2007, local authorities, are responsible for the operation and maintenance of wastewater infrastructure. The matter raised by the Deputy relates to inadequate surface water drainage following heavy rain and is appropriate to be addressed by Dublin City Council. I will forward a copy of this reply to Dublin City Council for their immediate attention.

### Public Sector Staff

275. **Deputy Martin Ferris** asked the Minister for Public Expenditure and Reform the numbers of public servants in County Cavan who retired as part of the Croke Park early retirement scheme; if he will provide a breakdown of these numbers for gardaí, doctors, nurses, teachers, firemen and local authority service that is water and so on and by electoral area. [8129/12]

276. **Deputy Martin Ferris** asked the Minister for Public Expenditure and Reform the numbers of public servants in County Kerry who retired as part of the Croke Park early retirement scheme; if he will provide a breakdown of these numbers for gardaí, doctors, nurses, teachers, firemen and local authority service that is water and so on and by electoral area. [8130/12]

279. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will outline for each year from 2008 to 2015 the expected staff numbers in the public service at the end of each year; and if he will make a statement on the matter. [8419/12]

284. **Deputy Stephen S. Donnelly** asked the Minister for Public Expenditure and Reform with regard to the early retirement scheme under which public servants have the option of retiring by the end of February 2012, the analysis that was done prior to the announcement of this scheme on the number of public servants that would avail of this regarding rank or class, and at what cost; if he will release this analysis; the estimate that was made of the necessity of replacing some of these immediately, and the cost involved; and if he will release any analysis documents on this; the measures that are in place to ensure that those retiring will not be rehired by the public sector as consultants. [8485/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 275, 276, 279 and 284 together.

Firstly, there is no generally available incentivised scheme of early retirement in operation at present in the public or civil service. Many of the retirements at this time are occurring in the normal course where an individual has reached retirement age. There are also cases where individuals are availing of “cost-neutral early retirement”, which allows retirement earlier than normal retirement age, but with an off-setting actuarial reduction applied to the individual’s lump sum and pension.

When public service salaries were reduced in 2010, it was agreed by the then Government that persons retiring during a transitional or “grace” period would have their retirement benefits calculated on the basis of the previous payscale levels before the salary cut. That grace period will now expire on 29 February 2012. Persons retiring from 1 March 2012 onwards will have their retirement benefits calculated on the basis of their actual, reduced pay scale.

Secondly, estimates for retirement numbers in the public sector and public service pay bill and pensions expenditure were based on the pattern of annual retirements where approximately 5,000 to 8,000 staff retire from the public service in any given year. The issue of potential rehiring costs was not considered.

Thirdly, as I indicated in PQ No. 2468 last month, there is no prohibition on civil or public servants who have retired under normal circumstances from applying for a publicly advertised public service post for which they are suitably qualified. However, restrictions on further public service appointments apply to staff who opted for early retirement under the Incentivised Scheme for Early Retirement (ISER) as set out in Department of Finance Circular 12/09 (applying to Civil Service) and the Department of Health Circular 7/2010 of 1 November 2010 (applying to the Health Service Executive).

From time to time, retired public servants are engaged by Departments for specific tasks or assignments. Such engagements are normally remunerated on a fee basis and provision exists for fees to be abated, where appropriate, by reference to pension payments.

Fourthly, Public Service numbers for the years 2008-2012 are set out in the following table:

Year	Public Service Staff Numbers
2008	319,891
2009	310,277
2010	305,512
2011	297,000 (prov)
2012	294,000 (est)

Policy decisions have not yet been taken with regard to numbers targets for 2013 and 2014. However, as published in the Public Service Reform Plan, the Government’s Public Service

[Deputy Brendan Howlin.]

numbers target is 282,500 by end-2015. Lastly, details of Public Service retirements on a county basis are not held centrally. The Deputy should contact the relevant Ministers directly for such information.

### Departmental Staff

277. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform the process involved in the hiring of Office of Public Works staff; and if he will make a statement on the matter. [8244/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** It is understood that the Deputy is referring to the employment of drainage maintenance operatives for seasonal works on the River Maine in County Kerry. The scheduling of seasonal employment is still under consideration. Otherwise, the position remains unchanged since my reply to the Deputy's previous question, No. 263 of 31 January 2012.

278. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8276/12]

280. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8441/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 278 and 280 together.

In the time allowed it is not possible to provide a detailed response to the Deputy. The information will be provided directly to the Deputy as soon as possible.

*Question No. 279 answered with Question No. 275.*

*Question No. 280 answered with Question No. 278.*

### Public Sector Remuneration

281. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform further to Parliamentary Question No. 137 of 1 February 2012, if he will explain the way in which he can stop awarding up to ten added years and a special severance gratuity payment of half a year's salary to new entrant Secretaries General without legislative change but is unable to end the awarding of added years and special severance gratuity payments for city and county managers of local authorities [8460/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** As stated by the Minister for the Environment, Community and Local Government in his reply, the specific entitlements in question are provided under Article 78 of the Local Government

(Superannuation) (Consolidation) Scheme 1998. The terms of the scheme are set out in SI 455 of 1998 and, consequently, any changes to the terms would require legislation. As the Minister advised in his reply, the matter is currently under examination in his Department.

The exit terms applicable to Secretaries General were provided under Government Decisions and, therefore, legislation to amend the terms was not required.

282. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the number of public sector employees whose salary is in excess of €250,000 and €200,000 respectively in the current year; the way in which this differs in total from 2011; and if he will make a statement on the matter. [8482/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I refer to my reply to Question No. 20285/11 of 14 July 2011 regarding the introduction of:

- a general pay ceiling of €200,000 for future appointments to higher positions across the public service; and
- a general pay ceiling of €250,000 for future appointments to CEO posts within Commercial State Companies.

The enactment of the Financial Emergency Measures in the Public Interest (Amendment) Act 2011 and the retirement of a number of senior office holders has resulted in a significant reduction in the number of public sector employees receiving approved salaries in excess of the pay ceilings introduced. This trend will continue as existing post holders retire and new appointments are made.

Based on the information available within my Department, there are 24 (reduced from 28) post holders in the public service who are currently paid more than the proposed pay ceiling including the President. The Constitution affords protection to the remuneration of the serving President. There are now 2 members of the judiciary (reduced from 45) who receive salaries in excess of the ceiling of €200,000. In addition there are 7 (reduced from 9) Chief Executive Officers in the Commercial Semi State Sector where the current salary exceeds the pay ceiling for that sector of €250,000.

There are also some 150 academic medical consultants, some of whom would attract salaries in excess of €200,000. My colleague the Minister for Health proposes to address this issue in the context of his discussions with the representative associations for those public service grades on matters related to the current consultant contract.

My colleague the Minister for Finance has outlined the remuneration rates in respect of the Central Bank and the National Treasury Management Agency (NTMA) in his replies to Questions Nos. 17682/11, 17686/11, 17690/11 and 17691/11, and to Nos. 1768/11, 17685/11, 1788/11 and 17692/11 on 29 June last. I am currently in correspondence with the Minister for Finance, concerning the pay arrangements in those bodies, including in relation to greater transparency with regard to remuneration.

The salaries applying to the above posts are not reflective of any voluntary arrangement that the individuals concerned may have entered into, following the Government decision in June 2011 to seek voluntary waivers of salary of 15%, or by a lesser amount if the application of the full 15% reduction would bring the salary levels of such individuals to below the pay ceiling of €200,000 p.a. across the public service and of €250,000 within Commercial State Companies. For example all Secretaries General with approved salary levels above the ceiling have voluntarily waived the additional pay.

### Civil Service Staff

283. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform the whole time equivalent staffing level within the civil service staffing at each grade from assistant secretary to clerical officer in December 2011 and December 2012; and if he will make a statement on the matter. [8484/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The numbers of whole time equivalent civil servants from Clerical Officer to Assistant Secretary grades are set out as follows:

#### General Service Grades Analysis

Non Industrial Civil Servants — December 2011 Whole Time Equivalent	
ASSISTANT SECRETARY TOTAL	142.00
PO STANDARD TOTAL	337.20
PO HIGHER TOTAL	295.00
AP STANDARD TOTAL	1163.01
AP HIGHER TOTAL	678.79
HEO TOTAL	3167.24
AO TOTAL	234.53
EO TOTAL	4832.10
SO TOTAL	1507.40
CO TOTAL	10134.88
SERVICES ATTENDANT TOTAL	89.40
SERVICES OFFICER TOTAL	533.10
<b>TOTAL</b>	<b>23,114.65</b>

The above data does not include the National Gallery as a breakdown by grade is not available for technical reasons.

Data for end 2012 is not available.

*Question No. 284 answered with Question No. 275.*

### Proposed Legislation

285. **Deputy Seán Ó Feargháil** asked the Minister for Jobs, Enterprise and Innovation if he will consider the contents of correspondence (details supplied); and if he will make a statement on the matter. [7953/12]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** An issue arose following a High Court judgement in October 2010 where it was held that Ireland was not in compliance with its EU obligations under Copyright Directive 2001/29/EC. It was held that the Court could not grant an injunction against an intermediary in relation to transient communications. Until this judgment, it had been considered that Ireland was fully compliant with Art 8(3) of the relevant directive and that injunctions were available both under Section 40(4) of the Copyright and Related Rights Act 2000 and by reason of the inherent power of the court in relation to equitable remedies. Following consultation with the Office of the Attorney General it was considered that as the High Court decision was not appealed, it was necessary for Ireland, for the avoidance of doubt, to restate its previous understanding of its compliance with EU law. Non-compliance with EU law is a very serious

matter and could leave Ireland exposed to damages arising from legal actions based on non-compliance as well as proceedings by the European Commission.

A public consultation was held by my Department last July in relation to the wording of a proposed Statutory Instrument amending Section 40 of the Copyright and Related Rights Act 2000. More than 50 submissions were received from interested parties. I am most grateful to all who contributed to this consultation. It provided me with an excellent overview of all the issues and concerns involved. I have also engaged extensively with stakeholders with a wide range of views in relation to any issues or concerns that have been raised in relation to the matter.

Under the proposed legislative measure, an order may be sought by copyright holders only in relation to their own works. Any order against an intermediary will be subject to a judicial process. This must involve due consideration of the rights of other persons likely to be affected, such as internet service providers and consumers. The Charter of Fundamental Rights of the European Union, which has the same status as a Treaty when implementing EU law, must be considered. The Court of Justice of the European Union has held that this must be interpreted in a way which allows a fair balance to be struck between the various fundamental rights protected by the Community legal order and the principle of proportionality. These rights include the right to intellectual property, the important and fundamental human right of protection of private data, the equally important human right of freedom of expression and information and also the right to conduct a business. The amended text of the proposed Statutory Instrument was recently published by my Department and it should also be noted that this matter was the subject of a Dail debate on 31st January 2012.

### **Departmental Staff**

286. **Deputy Patrick Nulty** asked the Minister for Jobs, Enterprise and Innovation the number of labour inspectors employed by him and the National Employment Rights Authority; and if he will make a statement on the matter. [7602/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** NERA currently has in place a complement of sixty-one inspectors. Five of these inspectors are assigned other duties in addition to inspection duties.

In 2011, the Inspection Service completed almost six thousand cases and recovered almost two million euro in unpaid wages for employees.

### **Jobs Initiative**

287. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation if he will support a matter (details supplied). [7688/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Action Plan for Jobs, which I launched yesterday, outlines the Government's plan to rebuild the economy and create jobs. The plan will improve access to finance for small businesses, reduce costs and red tape, and improve supports for exports, management and innovation. There are a number of actions contained in the plan specifically directed at indigenous industry, including construction.

Without doubt, the construction sector in Ireland has witnessed a dramatic decline in recent years. However, under the Plan, there are opportunities for the sector both domestically and in overseas markets. For example, Government investment in infrastructure under the Capital Programme will directly support in the region of 30,000 jobs in construction in the period to

[Deputy Richard Bruton.]

2016. Employment will be maintained and created through investment in schools, hospitals, roads and water services.

While small companies and independent contractors dominate the sector, there is a growing base of Irish construction and engineering companies undertaking projects abroad. Enterprise Ireland clients in the construction and timber sector had a turnover of more than €6.4bn in 2010, of which more than €1.3bn was exported. While employment conditions remain very challenging, more than 23,000 people were working in Enterprise Ireland supported companies in the sector during 2011.

Enterprise Ireland support is targeted primarily at exporting companies. However, the agency can provide support for domestically trading companies wishing to explore new opportunities in overseas markets, such as the Going Global Competitive Fund, First Flight Workshops and interaction and advice with EI personnel, including those based in overseas markets. Enterprise Ireland's Public Procurement Unit is focused on developing opportunities for participation in tender opportunities for client companies through supporting Contracting Authorities in identifying innovative SMEs. In addition, the agency is actively supporting the adoption and use of Department of Public Expenditure and Reform, Circular 10/10 Guidelines on improving access to tender opportunities for SMEs. While not specifically aimed at construction contractors, Enterprise Ireland's supports are focused on addressing issues concerning all SME inclusion and participation. Details of Enterprise Ireland's supports are available on the agency's website [www.enterprise-ireland.com](http://www.enterprise-ireland.com).

I have been reviewing the structure of enterprise supports in recent months and, in particular, the role of the CEBs. Under the Action Plan for Jobs it is proposed that a new "one-stop-shop" micro enterprise support structure be established through the dissolution of the existing CEB structures and the creation of a new Micro Enterprise and Small Business Unit in EI. Enterprise Ireland will work with the Local Authorities to establish a new network of Local Enterprise Offices (LEOs) in each Local Authority. The LEOs will combine the enterprise support service of the previous CEBs and the business support work of the Business Support Units in the Local Authorities, offering an enhanced service because of their seamless access to both EI expertise and the broader business services of the Local Authority. The intention is that the new LEOs will act as a focal point for a series of important new policy initiatives aimed at small businesses. The Deputy may wish to access the full details of the Action Plan for Jobs on my Department's website [www.djei.ie](http://www.djei.ie).

### **Departmental Staff**

288. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7742/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The following Organisation Chart identifies the number of staff and their areas of responsibility within each Division of my Department:

## Department of Jobs, Enterprise and Innovation

Corporate Services and Employment Rights Division Assistant Secretary Mr. Dermot Curran Staff: 413.33 FTE's (1)	Innovation and Investment Division Assistant Secretary Mr. Martin Shanagher Staff: 93.43 FTE's	EU Affairs and Trade Policy Division Assistant Secretary Mr. Philip Kelly Staff: 104.70 FTE's	Competitiveness and Jobs Division Assistant Secretary Ms Clare Dunne Staff: 33.28 FTE's	Commerce, Consumer and Competition Division Assistant Secretary Ms Breda Power Staff: 184.51 FTE's
Industrial Relations and Coordination EU Employment and Social Affairs Employment Rights Policy Section Employment Rights Legislation and Regulations Management Support Unit Personnel, HR Policy, Learning and Development Unit Business Services Unit Finance Unit	Cross-departmental Science, Technology and Innovation Policy Taxation Policy Industry Research and Development Science Foundation Ireland Intellectual Property Unit Patents Office Inward Investment and North South EU and International Science, Technology and Innovation Policy	EU Affairs and Internal Market Chemicals Regulation Policy Health and Safety Policy Liaison Trade Policy Unit Export Licensing Section Bi-lateral Trade Promotion ICT Unit Economic integration Policy and Employment Permits Internal Audit Multilateral Trade Policy Responsibility for upcoming Presidency	Competitiveness and Climate Change Enterprise Development Unit Micro-Enterprise Policy Unit Operational Programmes Management Unit Small and Medium Enterprise Policy Unit NSAI — State Aids and Standards	Competition and Consumer Policy (including NCA and Competition Authority Liaison) Company Law (EU Legislation) Company Law Projects Company Law Review Company Law Policy Unit (including CRO/RFS, ODCE and IAASA Liaison) Better Business Regulation Unit Co-operative Legislation/Personal Injuries Assessment Board

(1) FTE — Full Time Equivalent

### Ministerial Appointments

289. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7825/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I am pleased to provide the information requested by the Deputy on the State Boards and agencies under my Department's remit.

[Deputy Richard Bruton.]

### *The National Consumer Agency*

Ms Isolde Goggin, Chairperson of the Competition Authority and Chairperson Designate of the proposed Competition and Consumer Authority was appointed to the Board of the National Consumer Agency on the 30th November 2011. Ms Goggin is not entitled to remuneration as a board member.

### *Personal Injuries Assessment Board*

Two appointments were made to the Personal Injuries Assessment Board (PIAB). Ms Ann Fitzgerald was reappointed to the Board on 8 September 2011 in her capacity as Chief Executive of the National Consumer Agency, which is a statutory position on the Board. Ms Breda Power, Assistant Secretary at the Department of Jobs, Enterprise and Innovation was appointed to the Board on 26 October 2011. No remuneration is payable to either Ms Fitzgerald or Ms Power in respect of their membership of the Board.

### *Irish Auditing and Accounting Supervisory Authority*

Seven appointments were made to the Irish Auditing and Accounting Supervisory Authority (IAASA). Mr Dave Martin and Mr. Kevin O'Donovan were both appointed as nominees of the Prescribed Accountancy Bodies on the 26th May 2011. Ms Sylvia McNeece of the Irish Pension Board, Ms. Deirdre Behan of the Revenue Commissioners, Ms. Mairead Devine of the Central Bank, Ms. Marie Daly of the Irish Business and Employers Confederation and Mr. Sean Hawkshaw of the Irish Association of Investment Managers were all appointed as nominees of the Designated Bodies on the 3rd January 2012. Board fees per member, for a full calendar year, amount to €7,695. No remuneration is payable to Ms. Behan in respect of her membership of the Board.

### *The Competition Authority*

The Competition Authority consists of a Chairperson and up to four other members who act as an executive board. The Competition Acts 2002 to 2010 set out the requirements pertaining to appointments to the Authority. Mr. Declan Purcell was reappointed as Chairperson of the Competition Authority on 1st July 2011 and following his retirement, Ms Isolde Goggin was appointed as Chairperson from 1st October 2011, following her selection by the Public Appointments Service (PAS).

The Chairperson of the Authority is paid at a salary level equivalent to Deputy Secretary General.

Ms Noreen Mackey and Mr David McFadden were appointed as temporary members of the Authority in July 2011, and were subsequently reappointed from 1st October until 30th November 2011. Mr. Ciarán Quigley was reappointed from August 2011 as a temporary member of the Authority. These temporary appointments were made in accordance with the Competition Acts 2002 to 2010. On the completion of the PAS selection process Mr. Stephen Calkins, Mr. Gerald FitzGerald and Mr Patrick Kenny were appointed as whole-time members to the Authority from 1st December 2011, 5th December 2011 and 9th January 2012 respectively. Members of the Authority are paid a salary equivalent of the Assistant Secretary General.

### *Forfás*

Two appointments were made to the Board of Forfás on 18th January 2012 — Mr. John Murphy, Secretary General of the Department of Jobs, Enterprise and Innovation, and Professor Mark Ferguson, Director General, Science Foundation Ireland (*ex officio post*).

No board fees are payable in respect of either of these appointments

*IDA Ireland*

Two appointments were made to the Board of IDA Ireland — Mr. Alan W. Gray and Ms Mary Campbell. The fee for membership of the IDA Ireland Board is €11,970 per annum. In accepting his appointment, Mr Gray indicated that he did not wish to receive board fees.

*National Standards Authority of Ireland Board (NSAI)*

Ms Helen Curley, a Principal Officer in the Department of Jobs, Enterprise and Innovation, was appointed to the NSAI Board on 8 July 2011. Ms Curley resigned from the Board on 15 November 2011.

No remuneration applied to this appointment

*Science Foundation Ireland*

Professor Martina McLaughlin-Newell and Dr. Rita Colwell were reappointed to the Board of Science Foundation Ireland on 26 July 2011. Board members, other than serving public servants, are entitled to receive a fee of a maximum of €11,970 per annum as per guidelines from the Department of Public Expenditure and Reform.

**Companies Registration**

290. **Deputy Gerald Nash** asked the Minister for Jobs, Enterprise and Innovation if he will provide information as to the number of estate management companies registered in the State for the purposes of managing the provision of services in certain residential developments; if he will provide details as to the number of such companies which have been declared insolvent in 2009, 2010 and 2011; and if he will provide the information on a county basis. [7910/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I refer the Deputy to my response to Question 211 of 7 February 2012 in relation to the number of estate management companies declared insolvent in the years listed. The Companies Registration Office does not maintain statistics on a county basis.

**Industrial Development**

291. **Deputy Tom Fleming** asked the Minister for Jobs, Enterprise and Innovation if he will clarify the reasons for the refusal by Enterprise Ireland to invest in a company (details supplied); and if he will make a statement on the matter. [7915/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Cork Swansea ferry route was re-launched in 2010 by the company concerned on the back of raising substantial local community and private sector funding. Enterprise Ireland approved an investment in the company in 2010 of €1m in redeemable preference shares, on full commercial terms, to complete the funding round. This investment represented less than 10% of the overall funding round.

Having sustained significant losses, the company entered interim examinership on 1 November 2011 and full examinership was granted on 15 November. The Examiner assisted the company in drawing up plans to restructure its business and in seeking buyers/investors for the business.

Enterprise Ireland met with the Examiner on 27 January last and the agency was asked to consider further investment in the company. The agency immediately undertook a due diligence process and its findings raised a number of issues regarding the viability of the business plan, the proposed balance between private sector investment and State funding and consequent EU State Aid implications. I understand from Enterprise Ireland that the agency concluded that

[Deputy Richard Bruton.]

substantial private sector funding, committed on a long term basis, would have been required to make the business plan viable.

The owners of the Cork-to-Swansea service announced the end of the service on 2 February 2012. The effect that this outcome has had on the company's employees, their families and the local community as well as on business and tourism development in both Ireland and Wales is very regrettable.

292. **Deputy Regina Doherty** asked the Minister for Jobs, Enterprise and Innovation the plans the Industrial Development Agency has in place to entice enterprise and development into County Meath in 2012. [8169/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** One of the targets in IDA Ireland's strategy document "*Horizon 2020*" is the creation of 62,000 direct jobs in 640 investment projects over the period 2010-2014, resulting in an additional 105,000 jobs overall in the economy, with 50% of these investments to be based in locations outside of Dublin and Cork. Central to IDA's strategy is to build on existing regional strengths to ensure Ireland's economic development, while optimising regional spread, in line with the National Spatial Strategy.

To achieve balanced regional development, IDA Ireland markets the Gateway locations within each Region as areas of critical mass and highlights the opportunities provided by Hub locations which are within commuting distance of these Gateways. The East Region has one Gateway (Dublin) and a number of large towns including Navan, Drogheda, Naas, Arklow and Carlow and, as such, will continue to be a key location of focus for the winning of foreign direct investment (FDI). As well as marketing the region for new Greenfield investment, IDA Ireland continues to work with existing clients in encouraging them to broaden their mandate and to continue to re-invest in their sites within the region.

The availability of cost effective and flexible private property solutions forms a central part of IDA Ireland's marketing efforts. The Agency has informed me that there are 16 IDA Ireland supported companies in Co Meath employing approximately 1,300 people in key companies such as Generali International, Welch Allyn and Europ Assist.

IDA has developed a significant Business Park at Johnstown in Navan and spent approximately €3 million on developing and upgrading the park as and when required. Planning permission has also been obtained for a 2,500 sq.m advance facility in the Business Park.

Globally the outlook for FDI continues to be challenging, but there are still investment opportunities in global markets. IDA will continue to compete vigorously for these projects for Ireland and will continue to promote the East Region in line with the objectives set out in "*Horizon 2020*".

### **Departmental Staff**

293. **Deputy Catherine Murphy** asked the Minister for Jobs, Enterprise and Innovation if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8274/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Three former Civil Servants who retired from my Department are now re-engaged on a contract for services basis. Mr. John Walsh, former Assistant Secretary in this Department is serving on the NERA Advisory Board. The only payments made for participation on the Advisory Board are travel and subsistence payments in accordance with the Department of Finance rates for civil servants. In 2011, payments totalling €440.28 were made for attendance at board meetings on 14/9/2010, 9/11/2010 and 15/2/2011. Mr. Martin Lynch, former Principal Officer, is the Irish Government representative and Deputy Chair of the Board of the European Chemicals Agency (ECHA) based in Helsinki, Finland. This individual is engaged as an expert and is paid on a fee per day basis in respect of each Board meeting that he attends and also for attending meetings of the Board Sub-Committee which he chairs. His fee is €202 gross per day. He was paid a total of €11,881.30 gross in 2011 and this includes travel and subsistence costs, some of which the ECHA refunds to the Department. Ms Eveta Brezina, former Assistant Principal, is a Member of the Employment Appeals Tribunal. She is paid the appropriate “sitting fee” of €193.24 per diem in addition to any travel and subsistence costs. She was paid a total of €6,243.04 gross in respect of fees in 2011 and €375.75 in respect of travel and subsistence. Fees are subject to Schedule E tax, Universal Social Charge, PRSI and pension-related deduction where appropriate. There are no payments sanctioned for current civil servants who are about to retire from my Department.

294. **Deputy Sean Fleming** asked the Minister for Jobs, Enterprise and Innovation if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8439/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The following table details the actual cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means in the years 2008-2011 as well as projected costs for the years 2012 to 2015. The projected figures for 2013-2015 for lump sums and pensions relate only to the number of persons expected to retire in normal course in those years and do not factor in the rolled up cost of provisioning for existing pensioners.

In relation to the figures included in the table for the loss of the pension levy and superannuation payments, it should be noted that the pension levy commenced in March 2009 and 2011 was the first year in which a loss was recorded in this context. There was no loss in 2010 as it was the first full year of the pension levy. A contributory factor in the amount of the loss recorded in superannuation contributions in 2010 relates not only to the number of departing employees but also to pay reductions that took effect in January 2010. Figures for 2012 will only be available at the end of the year.

Cost of :	Lump Sums	Severance	Pensions (per annum)	Loss of Pension Levy	Loss of Superannuation Payments
2008	€2,002,216	€91,361	€653,379	0	0
2009	€3,400,129	€58,240	€1,877,411	0	0
2010	€1,674,457	0	€737,815	0	€239,606
2011	€2,546,809	€279,907	€975,791	€245,595	€57,030
2012	€4,143,411	0	1,332,358	N/A	N/A
2013	€701,141	0	€66,636	N/A	N/A

[Deputy Richard Bruton.]

Cost of :	Lump Sums	Severance	Pensions (per annum)	Loss of Pension Levy	Loss of Superannuation Payments
2014	€925,629	0	€238,898	N/A	N/A
2015	€671,580	0	€144,065	N/A	N/A

### Pension Provisions

295. **Deputy Michelle Mulherin** asked the Minister for Social Protection if he will provide details of the proposed changes to pension legislation pertaining to defined benefit pensions schemes for print workers and the status thereof; and if she will make a statement on the matter. [7919/12]

**Minister for Social Protection (Deputy Joan Burton):** The Government has approved a number of changes to defined benefit (DB) pension provisions in order to enhance the security of members benefits and to increase equity in the provision of pension benefits between scheme members.

It is proposed to reform and strengthen the Funding Standard by requiring DB pension schemes to hold a risk reserve as a protection against future volatility in financial markets; change how pensions schemes benefits are re-valued to ensure more equity between deferred and current scheme members; grant powers to the Pensions Regulator to wind up a scheme in very limited circumstances and provide for a more equitable distribution of scheme assets when an underfunded scheme is wound up while at the same time continuing to prioritise the benefits payable to pensioners.

The proposed amendments to the Pensions Act, 1990 are currently the subject of detailed drafting considerations. The proposed changes will apply to all DB schemes and not just to print workers who may be members of DB scheme.

### Social Welfare Appeals

296. **Deputy Peadar Tóibín** asked the Minister for Social Protection if she will review a case in respect of a person (details supplied). [7995/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 15th December 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 26th January 2012 advising of the decision.

In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed or they may appeal the decision directly to the Social Welfare Appeals Office within twenty one days. The person concerned has indicated that she intends to appeal this decision. As part of the appeal process, her original application, along with any additional information she may provide, will be reviewed by another Medical Assessor in the Department.

### Pension Provisions

297. **Deputy Mary Mitchell O'Connor** asked the Minister for Social Protection if she will consider altering the pension system to allow persons unlock and use part of their pension savings before retirement age as this would provide essential funds to complement budgetary initiatives and help stimulate the domestic economy; and if she will make a statement on the matter. [8142/12]

**Minister for Social Protection (Deputy Joan Burton):** Pensions are a long-term investment aimed at ensuring that 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.

There are a number of reasons why early withdrawals of pension savings are not permitted, or desirable, the principal one being 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 that pensions must 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 (EMC) the issue has been considered in detail by an inter-departmental ad-hoc group, chaired by my Department. The group concluded that the principle of pension savings being “locked away” until pension age should be maintained and reported this to the EMC. The EMC also requested that the report of this group be examined by the Interdepartmental Group on Mortgage Arrears who 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 longer term and in particular, fails to address the group who may be most affected by personal debt or mortgage arrears. For example, younger people who are most likely to be at risk of mortgage debt are also the group who have the least amount of pension savings. If 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. 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. There is no guarantee the funds could be repaid or that people could make up these losses.

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 to progressively achieve universal coverage, with particular focus on lower-paid workers and so 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.

Accordingly, there are no proposals at present to amend the legislation to provide for early access to pension funds.

### **Social Welfare Appeals**

298. **Deputy John Lyons** asked the Minister for Social Protection the position regarding the domiciliary care allowance appeal in respect of a person (details supplied) in Dublin 9. [7546/12]

**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 13th 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 3rd January 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

[Deputy Joan Burton.]

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 299 withdrawn.*

### Community Employment Schemes

300. **Deputy Pearse Doherty** asked the Minister for Social Protection the number of persons currently in community employment schemes at locations (details supplied). [7580/12]

**Minister for Social Protection (Deputy Joan Burton):** There are currently 311 persons employed by Community Employment Schemes located in the Clondalkin area, 49 in Palmerstown and 14 in Lucan. Please see individual programme details below (as at 3rd February 2012);

Location	Sponsor	Current No	Supervisor	Asst. Super	Drugs Task Force	Health	Childcare	Other
Clondalkin	Bawnogue Youth and Family Support	28	2	1	25			
Clondalkin	Cabhair	19	1			10		8
Clondalkin	Catholic Youth Care	16	1	1				14
Clondalkin	Catholic Youth Care	31	1	3	27			
Clondalkin	Catholic Youth Care	19	1				16	2
Clondalkin	Clondalkin Addiction Support Group	32	1	1	30			
Clondalkin	Clondalkin Ctr for U/E Ltd.	26	1		1		2	22
Clondalkin	Clondalkin Travellers Enterprise	19	1				0	18
Clondalkin	Clondalkin Volunteer Bureau Lt	16	1	1		1		13
Clondalkin	Dolcain Project	24	1					23
Clondalkin	Neilstown Parish Social Action	18	1	1				16
Clondalkin	Ronanstown Comm. Childcare Ctr.	24	1	0			16	7
Clondalkin	South Dublin Co. Co	24	1					23
Clondalkin	The Get Ahead Club Ltd	15	1				14	
	Clondalkin	311	15	8	83	11	48	146
Lucan	West Dublin Disability Service	14	1			13		0
	Lucan	14	1	0	0	13	0	0
Palmerstown	Bluebell Women's Group	38	1	1			31	5
Palmerstown	Stewarts Special School	11	1			10		
	Palmerstown	49	2	1	0	10	31	5

### Social Welfare Code

301. **Deputy Patrick Nulty** asked the Minister for Social Protection if reforms will be made

to ensure self-employed persons have access to jobseeker's benefit and allowance; and if she will make a statement on the matter. [7592/12]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed persons are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow's, widower's or surviving civil partner's pension (contributory). Ordinary employees who have access to the full range of social insurance benefits pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A. (For employees earning less than €356 per week, the rate of employer's PRSI is 4.25%).

Any changes to the PRSI system to extend the full range of social insurance benefits, including jobseeker's benefit, to self-employed persons would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable. I established the Advisory Group on Tax and Social Welfare last year to meet the commitment made in the Programme for Government. The Advisory Group will, inter alia, examine and report on issues involved in providing social insurance cover for self-employed persons in order to establish whether or not such cover is technically feasible and financially sustainable. In addition, the Actuarial Review of the Social Insurance Fund, which is due to be completed in mid-2012, will examine this matter.

Self-employed workers may establish eligibility to assistance-based payments such as jobseeker's allowance. They can apply for the means-tested jobseeker's allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. In general, their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year and, in the current climate, account is taken of the downward trend in the economy. As in the case of a non-self-employed unemployed claimant of jobseeker's allowance, the means of husband/wife, civil partner or co-habitant will be taken into account in deciding on entitlement to a payment.

### **Social Insurance**

302. **Deputy John Lyons** asked the Minister for Social Protection with regard to overcharging under the health levy element of PRSI, her views on the timing of the announcement which has meant that many of those overcharged in 2008 and previous years, missed the deadline of 31 December to claim a refund. [7629/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department has received a very high level of enquiries in relation to requests for refunds of the Health Contribution over the last few weeks and I am pleased to be able to take this opportunity to clarify the position in relation to this matter.

Since the introduction of the health contribution the Department of Social Protection has refunded the contribution where it was found that the conditions for refund were met. Prior to 2010 there was no time limit on the period for which refunds were paid and any requests for refunds submitted prior to 1 January 2010 were processed on that basis.

To clarify the position in relation to eligibility for a refund a person who earned more than €26,000 in 2008, 2009 and 2010 was liable to pay the Health Contribution and is not due a refund.

A person who earned less than €26,000 and never earned more than €500 in any one week would not have been charged the Health Contribution and is not eligible for a refund.

[Deputy Joan Burton.]

A person may be entitled to a refund of the Health Contribution if he or she earned less than €26,000 in 2008, 2009 or 2010 and earned more than €500 in any particular week in those years.

The Health Contribution was included in the Universal Social Charge (USC) with effect from 1 January 2011 and no Health Contribution refunds arise after that date.

Any contributions paid prior to 1 January 2008 are outside the time limit for making a claim.

The provision in relation to the four year limit on the return of PRSI contributions was introduced in the Social Welfare and Pensions (No. 2) Act 2009 and has been in effect since 1 January 2010.

The time limit governing the refund of PRSI contributions is in line with the arrangements of the Revenue Commissioners governing the refund of tax.

### **Employment Support Services**

303. **Deputy Maureen O’Sullivan** asked the Minister for Social Protection the number of recent graduates who have availed of JobBridge internships since its inception; if JobBridge will consider targeting those most at risk of emigration; if any statistics are available to show the impact JobBridge has on the employment status of recent graduates; and if she will make a statement on the matter. [7631/12]

**Minister for Social Protection (Deputy Joan Burton):** JobBridge, the National Internship Scheme, came into operation on 1st July 2011. As of 7th February, a total of 4,588 internships have commenced. Of the 4,588 internships that have commenced, some 2,187 of these positions were advertised as requiring a third level qualification.

The National Internship Scheme provides internship opportunities of either 6 or 9 months for unemployed individuals on the Live Register, in organisations in the private, public and community voluntary sectors. The scheme is limited to individuals who are currently on the Live Register and have been in receipt of Jobseeker’s Allowance/Benefit or are signing on for credits for at least 3 of the last 6 months.

Given the scale of the unemployment crisis, the key objective of labour market policy and of the NEAP will be to keep those on the Live Register close to the Labour Market and prevent the drift into long-term unemployment. This will ensure that Live Register members availing of activation measures such as the National Internship Scheme will, while retaining social welfare unemployment payments and a top up allowance of €50, get an opportunity to engage in the workplace, get work experience and so be in a position to avail of employment opportunities as the economy improves.

For these reasons, it has been proposed as a matter of public policy that eligibility for the scheme be confined to those on the Live Register and in receipt of unemployment payments or signing for credits for 3 of the last 6 months. As such, the policy objective is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it thereby ensuring a reduction in Exchequer costs over time but I will keep the position under review.

My Department has invited tenders for consultancy for the evaluation of JobBridge, the National Internship Scheme for the Department. Progression rates from JobBridge into employment will feature as part of this evaluation. It is anticipated that this evaluation will commence shortly.

My Department requires this project to be undertaken to assess the design, delivery and impact of the JobBridge scheme on the unemployed. It should also assist the Department in making further policy decisions on the benefit of work placement programmes in the overall context of the Government's activation policy which is to engage with every unemployed individual to provide them with a pathway to employment and to prevent and reduce long term unemployment.

### **Social Welfare Benefits**

304. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment under the carer's allowance scheme will be granted in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7673/12]

**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.

### **Social Welfare Appeals**

305. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal in respect of an application for disability allowance will be expedited and approved in respect of a person (details supplied) in County Kilkenny. [7674/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that he was medically unsuitable for the allowance. An appeal was registered on 25th January 2012 and in accordance with the statutory procedures the relevant department papers and the comments of the Social Welfare services on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

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**

306. **Deputy John McGuinness** asked the Minister for Social Protection if an application for domiciliary care allowance will be expedited and approved in respect of a person (details supplied) in County Carlow. [7675/12]

**Minister for Social Protection (Deputy Joan Burton):** The continued entitlement to domiciliary care allowance (DCA) in this case was reviewed in January 2012 by one of the Department's Medical Assessors. The Medical Assessor found that the child was no longer medically eligible for the allowance and a letter issued on the 16th January 2012 advising the person concerned of the decision.

The person concerned may submit additional information and ask for the case to be further reviewed, or they may appeal the decision to the Social Welfare Appeals Office within twenty one days.

307. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the progress made in respect of determination of eligibility for invalidity pension in the case of a person (details supplied) in County Meath; and if she will make a statement on the matter. [7678/12]

**Minister for Social Protection (Deputy Joan Burton):** Invalidity pension is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the contribution conditions.

This department received a claim for invalidity pension for the person concerned. The medical evidence provided by the claimant in support of her claim was examined by a medical assessor who was of the opinion that the person concerned is not eligible for invalidity pension as she does not satisfy the medical criteria. The application for invalidity pension was, accordingly, disallowed by a deciding officer. The person in question was notified of this decision and the reason for it.

Further medical evidence was subsequently submitted by the claimant. This additional evidence, along with the original information, was evaluated by a different medical assessor who found that the person concerned does not satisfy the medical criteria. Accordingly, the deciding officer has confirmed the original decision and the claimant has been notified of the outcome.

308. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when it is likely that a decision will be made in respect of an application for disability allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7680/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been awarded disability allowance with effect from 27 April 2011. Weekly payment will commence on 29 February 2012. Any arrears due to the person concerned will issue shortly after that date. The person has been notified in writing of this decision.

### **Employment Support Services**

309. **Deputy Pat Breen** asked the Minister for Social Protection further to Parliamentary Question No. 351 of 31 January 2012, if she will clarify the situation in respect of a scheme (details supplied); and if she will make a statement on the matter. [7681/12]

**Minister for Social Protection (Deputy Joan Burton):** The Government announced in Budget 2012 a reduction in the materials and training allocation for Job Initiative schemes.

For 2012 the grant per place will reduce to €433.33. This will result in a funding reduction for materials/overheads from 8% to 4%. Training will cease to be paid for Job Initiative participants except for training to meet statutory requirements. Any training claimed will be included in the 4% materials/overheads allocation.

The minimum weekly payment to a Job Initiative participant will continue at €416.00. In money terms the materials, overheads and training element of the grant will be reduced to €17.33 per place per week.

Grant aid to the Sponsors to cover supervision of the project will continue on the same scale as CE Supervisors.

I have given assurances to community and voluntary organisations that no project will be forced to close as a result of the reductions in training and material grants, pending the completion of a review at the end of March.

Department officials have discretion in assisting projects meet their commitments, subject to individual schemes providing a clear and transparent demonstration of a need for additional funding. The onus is on sponsors to make the case for the appropriate level of the grant for their individual scheme. The level of grant sought will have to be justified by the scheme

sponsor and will be subject to verification and agreement by the Department on a case by case basis. Our Officers are currently working with Sponsors to this end.

### **Community Employment Schemes**

310. **Deputy Brendan Griffin** asked the Minister for Social Protection the position regarding a person (details supplied) in County Kerry; and if she will make a statement on the matter. [7684/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned started on a Community Employment (CE) scheme in Cahirciveen in May 2011 and has eligibility for one year on the scheme. The full allowance for training for CE participants, before the changes announced in the 2012 Budget, was €500 per participant per year. The person concerned has already received training to the value of €75 and has been approved for further training of €380.

### **Social Welfare Benefits**

311. **Deputy Finian McGrath** asked the Minister for Social Protection if she will review a matter (details supplied) regarding small business contractors. [7687/12]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed people can apply for the means-tested jobseeker's allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. Self-employed customers do not have to de-register as self-employed persons in order to claim jobseeker's allowance.

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. While accounts provide significant information, a means assessment is not based solely on audited accounts. The income from the previous twelve months is used as an indicator of likely future earnings but it is not simply assumed that the previous year's earnings will be received in the following year. Any circumstances that would be likely to lead to a significant variation, either upward or downward, in the level of a person's income from one year to the next are taken into consideration.

If a self-employed person's situation changes after they have made an initial claim for jobseeker's allowance, the person can apply to have his or her means reviewed in the light of these changed circumstances. In addition, it is open to the individual to appeal to the Social Welfare Appeals Office if he or she is dissatisfied with the level of means assessed.

Information on all social welfare entitlements, including supports for self-employed people, is set out on the Department's website — [www.welfare.ie](http://www.welfare.ie).

312. **Deputy Catherine Byrne** asked the Minister for Social Protection the number of persons in receipt of the living alone allowance increase; if she will provide a breakdown of recipients by qualifying payment and age group; the amount this payment cost in 2011; and if she will make a statement on the matter. [7699/12]

**Minister for Social Protection (Deputy Joan Burton):** At the end of December 2011 there were 174,015 recipients of the living alone allowance at a weekly cost to the exchequer of €1.34m. This equates to some €70m. per annum. More than 80% of recipients of the Living Alone Allowance are aged 65 years or over and more than 30% are aged 80 years or over.

A breakdown of the recipients by scheme and age group follows.

[Deputy Joan Burton.]

	Blind Person's Pension	Disability Allowance	Deserted Wife's Benefit	Invalidity Pension	Occupational Injury Benefit
Under 25	0	305	0		
25-29 Years	7	800	0	3	0
30-34 Years	17	1,326	0	62	0
35-39 Years	16	1,790	0	153	0
40-44 Years	27	2,497	0	302	0
45-49 Years	38	3,021	0	668	0
50-54 Years	28	3,650	0	1,334	0
55-59 Years	62	4,351	0	2,290	0
60-64 Years	55	4,835	2	3,466	0
65-69 Years	13	916	244	786	25
70-74 Years	0	0	265	0	57
75-79 Years	0	0	162	0	58
80 Years and older	0	0	75	0	75
	263	23,491	748	9,064	215

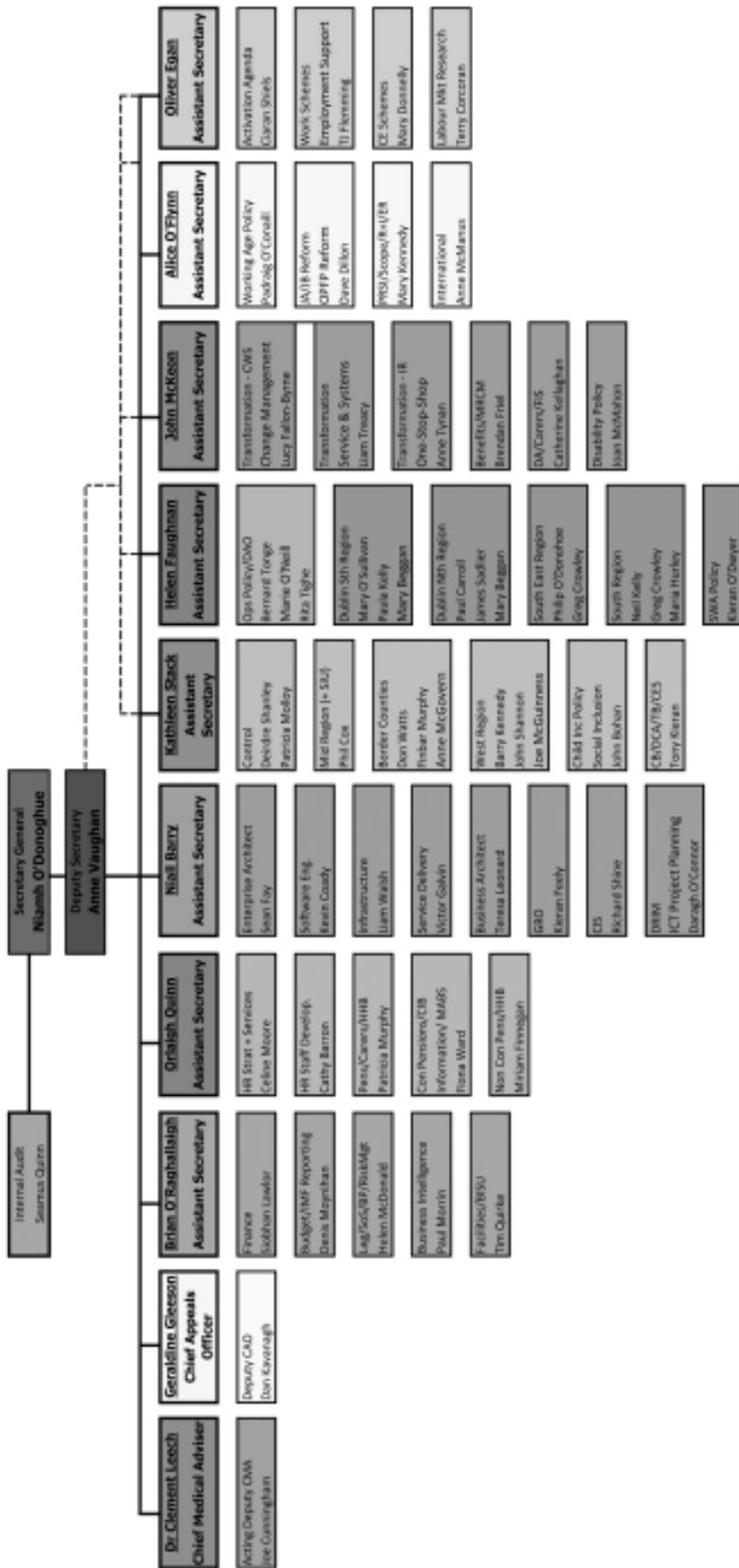
	Widow/er's Contributory Pension	Widow/er's Non Contributory Pension	State Pension Contributory	State Pension Non Contributory
Under 25	0	0	0	0
25-29 Years	0	0	0	0
30-34 Years	0	0	0	0
35-39 Years	0	0	0	0
40-44 Years	0	0	0	0
45-49 Years	0	0	0	0
50-54 Years	0	0	0	0
55-59 Years	0	1	0	0
60-64 Years	1	5	0	0
65-69 Years	5,128	1	12,527	5,886
70-74 Years	10,174	0	14,218	6,675
75-79 Years	12,129	0	14,123	6,616
80 Years and older	20,644	0	18,225	13,881
	48,076	7	59,093	33,058

### Departmental Staff

313. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide an organisational chart detailing officials and their responsibilities within her Department.  
[7745/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department's organisation chart details the senior management structure and is also available on our website at <http://www.welfare.ie/EN/AboutUs/Documents/DeptOrganisationalStructureChart.pdf>.

Department of Social Protection Organisation Structure - January 2012



### Redundancy Payments

314. **Deputy Pearse Doherty** asked the Minister for Social Protection the number of persons currently waiting for statutory redundancy applications to be processed; the average time for processing such applications; the number of staff involved in processing these applications; if any mechanism exists for fast-tracking these applications; if she will provide a breakdown of new applications by month from January 2011 to January 2012; and if she will make a statement on the matter. [7789/12]

351. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the procedure for the processing of redundancy applications; if applications are being processed as they are being received; the reason it appears that persons who have sought redundancy have not been paid but others who applied at a later date have received payment; and if she will make a statement on the matter. [8245/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 314 and 351 together.

The purpose of the Redundancy Payments Scheme is to compensate workers, under the Redundancy Payments Acts, 1967 to 2007, for the loss of their jobs by reason of redundancy. Under the Redundancy Payments Acts an eligible employee is entitled to two weeks statutory redundancy payment for every year of service, plus a bonus week. Compensation is based on the worker's length of reckonable service and reckonable weekly remuneration, subject to a ceiling of €600 per week. Employees must have at least two years' service to be eligible for a redundancy payment. There are two types of redundancy payments — rebates to employers and lump sums paid directly to employees, where an employer refuses, or is unable to pay lump sums. Both rebate and lump sum payments are paid from the Social Insurance Fund (SIF).

It is the responsibility of the employer to pay statutory redundancy to all eligible employees. An employer who pays statutory redundancy payments to employees is then entitled to a rebate from the State of a percentage of the relevant amount.

There is currently a backlog of approximately 29,000 statutory redundancy claims on hand.

There are two processing streams for redundancy claims. A new computerised system was introduced in October 2011 and online claims submitted correctly through this system may be processed, on average, within six to eight weeks. Manual claims submitted since October 2011 are also processed as part of this stream but take longer to process due to the need to enter the manual claims onto the new system.

Claims submitted prior to the introduction of this new system require more clerical intervention and will take longer to process and are part of a second processing stream. The Department is currently processing claims in this category which were received in late May/early June 2011.

There are currently 24 staff involved in processing applications, or in full-time equivalent terms, 22.3 staff.

Applications received for the period January 2011 to January 2012 are as follows:

Jan 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	Jun 2011	Jul 2011	Aug 2011	Sep 2011	Oct 2011	Nov 2011	Dec 2011	Jan 2012
4,846	3,090	5,350	3,738	4,103	3,670	4,712	3,827	3,367	2,265	3,969	6,850	4,774

### Social Welfare Benefits

315. **Deputy Michael McGrath** asked the Minister for Social Protection the percentage of first-time applications for domiciliary care allowance that were approved in each of the years 2008, 2009, 2010 and 2011. [7790/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department has been accepting new claims for domiciliary care allowance (DCA) since 1st April 2009. Statistics relating to the allowance for the period prior to April 2009 are a matter for the HSE, the previous administrators of the scheme.

The number of applicants for DCA allowed on initial application by the deciding officer in each of the last 3 years is as follows:

Domiciliary Care Allowance applications — 2009 to 2011

	Applications received	Applications processed in year	Applications allowed*	Applications disallowed
2009 (from 1st April)	3,389	2,823	1,220 (43%)	1,603
2010	5,457	5,333	2,576 (48%)	2,757
2011	5,525	5,396	2,502 (46%)	2,894

\*Includes cases initially disallowed but allowed on review by the deciding officer following receipt of additional information from the applicant.

### Job Losses

316. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if her attention has been drawn to the fact that an organisation (details supplied) in County Galway is seeking redundancies to their workforce; if she has had discussions with this group to try ensure continuity of employment of the very special workforce there; if she has had discussions with the workers regarding retraining and locating alternative employment; and if she will make a statement on the matter. [7804/12]

**Minister for Social Protection (Deputy Joan Burton):** The Minister is aware that 20 employees from the Rehab Recycling group in Ballybrit, Galway will be laid off at the end of March 2012. The lay-offs include 17 employees for whom the company receives a valuable DSP Wage Subsidy. DSP Employment Services have recently been in contact with the Rehab Recycling group to offer assistance and are currently awaiting a response to the offer. The services available include on-site group briefings and individual consultations with employees to identify training needs and individual job-seeking support requirements. Rehab Recycling will continue to receive a substantial wage subsidy payment from the Department to support the continued employment of 17 remaining employees who are being retained by the company.

### Social Welfare Appeals

317. **Deputy Tom Fleming** asked the Minister for Social Protection if she will examine the delay in processing the appeal of rent allowance in respect of a person (details supplied) in County Kerry. [7807/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 30th November 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal

[Deputy Joan Burton.]

be sought. These papers were received in the Social Welfare Appeals Office on 06th January 2012 and the appeal was assigned to an Appeals Officer on 24th January 2012 for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 318 withdrawn.*

### Ministerial Appointments

319. **Deputy Shane Ross** asked the Minister for Social Protection if she will list all appointments to State boards and agencies made by her since she came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if she will make a statement on the matter. [7828/12]

**Minister for Social Protection (Deputy Joan Burton):** The three statutory bodies operating under the aegis of the Department of Social Protection are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman (which does not have a board) comes under the remit of the Department.

#### *Social Welfare Tribunal*

The Tribunal consists of a Chairman and four ordinary members, two on the nomination of Irish Congress of Trade Unions (ICTU) and two nominated by Irish Business and Employers Confederation (IBEC).

One of ICTU members of the Tribunal resigned in 2011 and on the nomination of ICTU, a replacement, Ms. Chris Rowland, was appointed by me commencing from 24 October 2011.

No remuneration is paid to the members of the Tribunal. Members can claim expenses for attending both hearings and meetings, as set out below. They are also entitled to the standard travel and subsistence allowances if hearings/meetings involve travel.

Chairman	€
Hearing (per sitting day)	488.11
Meetings	73.44
Members	€
Hearing (per sitting day)	136.71
Meetings	68.36

#### *Citizens Information Board*

I have made two appointments to the Citizens Information Board since coming into office. Mr. Eugene McErlean was appointed with effect from 7 September 2011 and is entitled to an annual fee of €5,985. On 1 November 2011, I appointed Ms. Fiona Ward but as she is the Department's representative on the board she is not entitled to any fees.

#### *Pensions Board*

I have made no appointments to the Pensions Board since coming into office. Further information in relation to the boards of the Social Welfare Tribunal, the Citizens Information Board

and the Pensions Board is available on the Department's website at [www.welfare.ie/EN/AboutUs/Pages/stateagencies.aspx](http://www.welfare.ie/EN/AboutUs/Pages/stateagencies.aspx) and is updated as required.

*Question No. 320 withdrawn.*

### **Social Welfare Benefits**

321. **Deputy Jim Daly** asked the Minister for Social Protection the reason she gives notice to recipients of domiciliary care allowance to reapply only two months ahead of the cessation date when currently her Department takes five to six months to consider new applications; and if she will make a statement on the matter. [7863/12]

327. **Deputy Jim Daly** asked the Minister for Social Protection the reason a natural transition does not occur for benefits of a child (details supplied) with Autism who's parent is receiving domiciliary care allowance to receiving disability allowance at the child's 16th birthday when the diagnosis has not changed nor have the means of the family; and if she will make a statement on the matter. [7901/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 321 and 327 together.

Since November 2011, recipients of domiciliary care allowance (DCA) have been given 4 months advance notice in writing of their child reaching 16 years and the end of the payment of DCA. They are advised that their child may be entitled to receive a disability allowance (DA) payment in their own right and of how to make such a claim. Prior to November 2011, the notice period was 8 weeks, but this was adjusted to advise customers to make application for DA well in advance of the child's 16th birthday.

The processing time for individual DA claims may vary in accordance with their relative complexity in terms of the three main qualifying criteria of the scheme. The average time to award a claim in 2011 was 17 weeks. Disability allowance section is currently undertaking a major service delivery modernisation project to improve the efficiency with which it processes applications from customers which should lead to faster processing times.

The qualifying conditions for DCA and DA are significantly different and as a result, an automatic transfer from one payment to the other is not feasible. The qualifying conditions include a means test on DA where none applies to DCA, while there are also differences in the medical criteria applicable to the two schemes. In addition, payment of DA is made directly to the child, whereas DCA is paid to the parent/guardian of the child.

*Question No. 322 withdrawn.*

### **Social Welfare Benefits**

323. **Deputy Ann Phelan** asked the Minister for Social Protection if there is a method established within her Department for streamlining representations on applications for exemptions being made on behalf of persons with disabilities in respect of an organisation (details supplied); and if she will make a statement on the matter. [7866/12]

**Minister for Social Protection (Deputy Joan Burton):** In certain circumstances people who have been in receipt of illness benefit or invalidity pension were granted permission to engage in part-time work of a rehabilitative or therapeutic nature. This permission is known as an exemption. All applicants for an exemption have some form of a disability or medical condition and as such they would be considered on their own merits. Applications for exemptions are

[Deputy Joan Burton.]

generally dealt with on a chronological basis but if a person had an urgent need for a decision the matter would be expedited.

Yesterday I launched a new scheme called partial capacity benefit. The scheme will provide an opportunity for people with medical conditions and assessed and deemed to have an employment capacity which is restricted when compared to the norm to avail of employment opportunities while continuing to receive an income support payment. The introduction of the scheme seeks to respond to weaknesses in the current structure of the welfare system, which categorises people only as “fit to work” or “unfit to work”. This 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. Following the introduction of the new scheme exemptions for participation in part-time work will no longer be available. Participation in the partial capacity benefit scheme will be voluntary.

324. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will confirm that an existing community employment participant who also receives illness benefit will continue to receive both payments if their CE participation is extended for a third year. [7871/12]

**Minister for Social Protection (Deputy Joan Burton):** Existing CE participants who have their contracts renewed after the 16th January 2012 will retain their social welfare payment provided they are continuously employed on CE from that date. This provision is subject to the standard CE participation limits and a final cut-off date for double payments of December 2014. All CE participants will receive a single payment only from that date.

#### **Job Initiative**

325. **Deputy Michael Healy-Rae** asked the Minister for Social Protection her views on the ineligibility of one-parent family recipients for the JobBridge scheme (details supplied); and if she will make a statement on the matter. [7888/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme provides internship opportunities of either 6 or 9 months for unemployed individuals on the Live Register, in organisations in the private, public and community voluntary sectors. The scheme is limited to individuals who are currently on the Live Register and have been in receipt of Jobseekers Allowance/Benefit or are signing on for credits for at least 3 of the last 6 months.

The eligibility to access the National Internship Scheme is based on the overall objective of labour market policy in ensuring a pathway to appropriate employment, training and education opportunities for those on the Live Register. It is important that as employment opportunities become available they are taken up by those on the Live Register. The structure for achieving this objective is through a reinvigorated National Employment Action Plan (NEAP) which currently provides the framework for engaging with the unemployed.

Given the scale of the unemployment crisis, the key objective of labour market policy and of the NEAP will be to keep those on the Live Register close to the Labour Market and prevent the drift into long-term unemployment. This will ensure that Live Register members availing of activation measures such as the National Internship Scheme will, while retaining social welfare unemployment payments and a top up allowance of €50, get an opportunity to engage in the workplace, get work experience and so be in a position to avail of employment opportunities as the economy improves.

For these reasons, it has been proposed as a matter of public policy that eligibility for the scheme be confined to those on the Live Register and in receipt of unemployment payments

or signing for credits for 3 of the last 6 months. As such, the policy objective is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it thereby ensuring a reduction in Exchequer costs over time.

My Department continues to monitor and review the operation of the JobBridge scheme including its eligibility criteria on an ongoing basis. The extension of JobBridge to those in receipt of One Parent Family Payments forms part of this broader review process. Individuals in receipt of a One Parent Family Payment may access a wide range of activation supports including the Work Placement Programme, which is designed to provide participants with valuable work experience, thereby improving their prospects of securing employment.

### **Social Welfare Appeals**

326. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding an appeal against a decision to refuse invalidity pension in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [7892/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that it has not received an appeal from the person concerned. 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. 327 answered with question No. 321.*

### **Social Welfare Benefits**

328. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection when the new rules in relation to social welfare payments for FÁS community scheme participants came into force; the category of participants affected by these rule changes; if she carried out any poverty impact analysis before making her decision in respect of these changes; the result of such an analysis; the relative poverty of the groups in question before these decisions were taken; and if she will make a statement on the matter. [7911/12]

**Minister for Social Protection (Deputy Joan Burton):** From 16th January 2012, new participants on Community Employment (CE) schemes will not be able to simultaneously claim their original social welfare payment and a Community Employment allowance, as per section 12 of the Social Welfare Act 2011. This measure affects those in receipt of the following payments commencing CE after that date:

- One Parent Family Payment,
- Deserted Wife's Benefit,
- Widow(er)s Pension,
- Illness Benefit,
- Disability Allowance,
- Invalidity Pension,
- Blind Pension.

[Deputy Joan Burton.]

These new CE participants will receive payments directly via the CE scheme at a rate equivalent to their original social welfare payment (including any increase for a qualified adult and/or child dependants) plus an additional €20 CE participation bonus. New participants are defined as those persons who, with effect from 16th January 2012, have not been employed on a CE scheme in the 12 months prior to commencing the current CE placement.

CE participants on maternity leave or sick leave at the 16th January will not be considered new starts when they return as they will have participated on CE within the 12 month period. Persons who were approved by DSP officers for CE positions before 16th January 2012 but who only commence working on or after the 16th January 2012, due to operational reasons, will be treated as existing CE participants for the purpose of retaining their social welfare payments. Existing CE participants who have their contracts renewed after the 16th January 2012 will retain their social welfare payment provided they are continuously employed on CE from that date. This provision is subject to the standard CE participation limits and a final cut-off date for double payments of December 2014. All CE participants will receive a single payment only from that date.

In addition, payment of two qualified increases per child where the person is employed on a CE scheme and in receipt of either One-Parent Family Payment, Deserted Wife's Benefit/Allowance or Widow(er)s Pension will cease for new and existing recipients with effect from Monday 20th February 2012. Existing CE participants will continue to receive increases for qualified children from their original social welfare payment only. New CE participants will receive the qualified child increase (where applicable) on their CE payment. The CE Single Adult Rate INCLUDES the €20 CE participation bonus. The following table outlines a summary.

Following these changes it will continue to be financially advantageous for all Social Welfare categories to participate on CE. Such participants will continue to have access to the supports available within my Department where applicable.

Summary of changes to Allowances for CE participants

DSP Payment Category	Existing CE Participants	New CE Participants
Jobseekers Allowance	No change	No change
Jobseekers Benefit	No change	No change
One Parent Family Payment	CE increase for a qualified child ceases from February 20th. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.
Deserted Wife's Benefit	CE increase for a qualified child ceases from February 20th where applicable. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.
Widow(er)s Pension	CE increase for a qualified child ceases from February 20th where applicable. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.
Disability Allowance	No Change. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.
Blind Pension	No Change. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.
Illness Benefit	No Change. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.

DSP Payment Category	Existing CE Participants	New CE Participants
Invalidity Pension	No Change. CE Single rate only.	DSP rate including dependants plus €20 all paid by CE. DSP payment ceases.

### Redundancy Payments

329. **Deputy Jim Daly** asked the Minister for Social Protection when payment will issue in respect of redundancy payments due under RP50's in respect of persons (details supplied). [7913/12]

**Minister for Social Protection (Deputy Joan Burton):** Two redundancy rebate claims in respect of the former employer of the persons concerned have been awarded. A cheque payment is due to issue directly to the company concerned.

### Employment Support Services

330. **Deputy Finian McGrath** asked the Minister for Social Protection if she will actively support those on community employment schemes; and her views on a matter (details supplied). [7923/12]

**Minister for Social Protection (Deputy Joan Burton):** Allowances on Community Employment schemes are paid by the sponsoring body/organisation to their Employee (Participant) in line with the Payment of Wages Act. To facilitate prompt and continuing payments my Department gives a significant financial advance to such bodies. In addition my Department processes a payment on the Thursday of every week which is credited to the sponsor's bank account on a Friday. The final payment to participants is the responsibility of the sponsoring body. The monitoring of such payments continues to be an important part of the work of Department officials.

331. **Deputy Michelle Mulherin** asked the Minister for Social Protection if she will meet the cost of any redundancies which arise from the winding up or discontinuance of community employment schemes owing to the changes in their funding in budget 2012; and if she will make a statement on the matter. [7926/12]

**Minister for Social Protection (Deputy Joan Burton):** A commitment has been given that no scheme will be forced to close as a result of the reduction in grants whilst the financial review is on-going. As such it is not envisaged that any redundancies will arise pending the completion of the review process. Supervisors of Community Employment schemes are employed by independent, community and voluntary organisations. As such these sponsoring groups are the employer and are bound by employment legislation and requirements, including Redundancy legislation.

The funding of redundancy is the responsibility of the employer. In situations where specific Community Employment schemes are closing the employing organisation is responsible for funding redundancy. In the event of the employer not being in a position to make such payments they then have recourse to the Redundancy Payments section within this Department as set out in legislation.

### Social Welfare Benefits

332. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when an

[Deputy Bernard J. Durkan.]

exceptional needs payment will be facilitated in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7943/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was awarded an exceptional needs payment on 8 December 2011. No further applications have been received.

### Employment Support Services

333. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection if she will explain the logic that means a person (details supplied) who is in receipt of a one parent family payment and would like to get back to work cannot apply for a TÚS position. [7951/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of TÚS is to focus on those people who are long-term unemployed. For this reason, eligibility is at present confined to those on the Live Register for at least 12 months and in receipt of jobseeker's allowance. These provisions are to ensure a targeted approach to those currently affected by long-term unemployment. As the person concerned is not in receipt of any jobseekers payment, she does not satisfy the eligibility criteria for either participating on Tús or for recruitment as a full time Tús Supervisor/Team Leader.

### Social Welfare Appeals

334. **Deputy Catherine Byrne** asked the Minister for Social Protection when an appeal in respect of a person (details supplied) in view of the fact that this appeal is in the system almost 12 months; and if she will make a statement on the matter. [7956/12]

**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

335. **Deputy Brendan Griffin** asked the Minister for Social Protection her views on a matter (details supplied) regarding long-term carers; and if she will make a statement on the matter. [7967/12]

**Minister for Social Protection (Deputy Joan Burton):** The home-maker's scheme which is in place in my Department since 1994 is designed to accommodate people who take time out of the workforce for caring duties and to ensure that they do not lose their entitlement to a State pension (contributory). The scheme allows up to 20 years spent caring for an incapacitated person to be disregarded when the carer's social insurance record is being averaged for pension purposes.

The scheme will not, of itself, qualify a person for a pension. The standard qualifying conditions, which require a person to enter insurance ten years before pension age, pay a minimum of 260 contributions at the correct rate and achieve a yearly average of at least 10 contributions on their record from the time they enter insurance until they reach pension age, must also be satisfied. From April 2012, 520 contributions (10 years) will be required.

I am currently considering the introduction of a system of home-maker's credits to replace the current disregard from 2012 and allow backdating to 1994 for the purpose of the averaging system that will continue until the total contributions system is introduced in 2020. This would represent a significant improvement whereby people reaching pension age could have credits rather than disregards applied to their records to cover periods of care since 1994 (up to a maximum of 20 years).

### Departmental Correspondence

336. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection when she intends meeting with the Irish Postmaster's Union; the reason it has not got a meeting to date despite initially requesting a meeting nearly a year ago; and if she will make a statement on the matter. [7970/12]

**Minister for Social Protection (Deputy Joan Burton):** I have scheduled a meeting with the General Secretary of the Irish Postmaster's Union (IPU) in March and look forward to exchanging views with them at that meeting. I was unable to meet sooner due to a heavy schedule of Government and Oireachtas commitments.

### Social Welfare Appeals

337. **Deputy Ann Phelan** asked the Minister for Social Protection if she will investigate the case of a person (details supplied) in County Carlow in respect of their appeal for supplementary welfare allowance which has been ongoing since July 2011; and if she will make a statement on the matter. [7971/12]

**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 Benefits

338. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will confirm if she carried out poverty-proofing before deciding to cut emergency needs payment to those on low-incomes as contained in a recent circular to community welfare officers; if she will review this decision as a matter of urgency; and if she will make a statement on the matter. [7986/12]

**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 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. 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 is currently being finalised in the Department by a group made up of former community welfare service staff. One of the recommendations emanating from this review was the need 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. The Department has not cut payments in respect of religious ceremonies but has recommended a maximum amount payable with a view to limiting any such payments to those cases of significant hardship. The Department's circular does not remove or limit the discretionary powers provided to its designated officers in Social Welfare legislation to help individuals in need.

The Department also recently clarified the circumstances under which payments should be made toward the furnishing of local authority accommodation. This clarification will not impact the customer in any way. Instead of the Department furnishing these units it will, in certain circumstances, become the responsibility of the local authority to ensure the accommodation is furnished before allocating the accommodation to the tenant.

One of the most important aspects of a poverty proofing strategy is the process whereby Government Departments, local authorities and state agencies ensure that they either contribute to reducing poverty or, at least, do not increase poverty. An additional prime consideration is the re-focusing of expenditure to meet those most in need and this is what my Department is doing.

339. **Deputy Pádraig Mac Lochlainn** asked the Minister for Social Protection the number of exceptional needs applications for first communion support that have been received from County Donegal over recent years; and the number of these that were successful. [7990/12]

**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. 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 is currently being finalised in the Department by a group made up of former community welfare service staff. One of the recommendations emanating from this review was the need 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.

The Department recently recommended to staff that a maximum payment of €110 be made in respect of the religious ceremony (mainly Communion and Confirmations). This will be the first step towards limiting these payments to cases of significant hardship only, in 2013. While the Department does not maintain records of the number of applications received for support for religious ceremonies it is clear that the number of such payments in Donegal was at the lower end of the scale at less than ten payments made in 2011.

*Question No. 340 withdrawn.*

### **Social Welfare Appeals**

341. **Deputy Pat Breen** asked the Minister for Social Protection when a carer's allowance application will be processed in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [8017/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, including that adduced at oral hearing, disallowed the appeal of the person concerned. Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits**

342. **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. [8019/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 3rd October 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 30th November 2011 advising the customer of the decision.

The person concerned subsequently lodged an appeal against this decision and advised that additional information will follow. As part of the appeals process, this information, when received, together with the original application will be forwarded to a Medical Assessor for review.

### **Departmental Staff**

343. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will immediately recruit 214 new staff to replace those leaving at the end of the month under the early retirement scheme in view of the existing lengthy delays in the processing of social welfare applications and the envisaged greater role for Departmental staff in terms of profiling and activation which is more human resource intensive. [8020/12]

**Minister for Social Protection (Deputy Joan Burton):** As the Deputy will be aware there is currently a moratorium on recruitment across the civil and public service. I can assure the Deputy that the Department will continue to source available staff to fill critical vacancies, including those arising from retirements, by way of redeployment, or transfer from within the Department and other Government Departments, taking account of the Employment Control Framework (ECF) target, as determined by the Minister for Public Expenditure and Reform.

The Department is committed to delivering the best possible service to its customers. To this end, operational processes and procedures, the organisation of work and the staffing needs for all areas within the Department are continuously reviewed, having regard to workloads, management priorities and the competing demands arising, to ensure that the best use is made of all available resources with a view to providing an efficient service to those who rely on the schemes operated by the Department.

### Financial Reviews

344. **Deputy Joe McHugh** asked the Minister for Social Protection the status of current inquiries by FÁS with regard to scheme sponsors that are raising their own revenue; and if she will make a statement on the matter. [8030/12]

**Minister for Social Protection (Deputy Joan Burton):** Following the reductions in the CE training and materials grant announced in the Budget, the Department of Social Protection commenced a review of the financial resources of individual schemes. This review is scheduled to be completed by the end of March

All sponsors have been contacted by Department officers at local level to brief them on the review, discuss their returns and deal with any queries that the sponsors may have. The submissions will be made to these officers.

As this is a financial review, and given the requirement for savings, all possible sources of income/funding for the project must be identified. Many projects receive funding/income from different sources and may not require the same level of assistance as others. The review is to ensure that those projects that require the most assistance can be identified.

345. **Deputy Joe McHugh** asked the Minister for Social Protection the reason FÁS offices require bank details of community employment projects, in view of the fact that the CE schemes are private companies; and if she will make a statement on the matter. [8031/12]

**Minister for Social Protection (Deputy Joan Burton):** Following the reductions in the CE training and materials grant announced in the Budget, the Department of Social Protection commenced a review of the financial resources of individual schemes. This review is scheduled to be completed by the end of March

All sponsors have been contacted by Department officers at local level to brief them on the review, discuss their returns and deal with any queries that the sponsors may have. The submissions will be made to these officers.

As part of the contract between my Department and CE sponsors full details of the sponsor's CE bank account must be available for monitoring and control purposes. Significant advances from public funds are paid into CE sponsors bank accounts and my officials have a duty of care for these taxpayer's funds. In addition the requirements of the Company Registration Office ensure that the amount of funds in the bank accounts of CE sponsors must be returned on an annual basis.

As this is a financial review, and given the requirement for savings, all possible sources of income/funding for the project must be identified.

### **Social Welfare Appeals**

346. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [8041/12]

**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 21 November 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

347. **Deputy Robert Troy** asked the Minister for Social Protection if she will expedite an application for invalidity pension in respect of a person (details supplied). [7993/12]

**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 23 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 1 February 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

348. **Deputy Denis Naughten** asked the Minister for Social Protection when a decision will issue on an application for carer's allowance in respect of a person (details supplied) in County Roscommon; the reason for the delay in same; and if she will make a statement on the matter. [8172/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing on 20 March 2012. The person concerned has been notified of the arrangements.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

349. **Deputy Gerry Adams** asked the Minister for Social Protection if a person (details supplied) is in receipt of social welfare payments; if they have been refused assistance; the reason for this refusal; if they have been refused supplementary welfare allowance and the reason for this refusal. [8201/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for jobseeker's allowance from 5 September 2011. His application was disallowed on the grounds that he failed to disclose full particulars of his means and that he is not genuinely seeking employment.

He appealed the disallowance and his file is currently with the Social Welfare Appeals Office for a decision. When a decision is given he will be advised of the outcome.

The person concerned applied for supplementary welfare allowance from 31 January 2012. His application was disallowed on the grounds that he is not genuinely seeking employment. He has not appealed this decision to date.

*Question No. 350 withdrawn.*

*Question No. 351 taken with Question No. 314.*

### **Redundancy Payments**

352. **Deputy Patrick O'Donovan** asked the Minister for Social Protection when a person (details supplied) will receive their redundancy payment. [8248/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was received on 20 July 2011. Redundancy lump sum claims received in June 2011 are currently being processed.

### **Departmental Staff**

353. **Deputy Catherine Murphy** asked the Minister for Social Protection if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from her Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from her Department; if she will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if she will make a statement on the matter. [8277/12]

**Minister for Social Protection (Deputy Joan Burton):** No remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any staff member who has retired from my Department beyond their accrued pension entitlements and no such payment has been sanctioned for any current staff members who are about to retire from my Department.

### **Social Welfare Appeals**

354. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal for invalidity pension will be expedited in respect of a person (details supplied) in County Carlow based on correspondence recently sent to the appeals office. [8303/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Appeals

355. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal for disability allowance will be expedited in respect of a person (details supplied) in County Carlow based on the general practitioners letter provided. [8304/12]

**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 8 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 11 January 2012 and the appeal will, in due course, be assigned to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

356. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [8404/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 13 December 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

357. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [8408/12]

**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

358. **Deputy Brendan Smith** asked the Minister for Social Protection if she will have the views of a council in relation to the community employment scheme given consideration (details supplied); and if she will make a statement on the matter. [8414/12]

**Minister for Social Protection (Deputy Joan Burton):** Following the reductions in the CE training and materials grant announced in the Budget, the Department of Social Protection commenced a review of the financial resources of individual schemes. This review is scheduled to be completed by the end of March. All sponsors have been contacted by Department officers at local level to brief them on the review, discuss their returns and deal with any queries that the sponsors may have. The submissions will be made to these officers. In addition to these local discussions, discussion and consultation with the main representative bodies and stakeholders, including councils, involved in schemes will take place over the coming weeks in regard to funding.

### Departmental Expenditure

359. **Deputy Seán Kyne** asked the Minister for Social Protection if consideration has been given to her Department seeking insurance quotes collectively for all FÁS schemes nationwide or within each county as a means of achieving more competitive quotes and thus achieving savings within FÁS companies. [8415/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department officials are investigating a number of requirements that have a direct cost on the operation and delivery of Community Employment (CE) schemes with a view to reducing these costs. One such area is that of Insurance, both in terms of the cover required and the most cost effective manner to obtain such cover. Meetings have been arranged with interested parties and various options are being considered. It should be noted that this work is taking place in conjunction with the on-going financial review of CE schemes.

### Social Welfare Benefits

360. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if a review was scheduled by the medical assessor when an application for domiciliary care allowance was approved in respect of a person (details supplied) in County Dublin; and the date of the review. [8420/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was awarded domiciliary care allowance from March 2011. The Medical Assessor who dealt with the application has recommended that this case does not need to be reviewed again.

### Social Welfare Appeals

361. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding a farm assist appeal in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [8423/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of the farm assistance appeal, of the person concerned, took place on 2 February 2012 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined. The Social Welfare Appeals Office functions independently of the Minister for Social Protection

and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Departmental Staff

362. **Deputy Sean Fleming** asked the Minister for Social Protection if she will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in her Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if she will make a statement on the matter. [8442/12]

**Minister for Social Protection (Deputy Joan Burton):** The table shows the number of staff who retired from my Department from 2008 to date (10 February); the amount paid to those officers in lump sums; and the annual estimated gross pension costs per annum associated with those retired staff members which does not include the Public Service Pension Reduction. Details of future retirements up to 2015, apart from those in respect of staff members who may reach maximum retirement age in that period, are not readily available and due to the pressure of work in the HR pensions area at present I am not in a position to provide these details. I can, however, inform the Deputy that a further 202 staff members have applied to retire before 29 February 2012 and their applications are currently being processed.

During the period from 2008 no severance payments were made to staff retiring from my Department. Figures in relation to the loss of the pension levy from employees who have retired from my Department and the loss of superannuation payments from retired staff of my Department are not available:

Year	Number of retirements	Lump sums	Pensions
2008	80	€5,094,146.97	€1,666,127.75
2009	257	€11,998,046.98	€6,309,771.95
2010	98	€5,075,274.43	€2,309,060.71
2011	118	€6,415,699.86	€2,063,324.11
2012 to date	35	€2,225,574.31	€805,867.40

### Redundancy Payments

363. **Deputy Michael Moynihan** asked the Minister for Social Protection the position regarding a redundancy payment application in respect of a person (details supplied) in County Clare. [8446/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was awarded on 6 February 2012 and a cheque payment issued directly to the person concerned.

### Social Welfare Code

364. **Deputy Willie Penrose** asked the Minister for Social Protection if she will indicate the entitlements available to a person who is compelled due to ill health as certified by medical consultants and who has been in self employment for the past 35 years or so; and if she will make a statement on the matter. [8467/12]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed persons are liable for PRSI at the Class S rate of 4%, which entitles them to access long-term benefits such as State pension (contributory) and widow's, widower's or surviving civil partner's pension (contributory). Ordinary employees who have access to the full range of social insurance benefits pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A. (For employees earning less than €356 per week, the rate of employer's PRSI is 4.25%).

Any changes to the PRSI system to extend the full range of social insurance benefits, including illness benefit, to self-employed persons would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable. I established the Advisory Group on Tax and Social Welfare last year to meet the commitment made in the Programme for Government. The Advisory Group will, inter alia, examine and report on issues involved in providing social insurance cover for self-employed persons in order to establish whether or not such cover is technically feasible and financially sustainable. In addition, the Actuarial Review of the Social Insurance Fund, which is due to be completed in mid-2012, will examine this matter.

Self-employed individuals may establish entitlement to assistance-based payments such as Disability Allowance. Disability Allowance is a weekly payment made to persons with a disability whose employment capacity is substantially restricted by reason of their disability and whose means are insufficient to meet their own needs and those of their dependents. As well as providing income support for people with disabilities, incentives towards employment and training are also a key feature of Disability Allowance. An income disregard for earnings from rehabilitative employment provides that all earnings up to €120 per week are disregarded as means when assessing entitlement, while income between €120 and €350 is assessed on the basis of 50 cents for every euro earned.

365. **Deputy Willie Penrose** asked the Minister for Social Protection the number of hours persons, who are in receipt of social welfare, can work on a weekly basis where such persons might have to do the same for rehabilitate purposes or which might arise due to part time work becoming available and whereby they still can receive their specific social welfare payment; and if she will make a statement on the matter. [8468/12]

**Minister for Social Protection (Deputy Joan Burton):** Where a person is in receipt of a disability allowance payment, s/he may take up employment of a rehabilitative nature, subject to the approval of the Department. There is no limitation on the number of hours they may work in such circumstances. Any earnings up to €120 per week will be disregarded in the means-test for the disability allowance payment, while earnings above that threshold will be assessed at 50%.

Hitherto, where a person was in receipt of a social insurance based invalidity pension, or long-term illness benefit, s/he could apply for an exemption to take up rehabilitative employment which did not exceed 20 hours per week. With effect from 13 February 2012, a new scheme has been introduced which offers a more flexible long-term support to claimants of invalidity pension or long-term illness benefit. The partial capacity benefit scheme will provide an opportunity for people with disabilities to have their capacity for work assessed and to receive an ongoing income support payment based on this assessment. Any increase being paid in respect of a qualified adult or qualified children will not be affected.

The scheme is 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. Participation in the scheme is voluntary

and the scheme is designed in particular to respond to the needs of people who have hitherto sought to avail of exemptions in order to take up employment opportunities. There are no limitations applied in relation to the number of hours a person may work, or the level of earnings they may secure, under the new scheme.

### **Social Welfare Benefits**

366. **Deputy Stephen S. Donnelly** asked the Minister for Social Protection further to Parliamentary Question No. 353 of 31 January 2012 referring to rent supplement recipients who are forced to secure alternative accommodation, the period of time that they will be given to do so; if they will continue to receive their rent allowance at the existing rate while they do so; if she will release the analysis carried out by her Department in rental prices for Bray, and on County Wicklow overall; if she will consider also excluding the towns of Greystones, Kilcoole, Delgany and Newtownmountkennedy, where rent is similar to that in Bray; and if not the reason therefore. [8477/12]

**Minister for Social Protection (Deputy Joan Burton):** As existing claims come up for review or when an existing lease expires, they will be reassessed using the new limits. Where a claim is under review and the rent is above the new maximum limit the customer is being asked to contact the landlord to renegotiate the rent. Where a landlord does not agree to reduce the rent to the new rates departmental officials will discuss the options open to the tenant up to and including seeking alternative accommodation. It is accepted that in limited circumstances rent supplement recipients may be forced to secure alternative accommodation.

Departmental guidance to the officers administering rent supplement states that where negotiation with the landlord fails then rent supplement may continue to be paid for a period of up to thirteen weeks at the higher rate. However, once the lease has expired the tenant will be expected to find suitable accommodation at below the new limits in force. Department officials will continue to ensure that rent supplement recipients' accommodation needs are met. There will be no incidence of homelessness due to these changes. I can confirm to the Deputy that the rent limits review report has now been published and is available from the Department's website.

The Deputy will note from this report that the Department is committed to carrying out a specific review of the rent limits for Bray. As previously advised, officials in the Department are in the process of completing this review and, if it is found necessary, maximum rent limits specific to Bray will be established. My Department will also consider Greystones, Kilcoole, Delgany and Newtownmountkennedy; however it is important to bear in mind that the purpose of the review is to ensure availability of accommodation for rent supplement tenancies, not to provide rent supplement tenants with access to all housing in all areas.

### **Environmental Policy**

367. **Deputy Michael Healy-Rae** asked the Minister for Arts, Heritage and the Gaeltacht his plans regarding carrying out a humane seal cull similar to the Canadian initiative in view of the increase in the numbers. [8310/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** There are two species of seals in Irish waters — the harbour or common seal and the more numerous grey seal. While seals are protected under the Wildlife Acts, licences may be obtained under section 42 of the Wildlife Act to hunt seals where damage is being caused. Licences are issued in response to specific applications and each application is considered on its merits. This redress is

[Deputy Jimmy Deenihan.]

available to individual fishermen to control damage to fisheries by seals at particular locations. However, I have no plans to sanction a more general cull.

It is also an obligation under the EU Habitats Directive that Ireland designates Special Areas of Conservation for both species of seal. The main breeding areas for seal are now legally protected. It should be noted that my Department is involved in a number of studies in relation to seals. These include making arrangements to complete a national survey of harbour and grey seals; liaising with Inland Fisheries Ireland concerning a research project to investigate seal-fisheries interactions in the Moy Estuary and Wexford Harbour with a view to informing management options; and liaising with Bord Iascaigh Mhara and the Marine Institute concerning a research project to investigate seal depredation and seal-fisheries interactions.

368. **Deputy Michael Healy-Rae** asked the Minister for Arts, Heritage and the Gaeltacht his plans to carry out a cull of the deer population in view of the severe financial consequence to our farming community who live near forests and are constantly having their fences broken and grass eaten by these wandering deer. [8311/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Wild deer in the State are protected under the Wildlife Acts. There is an annual open season during which deer can be legally shot under licence. The open season for deer operates generally from 1 September to 28 February, depending on the species and gender of deer. I am aware that deer species are increasing in range and numbers. My Department carries out localised annual deer counts on State lands such as National Parks. Where appropriate, and depending on the annual count and instances of damage caused by deer to habitats, especially woodland, culls may be carried out to ensure that deer populations do not reach levels that would have negative ecological consequences.

Control of deer on private property is the responsibility of landowners who may apply to my Department for a permission under section 42 of the Wildlife Acts to cull deer where this is necessary outside the annual open seasons. These permissions offer a facility whereby a person can obtain a permit, on a case by case basis, to prevent serious damage caused by individual deer on specific lands. Permissions are only issued where there is evidence of such damage.

369. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht the measures he is taking to ensure that the Ward Union Hunt does not continue to break the law in relation to hunting deer as per section 23A(1) of the Wildlife Amendment Act in view of the new evidence which shows that they are continuing to hunt stag in contravention of the ban; and if he will make a statement on the matter. [7569/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Officials of my Department monitor compliance with the Wildlife Acts across the country on an ongoing basis and carry out patrols and site visits to enforce the various provisions of these Acts as required. They also investigate reports of breaches of the Acts. Members of An Garda Síochána are also empowered under the Acts to investigate alleged offences and to prosecute, if they see fit. In this regard, my Department will follow up appropriately on any alleged breaches of the Wildlife (Amendment) Act 2010 which makes it an offence to hunt a deer with two or more dogs.

### **Architectural Heritage**

370. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the way a building becomes listed; the criteria or qualifications used for a building to become a listed

building; if a listed building may be de-listed; the way a building may become de-listed; and if he will make a statement on the matter. [7617/12]

371. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the buildings that are listed in County Cavan; the architectural conservation areas in County Cavan; the restrictions owners of listed properties or properties in ACAs face; and if he will make a statement on the matter. [7618/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 370 and 371 together.

Under the provisions of the Planning and Development Act 2000 regarding architectural heritage, each planning authority is required to include in its development plan a Record of Protected Structures (RPS), which includes all structures or parts of structures in their functional areas which, in their opinion, are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. This record forms part of a planning authority's development plan. Inclusion on the RPS places a duty of care on the owners and occupiers of protected structures and gives planning authorities powers to deal with development proposals affecting them in order to safeguard their future.

My role in relation to protected structures is to ensure that there are appropriate legislative and policy frameworks in place in relation to the built heritage. My Department has responsibility for the National Inventory for Architectural Heritage, which provides a basis for me to recommend structures to local authorities for protection. However, operational issues are generally a matter for planning authorities under these frameworks.

Planning authorities are further obliged to preserve the character of places and townscapes, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or that contribute to the appreciation of protected structures, by designating them as architectural conservation areas (ACAs) in their development plan. My Department's Architectural Heritage Protection Guidelines for Planning Authorities (2011) provide statutory guidelines with regard to the implementation of Part IV (Architectural Heritage) of the Act. However, the protection of the architectural heritage for both protected structures and architectural conservation areas is a matter for the planning authority, in this case Cavan County Council.

The list of structures included in the RPS and the areas designated as ACAs for County Cavan are detailed in the Cavan County Development Plan 2008-2014, that was adopted at a meeting of Cavan County Council on Monday 13 October 2008 and came into effect on Monday 10 November 2008. A planning authority in reviewing its RPS from time to time (normally during the review of the development plan) may make additions or deletions. A planning authority may add or delete a structure from its RPS by the following procedures as appropriate:

- a) in accordance with a review or variation of its development plan as set out in Section 12 of the Act; or
- b) at any other time by following different prescribed procedures laid out under Section 55 of the Act.

Unlike with a protected structure where the protection extends to the interior of the building, in an ACA only the carrying out of works to the exterior of a structure within the area, which would materially affect the character of the area, will require planning permission.

[Deputy Jimmy Deenihan.]

ACAs allow planning authorities to protect the architectural heritage by controlling and guiding change on a wider scale than individual structures, in order to retain the overall architectural or historical character of an area or place.

### National Monuments

372. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if in view of the fact that representatives of a company (details supplied) are seeking information on the battlefield status of the Moore Street area, Dublin, in applying for ministerial consent for work to the 1916 national monument, if he will authorise an independent battlefield site assessment of the Carlton site in line with his undertaking to preserve the 1916 national monument under preservation order no. 1 of 2007. [7717/12]

373. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht the expenditure of public funds there has been to date, on the preservation and protection of the 1916 national monument, Moore Street, Dublin, since its designation under section 8 of the National Monuments Act. [7718/12]

374. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht his views that the national monument at 14-17 Moore Street, Dublin, is in danger of being or is actually being destroyed, or is falling into decay through neglect; the steps he has taken to remedy this situation; and if he will make a statement on the matter. [7719/12]

380. **Deputy Patrick Nulty** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding plans to protect and develop 16 Moore Street, Dublin, as an important historical, cultural and tourism landmark; and if he will make a statement on the matter. [7983/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 372 to 374, inclusive, and 380 together.

I refer to the reply to Question No. 83 on 31 January 2012. To facilitate consideration of the consent application submitted under the National Monuments Acts in respect of the proposed development of the monument site, the applicant has been asked by my Department, following consultation with the National Museum of Ireland, to, inter alia, examine and report on some wider aspects of the site. I understand that the applicant has engaged a consultant archaeologist to undertake this assessment. Responsibility for the care and maintenance of the monument is the responsibility of the owner and, consequently, no such expenditure has been incurred by my Department. I have from time to time given the owner consent under the National Monuments Acts to undertake essential maintenance works and I am satisfied that there is no immediate risk to the structures of the monument buildings.

### Departmental Staff

375. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7733/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The information requested by the Deputy is available on my Department's website at [www.pobail.ie](http://www.pobail.ie).

### Ministerial Appointments

376. **Deputy Shane Ross** asked the Minister for Arts, Heritage and the Gaeltacht if he will

list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7816/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The information requested by the Deputy (as conveyed to my Department by the relevant bodies), is contained in the table:

Name of Body	Appointments to the board since 9th March 2011	Remuneration/Board fees
National Gallery of Ireland	Fred Krehbiel	Not in receipt of fees.
National Concert Hall	Kieran Tobin (Chair)	Chair receives €8,978. Fees are not applicable to ordinary members.
	Dearbhla Collins	
	John McGrane	
	Laurie Cearr	
	Gina Menzies	
	Bruce Arnold	
	Margaret Ryan	
	Ray Bates	
	Alma Hynes	
	Artemis Kent	
	Deborah Kelleher	
	Peter McEvoy	
	Pat Heneghan	
	Rachel Holstead	
	Patricia Slavin	
Chester Beatty Library	Patricia Donlon	Fee not applicable.
Crawford Art Gallery	John Bowen (Chair)	Fees not applicable.
	Sheila Maguire	
	Noel O'Keefe	
	Úna Feely	
	Jim Corr	
	Tim Brosnan	
	Tim Lucey	
Arts Council	Eimear O'Connor	€5,985
	Ciaran Walsh	€5,985
	Mark O'Regan	€5,985
	John Fanning	Not in receipt of fee.
Heritage Council	Ciara Breathnach	Not in receipt of fees.
	Kieran O'Connor	€5,985
	Ted Creedon	€5,985
	Catherine Heaney	€5,985
	Fidelma Mullane	€5,985
	Michael Parsons	€5,985

Appointments to North-South Bodies are not made by the Minister but by the North-South Ministerial Council arising from nominations on a 50:50 basis from both jurisdictions. However, for the sake of completeness, I can inform the Deputy that 15 appointments were made by the Council in December 2011 to the board of Foras na Gaeilge, and 8 appointments were made to the board of the Ulster-Scots Agency. The fees for board members of these North-South

[Deputy Jimmy Deenihan.]

bodies are; Chair — €11,970/Stg£8,140, Vice-Chair — €9,830/Stg£6,690 and Member — €7,695/Stg£5,235.

### Coastal Protection

377. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht when a decision will issue on an application by the coast guard for a site for a new coast guard station at the new airstrip at Cluain Leacht an Abba near Cleggan, County Galway, in view of the need to ensure the best use of resources and the need for a coast guard station in the area; and if he will make a statement on the matter. [7882/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** While some preliminary discussions have taken place between my Department and the Irish Coast Guard, no formal application has been received in relation to the provision of a site for a new coast guard station. Planning permission has been granted in relation to the provision of terminal buildings at Cluain Leacht an Abba, An Cloigeann, Co. Galway and a new management contract for the airstrip will commence on 1 March 2012. This matter will be discussed further with the management company and with the Irish Coast Guard when the new management arrangements come into effect.

### Turbary Rights

378. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht in relation to cessation of turf cutting on certain bogs if he will clarify if he has ring fenced sufficient finance to compensate effected families; if the compensation paid out will reflect the number of households who benefit from the use of the plot of bog seeking to be included in the compensation scheme; if he will clarify whether the right of ownership ceases once an applicant completes and submits compensation form; and the person responsible if any future liability arises on a plot of bog which is included in the compensation scheme. [7962/12]

**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. This Cessation of Turf Cutting Compensation Scheme 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. I have ensured that sufficient funding is being made available in 2012 in respect of this scheme.

The Cessation of Turf Cutting Compensation Scheme is designed to compensate the owner of the land or turbary rights. I am conscious that there are individuals sharing plots and my Department is giving consideration to this issue at present.

The completion of a Cessation of Turf Cutting Compensation Scheme application form and its submission to my Department is not legally binding on the applicant. However, those who qualify for and receive compensation will be required to enter into a legal agreement with me, as Minister for Arts, Heritage and the Gaeltacht. This legal agreement will set out the responsibilities and obligations of the owner of the land or turbary right and of the Minister for Arts, Heritage and the Gaeltacht. It will also confirm that ownership of the property will not pass to the Minister but will remain in the ownership of the applicant.

379. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht the future proposals for Mount Heavey Bog, County Westmeath [7963/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Mount Hevey Bog is situated approximately 4 kilometres north-east of Kinnegad, in the townlands of Cloncrave, White Island, Aghamore, Kilwarden and Kilnagalliagh. The site comprises raised bog, which is listed under Annex I of the European Union Habitats Directive, and has been designated as a special area of conservation (SAC). Mount Hevey Bog is one of 24 raised bog SACs affected, from the end of last year, by the cessation of turf cutting.

In April 2011, the Government announced a redress package for those affected by the cessation of turf cutting on raised bog SACs. 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.

In December 2011 my Department wrote to known owners of land and rights in the 24 SACs in question to inform them of the cessation of turf cutting in these sites and to invite applications for compensation. Advertisements have also been placed in local and national papers. The deadline for the receipt of applications for compensation is the end of February 2012.

Once turf cutting has ended on raised bog SACs, a conservation objective will be drawn up and a draft management plan will be discussed with local land owners for each designated site. These issues will be considered within the wider context of a national strategy on peatland conservation and management.

Qualifying turf cutters on Mount Hevey Bog may avail of the financial payment or, where feasible, relocation. In respect of relocation, my Department is in discussion with several groups of turf cutters from different bogs with a view to reaching satisfactory solutions at a local level. Agreement has been concluded with groups from Clara Bog in County Offaly and from Carrownagappul and Curraghlehanagh SACs in County Galway. These solutions involved turf cutters moving to nearby Bord na Móna bogs to continue turf cutting. My Department is also in discussions as regards relocation possibilities for Mount Hevey Bog.

*Question No. 380 answered with Question No. 372.*

381. **Deputy John O'Mahony** asked the Minister for Arts, Heritage and the Gaeltacht the number of bogs for turf cutting in County Mayo; and if he will make a statement on the matter. [8042/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I assume that the Deputy is referring to peat bogs in County Mayo that have been designated for protection as Natural Heritage Areas (NHAs) under the Wildlife (Amendment) Act 2000 or as Special Areas of Conservation (SACs). These are set out in the Table.

The relevant legislation also regulates certain uses of these bogs, including turf extraction. Turf extraction may also be subject to controls under the Planning and Development Acts or require Integrated Pollution Prevention and Control licensing, depending on the nature of the activity.

Site Name	Location	Type of bog	Type of designation
Carrowmore Lake Complex	Mayo	Blanket Bog	SAC

[Deputy Jimmy Deenihan.]

Site Name	Location	Type of bog	Type of designation
Glenamoy Bog Complex	Mayo	Blanket Bog	SAC
Lough Gall Bog	Mayo	Blanket Bog	SAC
Owenduff/Nephin Complex	Mayo	Blanket Bog	SAC
Slieve Fyagh Bog	Mayo	Blanket Bog	SAC
Lough Hoe Bog	Mayo and Sligo	Blanket Bog	SAC
Bellacorick Bog Complex	Mayo	Blanket Bog	SAC
Mweelrea/Sheeffry/Erriff Complex	Mayo	Blanket Bog	SAC
Ox Mountains Bogs	Mayo and Sligo	Blanket Bog	SAC
Bangor Erris Bog	Mayo	Blanket Bog	NHA
Ummerantarry Bog	Mayo	Blanket Bog	NHA
Croaghmoyle Mountain	Mayo	Blanket Bog	NHA
Cunnagher More Bog	Mayo	Blanket Bog	NHA
Doogort East Bog	Mayo	Blanket Bog	NHA
Ederglen Bog	Mayo	Blanket Bog	NHA
Forrew Bog	Mayo	Blanket Bog	NHA
Glenturk More Bog	Mayo	Blanket Bog	NHA
Inagh Bog	Mayo	Blanket Bog	NHA
Lough Greney Bog	Mayo	Blanket Bog	NHA
Pollatomish Bog	Mayo	Blanket Bog	NHA
Sraheens Bog	Mayo	Blanket Bog	NHA
Tawnymackan Bog	Mayo	Blanket Bog	NHA
Tristia Bog	Mayo	Blanket Bog	NHA
Lough Corrib	Galway and Mayo	Raised Bog	SAC
Tullaghan Bay And Bog	Mayo	Blanket Bog	NHA
Flughany Bog	Mayo and Sligo	Raised Bog	SAC
River Moy	Mayo, Roscommon and Sligo	Raised Bog	SAC

If the Deputy has a particular query in relation to any other bog not listed in the Table above, I will be glad to make enquiries if he provides the requisite details.

### Departmental Staff

382. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8266/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** No payments of the types described by the Deputy are being made from the Exchequer to any senior public servant who has retired from my Department beyond any accrued pension entitlements. No such payment is sanctioned or planned by my Department.

### Commonage Plans

383. **Deputy Seán Kyne** asked the Minister for Arts, Heritage and the Gaeltacht if all com-

monage framework plans are to be reviewed in 2012 and subsequent years in view of the age of existing plans; and if he will make a statement on the matter. [8407/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Staff in the National Parks and Wildlife Service of my Department are currently co-ordinating a review of the stocking restrictions in all commonage plans prepared to date. This is a joint exercise funded by my Department and the Department of Agriculture, Food and the Marine. The carrying capacity of all commonages will be expressed at Land Parcel Identification System (LPIS) level and will prescribe the sustainable carrying capacity in ewe equivalents per hectare. This will reflect any recovery delivered since the original commonage plans were prepared. It is expected that the review will be completed by the end of the second quarter of 2012.

### **Wildlife Protection**

384. **Deputy Seán Kyne** asked the Minister for Arts, Heritage and the Gaeltacht if the bounty scheme for mink is in operation or if the details are yet to be finalised as we approach the critical spring period for wildlife and the lambing season which are affected by mink. [8416/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Wild mink are not protected species under the Wildlife Acts 1976 to 2010 and they can be controlled by farmers, landowners and others.

I have been concerned for some time at the number of feral mink around the country and especially their effects on ground nesting birds. A report published by my Department in 2009 estimated the population of wild mink in the State could reach a total of between 20,500 and 33,500 individuals. The report identified ground nesting birds as the species most vulnerable to mink predation. Accordingly, my Department is concentrating its resources on protecting the nesting sites of rare and threatened bird species, including red-throated diver, corncrake, grey partridge, waders and terns, from a range of predators, including mink. Experience has shown that targeted control of predators at specific times can have a significant benefit to the breeding success of these bird species.

I am also aware of the work of the National Association of Regional Game Councils (NARGC), which has been actively promoting mink control to its members by providing funding to its regional councils for the purchase of traps for individual clubs.

I decided to provide €20,000 to NARGC towards the payment of a bounty to hunters this year, based on the number of mink that are killed. I consider that this offers a useful addition to the measures already being taken by my Department. While feral mink are found in most parts of the country, I requested that, as far as it is possible, special attention should be given to the counties of Donegal, Galway, Mayo and Kerry, where my Department has also concentrated its efforts. The bounty scheme itself will be operated by the NARGC, with a verification process agreed with my Department.

### **Departmental Staff**

385. **Deputy Sean Fleming** asked the Minister for Arts, Heritage and the Gaeltacht if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8430/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware my Department was established in June 2011.

The costs of annual pensions and retirement lump sums paid in respect of staff who retired from my Department and the bodies under its aegis in 2011 and the equivalent estimated costs for the years 2012 to 2015 are set out in the tables below. No severance payments have been made to date or are expected to be made over this period.

At this stage it is not possible to estimate the loss of superannuation contributions or pension levy from retired or departed staff.

Table 1: Department of Arts Heritage and Gaeltacht

Year	Estimated Annual Cost of Pensions of staff retiring by year	Estimated Cost of Lump Sums
2011	€142,000*	€487,000*
2012	€423,000	€2,151,000
2013	€119,000	€644,000
2014	€123,000	€637,000
2015	€194,000	€854,000

\*Actual

Agencies under the aegis of Department

Year	Estimated Annual Cost of Pensions of staff retiring by year	Estimated Cost of Lump Sums
2011	€398,000*	€1,547,000*
2012	€524,000	€1,509,000
2013	€372,000	€974,000
2014	€395,000	€1,186,000
2015	€341,000	€590,000

\*Actual

### Áiseanna Spóirt

386. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil cinneadh déanta aige ar iarratas le haghaidh áiseann spóirt atá déanta ag scoil dara leibhéal i gContae na Giiiaillimhe (sonraí leis seo); agus an ndéanfaidh sé ráiteas ina thaobh. [8449/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá iarratas faighte ag mo Roinn ar dheontas chun áiseanna spóirt a fhorbairt don scoil atá luaite ag an Teachta.

Tar éis an t-iarratas a scrúdú, moladh don iarratasóir athbhreithniú a dhéanamh ar scála na forbartha chun an costas a laghdú. Moladh don iarratasóir chomh maith fiosruithe a dhéanamh leis an Roinn Oideachais agus Scileanna maidir le cúnamh a fháil don tionscadal. Tá mo Roinnse ag fanacht ar aiseolas ón scoil maidir leis an ngné seo.

I bhfianaise líon na n-iarratas atá ag mo Roinn faoin scéim seo faoi láthair, agus an soláthar laghdaithe airgid atá ar fáil, tá sé ráite leis an iarratasóir nach mbeidh mo Roinn in ann aon deontas a cheadú sa chás seo sa ghearr-thréimhse.

### Fisheries Conservation

387. **Deputy Derek Nolan** asked the Minister for Communications, Energy and Natural Resources if the current moratorium on eel fishing will be lifted or relaxed; and if he will make a statement on the matter. [8146/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Following scientific research conducted by the International Council for the Exploration of the Sea (ICES) indicating that the European eel stocks are in a critical state, the EU introduced Council Regulation 1100/2007, the objective of which is to achieve recovery of the stocks to previous high levels. The Regulation required that all Member States prepare a national Eel Management Plan (EMP). Ireland's plan was approved by the European Commission in July, 2009.

The Conservation of Eel Fishing Bye-Law No. C.S 303, 2009, and Conservation of Eel Fishing (Prohibition On Issue Of Licences) Bye-Law No. 858, 2009 give effect to the National Eel Management Plan and provide for closure of the fishery until June 2012, when the status of stocks will be fully reviewed and reported on to the European Commission.

This review will consider whether the eel fishery could be reopened in any River Basin District in light of the data gathered in the interim and the performance of stocks. The EMP includes a comprehensive programme of monitoring and evaluation of management actions and their implementation. It also includes a programme of scientific eel stock assessment to establish a stock baseline, estimate current silver eel escapement and monitoring the impact of the management actions on the local stocks.

The imperative is to ensure that the vulnerable stocks of eels are protected — currently it would be premature to speculate on the future of the eel fishery and whether it will be open to commercial exploitation.

The status of the European Eel in Ireland was recently defined as critically endangered (Ireland Amphibians, Reptiles and Freshwater Fish Red Data List, published in 2011). Scientific analysis estimated that 2007 Eel escapement (adults going to sea) was at 23% of pristine stock and declining. Due to the very long cycle and slow growth in Irish waters it is probable that any recovery of the Irish eel stocks will be over a very long time frame.

### Inland Fisheries

388. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources if he will review a matter (details supplied) regarding the fishing seasons; and if he will make a statement on the matter. [8465/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I can inform the Deputy that the opening and closing dates for lakes are fixed annually by Inland Fisheries Ireland (IFI) on the basis of assessment of demand from anglers and resources to manage those lakes responsibly. Local advice is one of the factors taken into consideration when considering the length of period of the season. In the case of South Kerry, I am informed there has been no change, as compared with last year, in the case of Lough Fadda and Barfinnihy lake, both of which are managed as put and take fisheries.

IFI seeks to ensure that the resource and opportunities are available to recreational and tourist anglers at peak times at a reasonable number of lakes. Over the years the demand in the early part of the season varies and is generally significantly lower than other parts of the year and hence resource management imperatives mean that all lakes do not open at the same time.

[Deputy Pat Rabbitte.]

IFI, while recognising that there is some off peak demand for the lakes in question, must, in common with all public sector bodies, operate responsibly within overall budgetary constraints. As part of the balance between these constraints and assessed demand, it is necessary to manage the lakes within the resources available and in that context it is not currently in a position to open the lakes referred to by the Deputy any earlier than proposed.

### **Post Office Network**

389. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the number of rural post offices in each county in each of the past five years; and if he will make a statement on the matter. [7616/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Post office network issues are an operational matter for the Board and management of An Post and one in which I have no statutory function.

### **Energy Conservation**

390. **Deputy Seán Ó Fearghaíl** asked the Minister for Communications, Energy and Natural Resources if there are applications for the warmer homes scheme operated by Sustainable Energy Authority of Ireland made in 2010 by applicants in County Kildare that have not yet been approved or if approved have not been carried out; the reason such delays are occurring in County Kildare; if he will indicate the number of cases outstanding in County Kildare since 2010 or earlier; and if he will make a statement on the matter. [7640/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Better Energy: Warmer Homes delivers a range of energy efficiency measures to households that are vulnerable to energy poverty with a total of 20,388 being addressed in 2011. The scheme is managed on behalf of my Department by the Sustainable Energy Authority of Ireland (SEAI) and delivered through a range of Community Based Organisations (CBOs), augmented by a panel of private contractors in order to ensure national coverage.

In 2010, 1,318 homes were completed in County Kildare, with a further 377 completions in 2011. Of the four homes outstanding since 2010 in Kildare, the SEAI has not been able to make contact with two of the homes, resulting in one cancellation to date.

One further home only proved eligibility in October 2011 and was formally added to the waiting list at that time. The final home has been confirmed as eligible for the scheme and has been scheduled for survey. The SEAI further advises that as of 31 December 2011 there were 216 applicants from County Kildare on the waiting list.

2012 will mark a shift in emphasis on the Better Energy: Warmer Homes scheme to take account of the Government's Affordable Energy Strategy, which I launched last November. Heretofore, applicants were considered eligible for retrofit measures if they met defined criteria, such as eligibility for the National Fuel Scheme. All successful applicants were placed on a waiting list and addressed in rotation. The focus in 2012 will shift to addressing those households considered in extreme energy poverty as a priority; such households typically spend over 20% of their disposable income on energy services. This will ensure that those most in need receive the benefit of energy efficiency measures first.

### **Departmental Staff**

391. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and

Natural Resources if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7735/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Details of the senior management of my Department and their responsibilities are outlined in the table below:

Department of Communications Energy and Natural Resources

Aidan Dunning

Secretary General

Senior Management Organisation Chart

Katherine Licken Assistant Secretary Communications and Knowledge Society	Michael Manley Assistant Secretary Finance, Corporate Services and Natural Resources	Eamonn Molloy Assistant Secretary Human Resources, Broadcasting and Postal	Sara White Deputy Secretary Energy
Kenneth Spratt PO Communications Policy Division	Frank Sheridan PO Exploration and Mining Division	Patricia Cronin PO Human Resources Division/ISD/ Press Office/Postal Division	Una Nic Giolla Choille PO Electricity and Gas Regulation Division
Dave Hanley PO Communications Development Division	Denis Maher PO Corporate Services, FOI, Training and Inland Fisheries	Éanna Ó Conghaile PO Broadcasting Policy Division	Martin Finucane PO Renewable and Sustainable Energy Division
Roger O'Connor Director of Communications Business and Technology	Ciarán Ó hÓbáin PO Petroleum Affairs Division	Matt Shaw Principal Solicitor Legal Unit	Mairead McCabe PO Energy Planning — North South Division
Aidan Ryan Telecommunications Advisor/Specialist	Brian Carroll PO Finance and Corporate Affairs Division Patrick O'Connor Assistant Director Geological Survey Ireland Koen Verbruggen Principal Geologist Geological Survey Ireland Eibhlín Doyle Principal Geologist Exploration and Mining Division Noel Murphy Petroleum Exploration Specialist	David Brophy Legal Advisor Legal Unit	St. John O'Connor PO Energy Efficiency and Affordability Division Aoife MacEvilly AP (Higher duties) Oil Security and Energy Corporate Governance Division Bob Hanna Chief Technical Advisor

[Deputy Pat Rabbitte.]

## Senior Management Organisation Chart

	Petroleum Affairs Division — Technical Ronan Tierney Contractor Head of Internal Audit Unit		
--	--	--	--

**Information and Communications Technology**

392. **Deputy Michael McCarthy** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on the status of metropolitan area network infrastructure projects in Dunmanway, Bantry, Skibbereen and Kinsale separately; the stage of each project; if his attention has been drawn to the fact that each network is lying dormant since 2005; if he will take this into consideration; and if he will make a statement on the matter. [7795/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision and quality of electronic communications services, including broadband, is primarily a matter for private sector service providers, regulated and licensed by the Commission for Communications Regulation (ComReg). The State is not a service provider in the telecoms market and tends to intervene only in cases of demonstrated market failure.

The Government's investment in Metropolitan Area Networks (MANs), is one such case of State intervention in the telecoms market. The aim of the MANs Programme is to provide an open access network to all service providers who wish to provide services in regional and rural towns. These state-of-the-art fibre networks are a long term strategic investment. They significantly enhance the productive capacity of local economies, particularly those that seek to attract companies requiring excellent telecoms infrastructure.

Under the MANs Programme, there were eleven MANs built in County Cork covering 15 towns, including four towns in west Cork — Dunmanway, Bantry, Skibbereen and Kinsale. The MANs are operated and managed on behalf of the State by a Managed Services Entity (MSE), elnet.

The following is the current position in relation to the MANs projects in Dunmanway, Bantry, Skibbereen and Kinsale:

*Dunmanway*

The Dunmanway MAN was constructed in 2007 and was handed over to elnet in 2010. I have been advised by elnet that the Dunmanway MAN is expected to be live in the next month or so.

*Bantry*

The Bantry MAN was constructed in 2007 and was handed over to elnet in 2010. The Bantry MAN is already operational, i.e. being used by industry.

*Skibbereen*

The Skibbereen MAN was constructed in 2007 and was handed over to elnet in 2010. While the Skibbereen MAN is available for use, it does not have any connections. elnet is in discussions with local business representatives with the aim of stimulating demand for MAN based services.

*Kinsale*

The construction of the Kinsale MAN commenced in 2007. However, construction could not be completed due to the commencement of a local authority drainage project in Kinsale. Work recommenced on the Kinsale MAN in 2009 and the telecoms duct was largely completed in

2009. There is still some work to be done before the MAN can be fully completed and handed over to elnet. I am advised that the Kinsale MAN is due to be completed before the end of 2012.

While some MANs are currently inactive, such MANs are ready to meet the demand for fibre connectivity when that demand arises. It is important to note that the MANs for which elnet is responsible are managed and maintained on an ongoing basis. Even though a MAN may be inactive, it is monitored remotely and inspected regularly by elnet staff.

I must emphasise the long term nature of the MANs investment. 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 I envisage that greater use will be made of the MANs in the coming years to provide bigger broadband to more businesses and citizens.

### Ministerial Appointments

393. **Deputy Shane Ross** asked the Minister for Communications, Energy and Natural Resources if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7818/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I wish to advise the Deputy that there are 18 State bodies under the aegis of my Department. Of these there are 15 whose boards are appointed in whole in or in part by the Minister and/or the Government. The table below sets out appointments made by me to State boards since taking up office on the 9th March 2011 and the relevant fee, as determined by the Minister for Public Expenditure and Reform, for the member appointed.

Body	Appointee	Board Fee Applicable
An Post	Mr Donal Connell	€15,750
	Mr James Wrynn	€15,750
	Mr Paul Henry	€15,750
Bord na Móna	Ms Denise Cronin	€12,600
EirGrid	Dr. Gary Healy	€12,600
	Ms Regina Moran	€12,600
	Mr. Liam O'Halloran	€12,600
	Ms Bride Rosney	€12,600
	Ms Doireann Barry	€12,600
ESB	Ms Noreen Wright	€15,750
	Mr. Seamus Mallon	€15,750
Irish National Petroleum Corporation Ltd	Mr Sean Fitzgerald	€11,970
	Mr. Vincent Caffrey	€11,970
	Ms Aoife MacEvilly (DCENR)	No fee applicable
National Oil Reserves Agency	Ms Aoife MacEvilly (DCENR)	No fee applicable
Sustainable Energy Authority of Ireland	Ms Julie O'Neill	€7,695
	Mr. Michael Conlon	€7,695

### Energy Conservation

394. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the number of households accessing the better energy: homes scheme; and the average grant paid for each of the past four years. [7867/12]

395. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources the number of direct and indirect jobs created and sustained by investment in the better energy: homes scheme for each of the past four years. [7868/12]

396. **Deputy Peadar Tóibín** asked the Minister for Communications, Energy and Natural Resources his assessment of the recent changes to the better energy: homes scheme grants scheme has in terms of the take up of grants and jobs sustained. [7869/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 394 to 396, inclusive, together.

The Sustainable Energy Authority of Ireland (SEAI) administers Better Energy on behalf of my Department. As announced in the context of the Budget, the Government has committed significant funding of €76 million to the Better Energy Programme this year. The scheme was launched in March 2009 and since then has paid out over €123m supporting 285,000 measures in approximately 116,000 homes. The Programme will continue to sustain economic activity in 2012, supporting at least 4,500 jobs and realising anticipated energy savings of 340GWh.

Better Energy: Homes is a demand-led programme open to all homeowners of dwellings built before 2006. The funding provision for 2012 allows for a similar number of transactions as in 2011. The final number of homes upgraded this year will however depend on the number of applications received from homeowners and the nature of the measures applied for. Homeowners can apply for any number of measures so long as the minimum grant amount of €400 for the first application is met. Number of homes completed and average grant levels are as laid out as follows:

Year	Number of Homes completed	Average Grant Amount Per Home
2009	18,152	€893
2010	45,940	€984
2011	48,716	€1,183
2012 ( to date)	3,719	€1,168

The estimated number of jobs supported in this labour intensive market since the launch of the scheme in 2009, are summarised as follows:

Year	No of jobs supported (whole of year)
2009 (from March 2009)	2,390
2010	4,950
2011	4,940

The scheme uptake and performance is monitored continuously relative to the objectives set out above and the efficient utilisation of exchequer monies. The recent grant amount changes followed a review of the actual costs incurred by homeowners on the various house types and reflect increased cost competitiveness in this maturing market. It would not be possible to fully assess any impact to demand or jobs as a result of the Budget adjustments, as it is still too soon after the changes to make such a judgement.

### State Assets

397. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will publish the report carried out by senior officials in his Department

with officials from the Department of Public Expenditure and Reform with advice from New-ERA on the proposed sale of a minority stake in the Electricity Supply Board; and his rationale for standing by the sale if it is the considered opinion of his own senior civil servants that such a sale would not be financially beneficial to the taxpayer. [7890/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Two Inter-Departmental groups were established in 2011, one to consider the best approach in achieving a part-sale of ESB, including energy policy, regulatory, legal, financial and economic considerations, and a second group to examine other possible disposal candidates in order to inform any further decisions that the Government may wish to make. Both of these groups reported in December, 2011. While these reports have been considered and discussed by relevant Ministers and by the Economic Management Council, they have not yet been considered by the Government as a whole.

I expect that the issue of disposal of state assets will be considered shortly by the Government and full account of the above mentioned reports will be taken in the deliberations of Government. It is not intended to publish either of the reports as they both contain highly sensitive commercial information in relation to the assets in question.

### **Inland Fisheries**

398. **Deputy Michael Colreavy** asked the Minister for Communications, Energy and Natural Resources if he will address the problem of net fishing on the River Nore which is severely reducing the fish stock; and if he will make a statement on the matter. [7065/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** A licensed snap net fishery operates on the River Nore. This fishery has operated for several hundred years. The snap net fishery is allocated a percentage of the total available catch (available salmon surplus). The division of the total available catch between the snap net fishery and the rod and line fishery is determined after consultation with the District Committee, which includes commercial fishery representatives, salmon rod angling representatives and rated occupier representatives.

In 2011 the total available catch was divided equally between the snap net fishery and the rod and line fishery and 32 snap net licences were issued on the River Nore. The snap nets are only allowed catch a maximum of the total available catch allocated to them. Each salmon caught has to be tagged as per the Wild Salmon and Sea Trout Tagging Regulations. The snap net fishery is closely monitored by officers of Inland Fisheries Ireland to ensure compliance with the Regulations.

399. **Deputy Michael Colreavy** asked the Minister for Communications, Energy and Natural Resources if eel fishermen in the Suir Estuary will receive compensation following the closure of commercial eel fishing; and if he will make a statement on the matter. [7064/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The 2007 EU Eel regulation (1100/2007), drafted in response to the endangered status of the European Eel, required EU States, including Ireland, to develop an Eel Management Plan.

Based on the scientific facts available, a recommendation of this plan was that Ireland close both the commercial and recreational eel fisheries in 2008. Bye-laws, Conservation of Eel Fishing Bye-law No. C.S. 303, 2009 and Conservation Of Eel Fishing (Prohibition On Issue Of Licences) Bye-law No. 858, 2009, were signed by the then Minister in 2009 prohibiting the

[Deputy Pat Rabbitte.]

capture of eels. There was no provision for compensation for those who previously engaged in this fishery on a commercial basis.

The then Central and Regional Fisheries Boards (now Inland Fisheries Ireland — IFI) engaged with the eel fishermen representatives to investigate possible diversification schemes; however, no specific funding was identified for diversification. I understand that a number of former eel fishermen have been contracted by the ESB to undertake Trap and Transport operations to mitigate the impact of hydropower schemes as part of the eel management plan.

In June 2012, the status of eel in Ireland, and across Europe, will be reviewed as part of the reporting requirement for the 2007 EU regulation. This will include a review of the status of the eel stocks nationally and the potential for commercial fishing in the future.

This report will clarify and update the situation for eel fishery in Ireland and it will inform any decision to open the fishery or to keep it closed. In line with the conservation imperative, no eel fishing will be permitted in the interim.

The status of the European Eel in Ireland was recently defined as critically endangered (Ireland Amphibians, Reptiles and Freshwater Fish Red Data List, published in 2011). Scientific analysis estimated that 2007 Eel escapement (adults going to sea) was at 23% of pristine stock and declining. Due to the very long cycle and slow growth in Irish waters it is probable that any recovery of the Irish eel stocks will be over a very long time frame.

### **Sheirbhísí Craolacháin**

400. D'fhiafraigh **Éamon Ó Cuív** den Aire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha an raibh comhráite aige le RTÉ maidir leis na ciorruithe atá déanta ag RTÉ ar sheirbhísí trí Ghaeilge ar na bealaí craolacháin ar fad atá acu; agus an ndéanfaidh sé ráiteas ina thaobh. [7898/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Bhuaill mé le RTÉ ar roinnt ócáidí le bliain anuas maidir le réimse leathan ábhar. Ina measc sin, bhí an aeráid reatha eacnamaíochta agus an tionchar atá aige sin ar RTÉ i dtéarmaí a dheacrachtaí maoinithe. Is craoltóir náisiúnta neamhspleách seirbhíse poiblí í RTÉ ar a bhfuil an sainchúram agus na dualgais a léirítear san Acht Craolacháin 2009. Léiríonn Alt 114 den Acht na príomh cuspóirí ag RTÉ, ina measc an ceanglas go soláthraí sí réimse cuimsitheach clár san dá theanga, Gaeilge agus Béarla, a léiríonn éagsúlacht chultúrtha oileán na hÉireann ina iomláine.

Leagtar ar RTÉ ag Alt 102 den Acht go bhfoilsí sí Ráiteas Bliantúil i dtaobh Gealltanais Feidhmíochta ar aon dul lena cuid cuspóirí agus na gníomhaíochtaí a bheadh i gceist ag RTÉ gealltanais a thabhairt ina dtaobh san mbliain airgeadais úd san áireamh ann. Leagtar ar RTÉ sa bhreis ar sin ag an Acht go ndéana Údarás Craolacháin na hÉireann athbhreithniú ar RTÉ ar bhonn an Ráitis i dtaobh an Ghealltanais Feidhmíochta arna fhoilsiú aici. Le déanaí fuair mé an Ráiteas i dtaobh Gealltanais Feidhmíochta de chuid RTÉ don mbliain 2012 agus ní amháin go léiríonn RTÉ ann a tiomantas do chlársceidealú na Gaeilge ach go seasann sí lena tiomantas ann freisin.

Foráiltear faoi Alt 98 go mbeidh RTÉ neamhspleách agus í i mbun a cuid cuspóirí a chur i bhfeidhm, faoi réir ceanglas an Achta, agus uaidh sin níl aon gnó agamsa, i gcáil dom mar Aire, i mbainistíocht ar chúrsaí RTÉ ó lá go lá, agus cúrsaí a bhaineann lena cuid craolacháin i leith na Gaeilge san áireamh. I gcáil dom mar Aire, áfach, táim go hiomlán sásta go bhfuil RTÉ ag comhlíonadh a cuid dualgas i leith na Gaeilge, mura bhfuil sí ag dul thairis sin. Rud eile dhe, creidim go bhfuil an reachtaíocht láidir go leor chun féachaint chuige go leanann RTÉ d'athláithriú agus de chur chun cinn na Gaeilge.

### Telecommunications Services

401. **Deputy Marcella Corcoran Kennedy** asked the Minister for Communications, Energy and Natural Resources when he will be in a position to supply high speed broadband to an area (details supplied) in County Offaly; if it is envisaged that the existing service will be improved in the near future; and if he will make a statement on the matter. [8015/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland's telecommunications market has been liberalised since 1999 and thus the delivery of all communications services in that market, including broadband services, is a matter for private sector commercial operators, in the first instance. EU State Aid and competition rules govern how states can intervene in the market which, as a general rule, prohibits State intervention in areas already served by the open market. The National Broadband Scheme is an example of an approved Government intervention on the basis that it is restricted to providing a basic broadband service in areas of the country un-served by the open market.

Under the NewERA proposals in the Programme for Government, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide high-speed Next Generation Broadband access to every home and business in the State.

The Next Generation Broadband Taskforce, which I convened last summer, has an important role to play in this regard. The Taskforce, which I chair, also comprises Minister of State, Fergus O'Dowd, T.D., the CEOs of all of the major telecommunications companies operating in the Irish market, as well as CEOs of some other companies that provide broadband services. The purpose of the Taskforce is to discuss and report on policy issues and proposals in relation to the provision of high speed broadband across Ireland.

The Taskforce, and four Working Groups reporting to it, are considering issues such as targets, spectrum policy, private sector investment plans, and the removal of barriers in order to facilitate investment. I expect that the Taskforce will help to identify how best to deliver wider customer access to high-speed broadband generally and thereby assist in delivering on the commitment in the Programme for Government.

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

### Broadcasting Services

402. **Deputy Clare Daly** asked the Minister for Communications, Energy and Natural Resources the reason the Saorview service which is imposing additional charges on householders is necessary; if householders will be allowed to retain their existing satisfactory service; and if not, the reason therefore. [8126/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Broadcasting services which use the radio spectrum are planned at an international level. This is to avoid broadcast services in the different countries interfering with each other. The move from analogue to digital broadcasting is no exception and the planning for this has taken place on a world wide scale.

In Geneva in 2006 a conference was held between the countries of Europe, Asia and Africa to finalise and agree a plan to move from analogue TV to digital TV. The agreement was signed by over 140 countries including Ireland. The deadline for full implementation of this plan is 2015.

[Deputy Pat Rabbitte.]

The European Commission Recommendation 2009/848/EC of 28 October 2009, recommends that Member States cease usage of their analogue television networks by the end of 2012. Most EU countries, including Ireland, have committed to meeting this deadline and, as a result, the date for analogue switch off in Ireland has been set as 24 October 2012.

The digital Saorview service has been developed by RTÉ as the replacement ‘free-to-air’ television. The service is currently available to 97% of television households and will be available to 98% of television households on the date of Analogue Switch-off. The remaining 2% of television households will be able to access ‘free-to-air’ television by way of the satellite-based Saorsat service which RTÉ has developed on its own initiative and is expecting to launch in the coming months.

### **Energy Conservation**

403. **Deputy Aodhán Ó Ríordáin** asked the Minister for Communications, Energy and Natural Resources if he will provide a detailed outline of his plans for the roll-out of the new pay-as-you-save scheme; the way this new scheme will operate; the level of private sector involvement in this new scheme; and if he will make a statement on the matter. [8128/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Programme for Government includes a commitment to roll out a Pay-As-You-Save (PAYS) energy retrofit scheme for domestic buildings in early 2014. Such a scheme would substitute Exchequer funding currently being provided to the Better Energy Programme.

The PAYS concept is an innovative financing mechanism that would allow consumers to finance upgrades directly through the energy savings generated. It is also envisaged at this time that such a scheme would encourage energy efficiency measures in non-domestic buildings and premises. My Department has established a project team to undertake the necessary technical and financial analysis of a PAYS model in the Irish context and I will bring forward proposals to Government shortly.

There are considerable complexities involved in the development of the PAYS scheme and it is anticipated that a steering group will be charged with the technical, legislative and financial aspects of the scheme design. At this stage, the extent of private sector involvement has not been decided, but the intention is that any scheme design will be subject to comprehensive consultation with stakeholders.

### **Departmental Staff**

404. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8268/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** No such payments are being made to persons who have retired from my Department. One member of staff, retiring at end February, who has been the Irish member of the UN Commission on the Limits of the Continental Shelf for over ten years and whose last term of appointment is to expire on 15 June, 2012, will attend the 29th session of the Commission from 8th to 21st

April 2012 inclusive. In accordance with the rules for the payment of retired public servants, he will be paid under the “abatment principle” which provides for the abatment of pension for civil service pensioners who are re-employed in the civil service such that the pensioner’s total income from pay and pension for the period should not exceed the salary which would be payable had the civil servant not retired. Travel and subsistence costs will also be paid in accordance with standard rates.

### **Energy Resources**

405. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his views on a matter (details supplied); if he will address the concerns raised; and if he will make a statement on the matter. [8413/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am aware of the report of the SIPTU Oil and Gas Review Group and I welcome its contribution to the wider debate on how best to maximise the benefits to Ireland from the exploration and production of our indigenous oil and gas resources.

There have only been four commercial gas discoveries and no commercial oil discoveries since exploration began offshore Ireland in the early 1970s. As a result the petroleum potential of the Irish offshore is largely unproven and this is likely to remain the case until there is a significant increase in the level of exploration activity and in particular in the number of exploration wells drilled. At this point in time, I believe that the focus should be on attracting a larger share of mobile international exploration investment to Ireland in order to increase the chances of new commercial discoveries being made.

### **Departmental Staff**

406. **Deputy Sean Fleming** asked the Minister for Communications, Energy and Natural Resources if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8432/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** It is not possible to provide the information requested in the timeframe allowed but my Department will provide it directly to the Deputy shortly. This information will cover the years 2008 to date only as it cannot be predicted what, if any, retirements will occur in future years and what associated entitlements will arise.

### **Natural Gas Network**

407. **Deputy Brendan Smith** asked the Minister for Communications, Energy and Natural Resources if further consideration will be given to the request to extend a natural gas supply to a centre (details supplied) in County Cavan; and if he will make a statement on the matter. [8472/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The development and expansion of the natural gas network is in the first instance a commercial matter for Gaslink, which is mandated under Section 8 of the Gas Act 1976, as amended, to

[Deputy Pat Rabbitte.]

develop and maintain a system for the supply of natural gas that is both economical and efficient.

The Commission for Energy Regulation (CER), which is a statutory, independent body, has, since 2002, been charged with all aspects of the assessment and licensing of prospective operators who wish to develop and/or operate a gas distribution system within the State under the Gas (Interim) (Regulation) Act 2002. I have no direct statutory function in relation to the connection of towns to the gas network.

The CER, in 2006, approved a new network connections policy, which created the opportunity to reassess the feasibility of connecting certain towns to the gas network. In order for any town to be connected to the gas network, certain economic criteria need to be satisfied as a prerequisite. This policy ensures that, over a certain period, the costs of connecting the town to the network are recouped through the actual consumption of gas and the associated tariffs. Otherwise uneconomic projects will increase costs for all energy consumers. The policy allows for the appraisal of a town either on its own or as part of a regional group of towns.

Having regard to CER's new network connections policy, Bord Gáis Networks, and more recently Gaslink, carried out a comprehensive assessment of 39 towns (including Cootehill) not already connected to the national gas network, with detailed economic analysis based on criteria outlined in the policy. The study was published in April 2010 following approval by the CER. The Gaslink report found that 35 towns, including Cootehill, did not qualify for connection on economic grounds.

Nevertheless, Gaslink continues to review the towns which did not qualify for connection under the Study, and other towns, on an ongoing basis. I understand that following a recent review by Gaslink, the CER has recently approved the connection of Cootehill to the national gas network subject to specific contractual commitments for gas usage being entered into. Should Gaslink succeed in securing the requisite contractual commitments, it will enable the connection of the town to the gas network within 12 months.

### **Rental Accommodation Scheme**

408. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government when the commitment contained in the programme for Government to reduce eligibility for the rental accommodation scheme from 18 to six months will be implemented; the reason for the delay; and if he will make a statement on the matter. [7593/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I refer to the reply to Question No. 429 of 31st January 2012 which sets out the position in this matter.

### **Community Development**

409. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government, if he is successful in changing co-funding arrangements for EU schemes, the effect this will have on the Leader programme. [8316/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The European Commission recently agreed that Member States availing of the Financial Stabilisation mechanism could also avail of an increased EU co-funding rate for the Rural Development Programme 2007-2013 (RDP) in 2012 and 2013. Ireland has chosen to avail of this opportunity and this will result in amendments to the financial plan for Axes 3 and 4 (LEADER) of the RDP for the remainder of the Programme.

Currently, under Axes 3 and 4 (LEADER) of the RDP, funding of 45% provided for by Ireland is matched at a 55% rate from the European Agricultural Fund for Rural Development (EAFRD). The new system will facilitate the provision of 15% of Irish funding in 2012 and 2013 with EAFRD funds matching at a rate of 85%. The amount of EAFRD funding available over the lifetime of the Programme will remain the same. The changes will decrease the pressure on the national Exchequer to provide matched funding while still allowing Ireland to draw down the full EAFRD allocation for this programming round. This provides a unique opportunity to accelerate the expenditure under the Programme and it is reflected in the increase in allocation of €34 million made available to LEADER this year bringing the total allocation available in 2012 to €96 million.

The local development companies delivering the Programme are being exhorted to do all they can to ensure that maximum expenditure is achieved both this year and next, thereby maximising the benefit of this opportunity to Ireland.

While the reduced Exchequer contribution will, in effect, reduce the size of Axes 3 and 4 over the lifetime of the Programme, the level of funding remains significant at over €300 million and the Programme will continue to provide access to substantial financial resources to rural communities all over Ireland.

410. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 115 of 1 February 2012, in which he stated that there are 35 local development companies contracted to deliver the rural development programme Leader; if he will provide a breakdown of the budgets allocated to each for projects under the Leader programme; the administration budget allocated to each; if he will provide a breakdown of the total spent by each company to date on projects and a breakdown of the total spend by each company on administration; and if he will make a statement on the matter. [7551/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The table details the information requested in the question for each Local Development Company currently contracted to deliver Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP).

Local Action Group	Programme Allocation: Project and Administration	Administration Allocation: 20% overall allocation	Administration Spend to date	Project Spend to date
Avondhu/ Blackwater Partnership Limited	€9,057,810	€1,811,562	€627,452.92	€2,489,877.62
Ballyhoura Development Limited	€11,673,519	€2,334,704	€1,045,753.10	€3,380,056.02
Carlow County Development Partnership Limited	€8,878,177	€1,775,635	€824,872.60	€2,131,126.32
Cavan Part and County Monaghan Area Part	€12,035,118	€2,407,024	€964,624.50	€1,733,928.10
Clare Local Development Company Limited	€14,028,529	€2,805,706	€910,842.91	€3,224,498.00
Comhar na nOileáin Teoranta	€4,642,415	€928,483	€430,507.67	€882,538.81
Donegal Local Development Company Limited	€12,831,901	€2,566,380	€914,948.59	€2,448,496.58
Fingal LEADER Partnership	€7,766,780	€1,553,356	€549,750.46	€543,664.92
FORUM Connemara	€9,668,965	€1,933,793	€698,531.77	€850,015.49

[Deputy Phil Hogan.]

Local Action Group	Programme Allocation: Project and Administration	Administration Allocation: 20% overall allocation	Administration Spend to date	Project Spend to date
Galway Rural Development Company Limited	€15,257,985	€3,051,597	€971,795.38	€2,910,798.66
Inishowen Development Partnership	€8,286,143	€1,657,229	€625,581.28	€1,794,576.78
I.R.D. Duhallow	€10,315,943	€2,063,189	€721,022.77	€2,403,767.60
Kildare (Cill Dara ar Aghaidh Teoranta)	€12,282,448	€2,456,490	€868,870.54	€1,202,802.20
County Kilkenny LEADER Partnership Limited	€11,523,729	€2,304,746	€833,182.31	€2,657,057.21
Laois Community and Enterprise Development	€10,993,608	€2,198,722	€879,759.20	€1,726,360.26
Leitrim Integrated Development Company	€10,845,497	€2,169,099	€863,729.22	€1,799,413.10
Longford Community Resources Limited	€8,714,110	€1,742,822	€529,574.09	€1,720,286.30
Louth LEADER Partnership	€8,839,815	€1,767,963	€812,265.71	€1,642,010.67
Mayo North East LEADER Partnership	€10,751,894	€2,150,379	€820,226.54	€2,090,088.07
Meath Partnership	€12,748,771	€2,549,754	€1,105,071.84	€2,093,828.37
Meitheal Forbartha na Gaeltachta Teoranta	€17,278,809	€3,455,762	€1,314,883.67	€2,003,508.11
North and East Kerry LEADER Partnership Teoranta	€10,558,882	€2,111,776	€849,954.60	€882,538.81
North Tipperary LEADER Partnership Company	€9,708,008	€1,941,602	€744,731.38	€2,694,542.57
Offaly Integrated Local Development Company	€11,520,489	€2,304,098	€693,821.89	€2,419,636.12
Roscommon Integrated Development Company	€12,838,021	€2,567,604	€832,371.17	€2,286,223.28
County Sligo LEADER Partnership Company	€10,888,673	€2,177,735	€659,871.45	€3,344,222.85
South East Cork Area Development Limited	€10,641,494	€2,128,299	€675,991.95	€2,344,385.99
South Kerry Development Partnership Limited	€12,370,667	€2,474,133	€1,128,984.93	€1,604,772.27
South Tipperary Local Development Company Limited	€11,106,187	€2,221,237	€848,247.34	€2,286,527.10
South West Mayo Development Company Limited	€12,150,007	€2,430,001	€766,966.56	€3,093,228.74
Waterford LEADER Partnership Limited	€10,558,519	€2,111,704	€846,348.29	€2,344,291.88
West Cork Development Partnership	€14,601,149	€2,920,230	€1,047,709.16	€2,676,558.38
West Limerick Resources	€9,997,751	€1,999,550	€822,146.32	€1,393,937.49
Westmeath Community Development	€10,987,060	€2,197,412	€607,057.85	€1,207,408.38
Wexford Local Development	€12,515,565	€2,503,113	€850,704.22	€2,993,987.78
County Wicklow Partnership	€11,135,560	€2,227,112	€787,274.14	€1,651,520.00
Total	€399,999,998	€80,000,000	€29,475,428	€74,952,481

### Telecommunications Services

411. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government when the guidelines for telecommunications antennae and support structures were last updated; his plans to update same in the near future; if his attention has been drawn to the fact that other EU countries have different guidelines in this area; and if he is fully satisfied that public health is not at risk due to these telecommunication structures. [7554/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department published Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures in 1996. The guidelines are intended to facilitate planning authorities, An Bord Pleanála, the licensed providers of mobile telecommunications services and the public by providing guidance on dealing with these developments within the planning system.

The guidelines set out a locational hierarchy in relation to the siting of radio masts and advise that free-standing masts should only be located within, or in the immediate surrounds of, smaller towns or villages as a last resort. If such a location should become necessary, masts and antennae should be designed and adapted for the specific location. In the vicinity of larger towns and in city suburbs, operators should endeavour to locate in industrial estates or in industrially zoned land. The guidelines further advise that only as a last resort, and if all the alternatives are unavailable or unsuitable, should free-standing masts be located in a residential area or beside schools. Under Section 28 of the Planning and Development Act 2000, planning authorities are required to have regard to any Ministerial guidelines in the performance of their functions. The Guidelines are available on my Department’s website at [www.environ.ie](http://www.environ.ie). The Guidelines will be kept under review in light of best scientific evidence and technical advice.

My Department is not aware of the differences between Ireland and other EU countries’ guidelines in this area. The issue of the potential health effects of mobile phone masts was the subject of an Expert Group Report commissioned by the Government and published in March 2007. This Report, entitled Health Effects of Electromagnetic Fields, is available for download on my Department’s website ([www.environ.ie](http://www.environ.ie)). The Expert Group reported that the majority scientific opinion to date is that no adverse short or long term effects have been demonstrated from exposure to electromagnetic fields at levels below the limits recommended by the International Commission on Non-Ionising Radiation Protection (ICNIRP). However, extensive international research on the issue continues to be coordinated through bodies such as the World Health Organisation.

The Commission for Communications Regulation (ComReg), the licensing authority for the telecommunications industry, commissions audit reports to verify that its licensed operators are in compliance with their licence conditions relating to emission limits for non-ionising radiation. The detailed measurement results from over 900 transmitter sites surveyed to date have so far shown total compliance. Recorded levels of radio frequency signals are typically measured as being within the range of 0.002% to 2% of the safe exposure levels set by the ICNIRP guidelines. This is lower or comparable to radio frequency exposures from radio and television broadcasts. The location of licensed telecommunications antennae and the results of individual site survey reports can be found on ComReg’s website: <http://www.askcomreg.ie/mobile/siteviewer.273.LE.asp>.

My Department’s current advice to those living in close proximity to mobile masts or base stations, based on the conclusions of the Expert Group, is that there is no scientific basis or

[Deputy Jan O’Sullivan.]

evidence of adverse health effects in children or adults as a result of exposure to electromagnetic fields below ICNIRP levels. This applies irrespective of the location of the mobile phone mast.

### **Local Government Charges**

412. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government if a householder is liable for the household charge when local authority rates are already being paid on the property; and if he will make a statement on the matter. [7562/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 provide the legislative basis for the household charge. The Act places the household charge under the care and management of the local authorities, and application in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

Section 2 of the Act sets out the meaning of “residential property” for the purposes of the Act. In particular, section 2(2)(d) of the Act provides that a building that is wholly used as a dwelling (other than a dwelling that forms part of a mixed hereditament within the meaning of the Local Government (Financial Provisions) Act 1978), and in respect of which local authority rates are payable, is not a residential property for the purposes of the household charge. There would be a liability in respect of a residential property that forms part of a mixed hereditament, within the meaning of the Local Government (Financial Provisions) Act 1978, unless otherwise exempted or entitled to a waiver.

### **Property Management Companies**

413. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government his plans to deal with the substantial problems faced by residents whose dwellings are part of management companies, in view of the large number of such companies that are insolvent, causing legal problems for owners, combined with the problems of local authorities being unable to offer a level of service if residents request a taking in charge, due to ongoing cutbacks and the recruitment embargo. [7568/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department has no function in relation to the operation of property management companies. The Multi Unit Developments Act 2011, which falls under the remit of my colleague the Minister for Justice and Equality, regulates the management and operation of such companies.

Section 180 of the Planning and Development Act 2000 requires that where a development for which permission is granted under the planning acts includes the construction of two or more houses and the provision of new roads, open spaces, car parks, sewers, water mains or service connections, and the development has been completed to the satisfaction of the planning authority in accordance with the planning permission and any conditions to which the development is subject, the authority shall, where requested by the developer or the majority of house owners, initiate the procedures to take the development in charge.

### **Community Development**

414. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local

Government if he will outline on a county basis the number of payments due to community organisations and businesses, grant recipients not suppliers, by Meitheal Forbatha Na Gaeltachta Teo as part of the Leader programme and when these groups and businesses will be paid; and if he will make a statement on the matter. [7570/12]

415. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the current status of the Leader programme in Gaeltacht areas; and if he will make a statement on the matter. [7571/12]

455. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government the position regarding a community development related matter (details supplied); and if he will make a statement on the matter. [8171/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 414, 415 and 455 together.

Meitheal Forbartha na Gaeltachta (MFG), the group contracted by my Department to deliver Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) in Gaeltacht Areas, went into liquidation on 7 September 2011. The group is currently the subject of an ongoing ‘winding up’ process and in this context the final figures with regard to number of payments due are not yet fully clarified. My Department is aware of the level of funding committed at various different stages of project life cycles but a series of administrative and financial checks will have to be carried out before payment numbers and amounts can be finalised.

Significant progress is being made in dealing with the issue of determining an alternative delivery mechanism for RDP funding in Gaeltacht areas, all relevant RDP (LEADER) project files have been released by the liquidator and are now with officials in my Department. All project promoters will be contacted shortly.

While no final solution has been reached with regard to the delivery of Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) in Gaeltacht Areas a potential solution has been identified. My Department will begin a consultation process with the relevant stakeholders within the next few weeks to determine if this solution is workable. My intention is that any alternative delivery mechanism will be efficient and effective and applied at the earliest possible opportunity. I can assure the deputy that all relevant stakeholders will be informed as soon as an appropriate solution is finalised.

### **Traveller Accommodation**

416. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if he will report on the delay in providing Traveller-specific group housing for families living in Dunsink Lane; the reason for the delay; and if he will make a statement on the matter. [7588/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** In accordance with the Housing (Traveller Accommodation) Act 1998, statutory responsibility for the provision of Traveller accommodation rests with the relevant housing authority, in this case Fingal County Council.

In February 2011, following regular discussions and meetings with Fingal County Council, my Department issued approval in principle to the Council for the development of a Traveller Group Housing Scheme at Cappagh Lands, which is intended to provide accommodation for

[Deputy Jan O’Sullivan.]

some of the families currently living in the area in question. It is now a matter for the Council to advance the development of this scheme, separately to other proposals by the Council for social housing in the area. From ongoing contact between my Department and the Council, I understand that the Council is endeavouring to advance the provision of suitable accommodation for these families as soon as possible. In addition, my Department provided funding to Dublin City Council in 2011 for the refurbishment of an existing halting site in the Dunsink Lane area.

### **Community Development**

417. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if capital funding exists for community centres experiencing overcrowding to redevelop or build extensions; the mechanism through which they might apply for any such funding; and if he will make a statement on the matter. [7589/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) 2007-2013 have significant funding for allocation to qualifying projects up to the end of 2013. One of the objectives of the RDP is to identify and provide appropriate amenity and leisure facilities to local communities not otherwise available to them. Accordingly, it may be possible to obtain funding for the types of community facilities described in the Question under the RDP.

For the purposes of implementing Axes 3 and 4 of the Rural Development Programme (RDP), the following areas are excluded:

- The City Council boundaries of Dublin, Cork, Galway, Waterford and Limerick;
- The Borough Council boundaries of Kilkenny, Sligo and Wexford;
- The Town Council boundaries of Athlone, Ballina, Castlebar, Cavan, Dundalk, Ennis, Killarney, Letterkenny, Mallow, Monaghan, Mullingar, Tralee, Tuam and Tullamore.

There are 35 Local Action Groups contracted, on my Department’s behalf, to deliver the RDP throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategy of the individual groups and in line with Departmental operating rules and EU regulations. Contact details for these groups can be found on the website of the National Rural Network at [www.nrn.ie](http://www.nrn.ie).

### **Local Government Charges**

418. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if he will consider an amnesty on the non-principal private residence charge for persons who own only one house but because of their work situation are unable to live in it and to compensate the cost of renting a house near their work place are financially forced to rent out their own. [7608/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties.

Under the Act, it is a function of a local authority to collect non-principal private residence charges and late payment fees due to it, and all charges and late payment fees imposed and payable to a local authority are under the care and management of the local authority concerned. In this regard, application of the legislation in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

My Department is currently engaged with the City and County Managers' Association in the development of guidelines for local authorities in relation to the operation of the "care and management" provisions of the legislation. In particular, this guidance will deal with situations where significant arrears of non-principal private residence charges and late payment fees have arisen and where a person can demonstrate genuine hardship in having to discharge their liability in a single payment. In such cases, the guidelines will set out the modalities for local authorities, exercising their functions under the care and management provisions, including where payment of the outstanding liability in a single payment would result in hardship, entering into payment arrangements for the discharge of outstanding liabilities in instalments over a specified period.

### **Waste Management**

419. **Deputy John Deasy** asked the Minister for the Environment, Community and Local Government the plans if any he has to bring in a deposit on all aluminium cans to discourage littering of these items throughout the countryside; if he has any future plans to improve recycling systems in relation to our manufacturing and the end of life use of all non-biodegradable items; and if he will make a statement on the matter. [7621/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (the Packaging Directive) classifies items such as aluminium cans as packaging. The Packaging Directive is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products which they have placed on the market. Under the Directive, Ireland's requirement to achieve a 60% recovery rate for packaging waste in 2011 had already been exceeded by 2009, when a recovery rate of 70% was achieved. The material-specific recycling targets of 60% for glass and 50% for metals had also been achieved by 2009, with recycling rates of 76% and 50%, respectively, recorded. The *Programme for Government* contains a commitment to drive a waste reduction programme as part of the overall approach to sustainable waste management. A levy on packaging is one of the possible elements of this waste reduction strategy. A period of initial public consultation on a possible levy on packaging concluded in August 2011. The main issues examined in this consultation included:

- The overall views of stakeholders on a packaging levy;
- How a packaging levy might operate;
- International experiences of similar levies; and
- How a possible packaging levy might be structured to best contribute to a reduction in packaging waste.

Following on from this consultation, I intend to commence a full review of the Producer Responsibility Initiative (PRI) model in Ireland in 2012, which will include a review of the

[Deputy Phil Hogan.]

packaging recovery and recycling system. The packaging analysis will build on the initial levy consultation and will examine other relevant issues in the packaging arena, such as deposit and refund. The aim of the review is to identify any changes to PRI policy which are required to ensure that Ireland is in a position to meet more challenging waste recovery and recycling targets in the future in the most cost-effective manner possible.

It is important to note also that there are legal requirements in place in relation to the composition and reusable/recoverable nature of packaging. Article 9 of the Packaging Directive provides that packaging may not be placed on the market within the European Union unless it satisfies the provisions of the Directive i.e. it must comply with the essential requirements on the composition and the reusable and recoverable nature of packaging as provided for in Annex II of that Directive. In this regard, Annex II of the Directive explicitly provides that packaging shall be designed, produced and placed on the market in such a way as to permit its reuse or recovery, including recycling and composting.

The essential requirements of packaging are transposed into national law under the provisions of article 28 of, and the Fourth Schedule to, the Waste Management (Packaging) Regulations 2007. The regulations provide that a person may not supply packaging or packaged products to the Irish market unless the packaging concerned complies with essential requirements as to its nature and composition. In effect, those essential requirements provide that packaging must be prevented so that only the minimum amount necessary is used for the containment, protection, handling, delivery and presentation of goods. Furthermore, packaging must be recoverable — either by means of material recycling, energy recovery, composting or by biodegradation. I continue to encourage the use of recycled material in the manufacturing of new products through the RX3 programme. This programme supports the development of markets for recyclates, identifies new opportunities for waste materials and stimulates business ideas by providing support and advice for the sector. Further information on RX3's work to create markets for recycled materials is available on [www.rx3.ie](http://www.rx3.ie).

### **Local Government Charges**

420. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government if he will list the ways in which persons may pay the household charge. [7633/12]

**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.

There is a range of options available for persons to pay the household charge. An online system [www.householdcharge.ie](http://www.householdcharge.ie) is in place in the Local Government Management Agency (LGMA) to enable homeowners to pay the household charge by credit/debit card or in four instalments by direct debit. In addition, homeowners can make payment by cheque, postal order, credit/debit card or in four instalments of €25 by direct debit by completing the relevant payment details on the declaration form and posting it to Household Charge, PO Box 12168, Dublin 1. Instalment payments are available by direct debit only and persons opting to pay in this way must register their details by 1 March, 2012.

A bureau is in place in the LGMA to administer the charge on a shared service/agency basis for all local authorities. In addition, all county/city councils have been requested to have arrangements in place for persons to attend their principal offices to pay the household charge

up to 31 March, 2012. I am satisfied that there is a comprehensive suite of payment options available to persons with a liability to pay the household charge.

### **Local Authority Housing**

421. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the total number of housing units owned by local authorities here. [7643/12]

422. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the total number of currently vacant housing units owned by local authorities here. [7644/12]

423. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the total number of currently vacant housing units owned by local authorities here which have been vacant for over six months. [7645/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 421 to 423, inclusive, together.

Data on local authority housing stock are available on my Department’s website, *www.environment.ie* and the most recent data published in this regard relate to 2010. As the data relate to units both owned and managed by local authorities they also encompass Rental Accommodation Scheme (RAS) and long term leasing units. At the end of 2010, 1,655 units were reported to the Department as being vacant.

Local Authorities provide information on the proportion of stock that is vacant at the end of each year, and this information is collated and published as part of the annual Service Indicators in Local Authorities Report. The Report also contains data on the average time taken to re-let dwellings. Copies of the 2010 report are available from the Local Government Management Services Board and may be downloaded from their website (*www.lgmsb.ie*).

### **Local Authority Staff**

424. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the number of staff employed by each local authority in 2011; the numbers by local authority who have applied for the early retirement scheme; if there are vacancies that are under consideration for replacement; if so, the number of same, the specific role of same and the locations of same; and if he will make a statement on the matter. [7650/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities have been early movers in terms of staff reductions, reducing from 37,243 whole-time equivalents (WTE) in 2008 to 29,744 WTE in December, 2011 a reduction of 7,499 WTE (20%). A breakdown of staff numbers by local authority is provided in Table 1.

Based on the most up to date information, a total of 120 local authority employees have retired in the period 1 January 2012 to 27 January 2012 and a further 739 employees have notified local authorities of their intention to retire in the period 28 January, 2012 to 29 February, 2012 giving a total figure of 859. A breakdown by local authority of the numbers who have retired or notified their intention to do so is provided in Table 2. A breakdown by grade of the numbers that have retired is provided in Table 3.

The moratorium on recruitment and promotion in the public service was introduced in March 2009. When vacancies arise, public bodies must reallocate staff and/or re-organise work or staff accordingly. My Department operates a delegated sanction from the Department of Public

[Deputy Phil Hogan.]

Expenditure and Reform for implementation of the moratorium in relation to local authorities. Any local authority exceptions to the moratorium require sanction from my Department.

Under section 159 of the Local Government Act 2001, each County and City Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. In this regard, it is a matter for County and City Managers, in the first instance, to ensure that the moratorium is implemented while the appropriate service levels are maintained.

The reduction of staff in local authorities is a net figure, as given the nature of the front line services provided such as fire and emergency services, critical road and water services, beach supervision in summer months and other temporary seasonal services, some sanctions for exceptions to the moratorium need to be, and are, regularly approved. In this regard, my Department has processed some 2,600 such requests since 2009.

In considering sanction requests public safety, maintaining key front line services and economic issues are given precedence as is the requirement to avoid increases in overall staffing levels. Information in relation to sanction requests under consideration in my Department is set out in Table 4.

Table 1

Local Authority	No. of Staff (WTE) at December 2011
Cork City	1,336.00
Dublin City	6,072.35
Galway City	438.34
Limerick City	465.14
Waterford City	367.09
Carlow	285.41
Cavan	416.30
Clare	785.50
Cork	2,184.11
Donegal	959.14
Dun Laoghaire	1,063.60
Fingal	1,391.90
Galway	811.61
Kerry	1,165.77
Kildare	880.90
Kilkenny	529.09
Laois	368.88
Leitrim	279.13
Limerick	656.65
Longford	299.94
Louth	652.64
Mayo	1,061.50
Meath	640.64
Monaghan	404.69
Offaly	399.00
Roscommon	461.07
Sligo	488.74

Local Authority	No. of Staff (WTE) at December 2011
South Dublin	1,277.60
Tipperary North	468.83
Tipperary South	632.26
Waterford	476.00
Westmeath	462.79
Wexford	765.76
Wicklow	747.05
LA Total	29,695.42
Regional Authorities	48.7
Overall Total	29,744.12

Table 2

	Numbers of Retirements from 1 January 2012 to 27 January 2012 inclusive	Numbers of Retirement Notices on hand where the notice of retirement is from 28 January 2012 to 29 February 2012 inclusive	Total
<i>City Councils</i>			
Cork	3	24	27
Dublin	23	145	168
Galway	1	7	8
Limerick	1	19	20
Waterford	3	8	11
<i>County Councils</i>			0
Carlow	0	7	7
Cavan	2	22	24
Clare	1	20	21
Cork	2	46	48
Donegal	3	37	40
Dún Laoghaire Rathdown	3	18	21
Fingal	6	32	38
Galway	7	23	30
Kerry	1	21	22
Kildare	4	16	20
Kilkenny	1	14	15
Laois	3	11	14
Leitrim	2	10	12
Limerick	8	24	32
Longford	0	9	9
Louth	2	8	10
Mayo	8	24	32
Meath	0	16	16
Monaghan	1	14	15
Offaly	2	4	6
Roscommon	2	8	10
Sligo	1	9	10

[Deputy Phil Hogan.]

	Numbers of Retirements from 1 January 2012 to 27 January 2012 inclusive	Numbers of Retirement Notices on hand where the notice of retirement is from 28 January 2012 to 29 February 2012 inclusive	Total
South Dublin	12	43	55
Tipperary North	4	13	17
Tipperary South	2	17	19
Waterford	3	15	18
Westmeath	3	9	12
Wexford	4	25	29
Wicklow	2	21	23
Total	120	739	859

Table 3

	Breakdown by grade of those who have retired from 1 January 2012-27 January 2012 inclusive
<i>City Councils</i>	
Cork	General Operative (1) Water Production Attendant (1) Park Ranger (1)
Dublin	Administrative Officer (1) Assistant Community Officer (1) Assistant Staff Officer (1) Building Inspector (1) Clerical Officer (1) Senior Executive Officer (1) Senior Housing Officer (1) Senior Staff Officer (1) Sheltered Housing Liaison Officer (1) Superintendent of Building Works (1) Assistant Foreman (1) Chargehand(1) Firefighter (2) Foreman (2) Painter (1) General Operative (5) Sub Officer (1)
Galway	Clerical Officer (1)
Limerick	Craftsman (1)
Waterford	Clerical Officer (1) Driver (1) City Hall Superintendent (1)
<i>County Councils</i>	
Carlow	Nil
Cavan	Craftsman (1) Driver (1)

	Breakdown by grade of those who have retired from 1 January 2012-27 January 2012 inclusive
Clare	Retained Firefighter (1)
Cork	Executive Planner (1) Plumbers Helper (1)
Donegal	Senior Engineer (1) Senior Staff Officer (1) Multi Skilled (1)
Dun Laoghaire Rathdown	Senior Executive Parks Superintendent (1) Assistant Staff Officer (1) Clerical Officer (1)
Fingal	Administrative Officer (2) Librarian (1) Senior Librarian (1) Library Attendant (1) Ganger (1)
Galway	Assistant Staff Officer (1) Branch Librarian (1) Executive Engineer (1) Executive Planner (1) General Operative (1) Craftworkers Mate (1) Chargehand (1)
Kerry	Roads Foreman (1)
Kildare	Chief Technician (1) Revenue Collector (1) Settlement Worker (1) General Services Supervisor (1)
Kilkenny	Driver (1)
Laois	Clerical Officer (2) Fire Station Officer (1)
Leitrim	County Librarian (1) Retained Firefighter (1)
Limerick	School Warden (2) Retained Firefighter (1) Senior Library Assistant (1) Roads Foreman (1) Ganger (1) Craftworkers Mate (1) Waterworks Caretaker Grade Three (1)
Longford	Nil
Louth	General Services Supervisor (1) Craftworker (1)
Mayo	Assistant Staff Officer (1) Foreman (1) Ganger (1) General Operatives (2) Library Driver (1) Waterworks Caretaker Grade Three (2)

[Deputy Phil Hogan.]

	Breakdown by grade of those who have retired from 1 January 2012-27 January 2012 inclusive
Meath	Nil
Monaghan	General Operative (1)
Offaly	Foreman (1) Semi Skilled (1)
Roscommon	Waterworks Caretaker (2)
Sligo	General Operative (1)
South Dublin	Staff Officer (2) Water and Drainage Inspector (1) Driver (1) Ganger (1) Craftworker (2) Wheelie Bin Operative (2) General Operative (2) Park Ranger (1)
Tipperary North	Staff Officer (1) County Librarian (SEO) (1) Library Officers (2)
Tipperary South	Clerical Officer (1) General Operative (1)
Waterford	Clerk of Works (1) Foreman (1) General Operative (1)
Westmeath	Assistant Staff Officer (1) General Operative (1) Life Guard (1)
Wexford	Drivers (2) Waterworks Caretaker (1) General Operative (1)
Wicklow	Driver (1) General Services Supervisor (1)

Table 4

Local Authority	Date of Request	Position	No.	Type of contract sought
Carlow Co	04/10/2011	Senior Executive Librarian	1	Acting
Carlow Co	04/10/2011	Senior Executive Engineer	1	Acting
Carlow Co	13/12/2011	School Warden	2	Permanent
Cavan Co	12/01/2012	Assistant Foreman -Water Services	1	Permanent
Cavan Co	18/01/2012	Administrative Officer Grade VII	1	Acting
Cavan Co	18/01/2012	Head of HR Project Team Grade VII	1	Acting
Cavan Co	06/02/2012	Water/Wastewater Caretaker Grade V	1	Permanent
Cavan Co	30/11/2011	Assistant Staff Officer	1	Acting
Cavan Co	01/12/2011	Senior Planner	1	Acting

Local Authority	Date of Request	Position	No.	Type of contract sought
Cavan Co	01/12/2011	Head of IT	1	Acting
Cavan Co	01/12/2011	Museum Curator	1	Acting
Cavan Co	01/12/2011	Senior Staff Officer	1	Acting
Cavan Co	01/12/2011	General Services Supervisors	2	Acting
Cavan Co	14/12/2011	Technician Grade I — Roads Lab	1	Acting
Cavan Co	20/12/2011	Project Co-ordinator	1	Contract
Clare Co	03/01/2012	Sports Facilities Assistant — Part-time	2	Contract
Clare Co	20/01/2012	Retained Firefighter	1	Permanent
Clare Co	20/01/2012	Retained Firefighter	1	Contract
Clare Co	07/02/2011	Marketing Executive	1	Permanent
Clare Co	01/07/2011	Canteen Attendant	1	Permanent
Clare Co	05/07/2011	Caretaker Traveller Accommodation	1	Acting
Clare Co	27/07/2011	Health and Safety Officer	1	Permanent
Clare Co	02/09/2011	Library Attendant	1	Acting
Clare Co	19/09/2011	Foreman	1	Permanent
Clare Co	24/01/2012	Director of Services	1	Permanent
Cork Co	17/01/2012	Chief Veterinary Officer	1	Permanent
Cork Co	17/01/2012	Veterinary Inspector	1	Contract
Donegal CC	26/10/2011	Clerical Officer	1	Permanent
Donegal CC	14/11/2011	Storeperson	1	Acting
Donegal CC	13/12/2011	Sub Station Officer — Part-time	1	Acting
Donegal CC	23/12/2011	Maintenance Craftsmen — Housing	4	Permanent
Donegal Co	02/02/2012	Tourism Officer	1	Contract
Donegal Co	03/02/2012	Roads Services Supervisor	1	Permanent
Donegal Co	03/02/2012	Seasonal Road Workers	22	Contract
Donegal Co	03/02/2012	Roads Services Supervisor	1	Permanent
Donegal Co	08/02/2012	Water Services Caretaker Grade 5	4	Contract
Donegal Co	08/02/2012	Water Services Caretaker Grade 5	2	Contract
Dublin City	28/11/2011	Superintendent of Building Works	1	Permanent
Dublin City	30/11/2011	Director of Dublin Regional Homeless Executive	1	Contract
Dublin City	23/12/2011	Superintendent of Building Works	1	Permanent
Dublin City	03/01/2012	Dangerous Building Inspector	1	Permanent
Dublin City	12/01/2012	Executive Technician — Water	4	Permanent
Dublin City	12/01/2012	Technician Grade 1 — Water	1	Permanent
Dublin City	12/01/2012	Civil Defence Officer	1	Permanent
Dublin City	12/01/2012	Assistant Civil Defence Officer	2	Permanent
Galway City	06/09/2011	Senior Engineer	1	Acting
Galway City	06/09/2011	Senior Executive Engineer	2	Contract
Galway City	07/09/2011	Assistant Staff Officer	1	Acting
Galway City	08/09/2011	Relief Porter Maintenance Man	1	Permanent
Galway City	09/09/2011	Senior Executive Officer	1	Acting
Galway City	12/09/2011	Craftsman — Electrical	1	Permanent
Galway City	22/11/2011	Museum Director	1	Permanent
Galway City	30/11/2011	Customer Services Manager	1	Permanent

[Deputy Phil Hogan.]

Local Authority	Date of Request	Position	No.	Type of contract sought
Galway City	30/11/2011	Customer Services Supervisor	1	Permanent
Galway City	30/11/2011	Customer Services Advisor	6	Permanent
Galway City	09/12/2011	Stage Technician	1	Contract
Galway City	09/01/2012	Senior Executive Engineer	1	Acting
Galway City	09/01/2012	Director of Services	1	Acting
Galway City	09/01/2012	Rapid Co-ordinator	1	Acting
Galway City	09/01/2012	Senior Executive Officer	1	Acting
Galway City	09/01/2012	Senior Executive Officer	1	Acting
Galway City	09/01/2012	Staff Officer	1	Acting
Galway City	09/01/2012	Staff Officer	1	Acting
Galway City	09/01/2012	Senior Staff Officer	1	Acting
Galway City	31/01/2012	Ganger	1	Permanent
Galway City	31/01/2012	Clerical Officer	1	Permanent
Galway City	31/01/2012	Housing Estate Liaison Officer	1	Permanent
Galway Co	24/01/2012	Caretaker — Beach	1	Contract
Galway Co	26/01/2012	General Services Supervisor	2	Permanent
Galway Co	27/01/2012	Civil Defence Officer	1	Permanent
Galway Co	27/01/2012	Caretaker — Park	1	Contract
Galway Co	20/10/2011	Senior Resident Engineer	1	Contract
Galway Co	20/10/2011	Resident Engineer	1	Contract
Galway Co	24/11/2011	Head of Information Systems	1	Permanent
Galway Co	24/11/2011	Head of Information Systems	1	Acting
Galway Co	13/12/2011	Branch Librarian — part-time	1	Permanent
Galway Co	20/12/2011	Director — West Regional Authority	1	Permanent
Galway Co	30/12/2011	Waterworks Caretaker Grade V	1	Permanent
Kildare Co	22/07/2011	Assistant Chief Fire Officer	1	Acting
Kildare Co	14/11/2011	Site Technician Level 1 — Roads	2	Contract/Acting
Kildare Co	14/11/2011	Assistant Resident Engineer	2	Contract/Acting
Kildare Co	14/11/2011	Resident Engineer	2	Contract/Acting
Kildare Co	18/11/2011	Senior Architect	1	Acting
Kildare Co	22/12/2011	Senior Executive Engineer	1	Acting
Kildare Co	04/01/2012	Project Engineer	1	Acting
Kilkenny Co	24/01/2012	Tea Shop Manager	1	Contract
Kilkenny Co	24/01/2012	Tea Shop Assistants	4	Contract
Kilkenny Co	24/01/2012	Driver B/Plant Operator	20	Contract
Kilkenny Co	24/01/2012	Lifeguards	14	Contract
Kilkenny Co	24/01/2012	Student Litter Pickers	24	Contract
Kilkenny Co	27/01/2012	Roads Maintenance Ganger	1	Permanent
Laois Co	11/01/2012	Water and Sewerage Caretaker Grade V	1	Acting
Laois Co	11/01/2012	Water and Sewerage Caretaker Grade III	2	Acting
Laois Co	11/01/2012	Water and Sewerage Caretaker Grade V	1	Acting

Local Authority	Date of Request	Position	No.	Type of contract sought
Laois Co	11/01/2012	Water and Sewerage Caretaker Grade V	1	Acting
Laois Co	18/01/2012	Assistant Chief Fire Officer	1	Contract
Laois Co	20/01/2012	Water and Sewerage Caretaker Grade V	1	Permanent
Limerick City	28/02/2011	Staff Officer — Grade V	1	Permanent
Limerick City	28/02/2011	Senior Staff Officer — Grade VI	1	Permanent
Limerick City	20/09/2011	Assistant Engineer	1	Contract
Limerick City	01/11/2011	Senior Planner	1	Acting
Limerick City	14/11/2011	Environmental Inspector	1	Contract
Limerick City	02/12/2011	Assistant Supervisor — Cemeteries	1	Permanent
Limerick City	02/12/2011	Assistant Supervisor — Housing Dept	1	Permanent
Limerick City	02/12/2011	Foreman — Water Services	3	Permanent
Limerick City	02/12/2011	Superintendent — Housing Dept	1	Permanent
Limerick City	02/12/2011	Superintendent — Street Cleaning	1	Permanent
Limerick City	02/12/2011	Superintendent — Roads Dept	1	Permanent
Limerick City	09/12/2011	Head of IT	1	Acting
Limerick City	09/12/2011	Head of Finance	1	Acting
Limerick Co	05/01/2012	Foreman — Road Maintenance	1	Permanent
Limerick Co	13/01/2012	Water Services Caretaker Grade 3	3	Contract
Limerick Co	18/01/2012	Senior Executive Engineer	1	Acting
Limerick Co	19/01/2012	General Operative — Landfill	2	Contract
Limerick Co	01/02/2012	Director of Services	1	Permanent
Limerick Co	02/02/2012	Debt Management Staff	3	Permanent
Longford CC	15/09/2011	Archivist	1	Contract
Longford CC	23/09/2011	Sports Co-ordinator	1	Contract
Longford CC	22/11/2011	Craftsman — Road Works	1	Acting
Longford CC	22/11/2011	Senior Resident Engineer	1	Contract
Longford CC	22/11/2011	Resident Engineer	1	Contract
Longford Co	08/02/2012	Housing Liaison Officer	1	Contract
Louth Co	06/02/2012	Networking for Peace Officer	1	Contract
Mayo Co	08/11/2011	Senior Executive Officer	1	Acting
Mayo Co	15/12/2011	Revenue Collector	1	Acting
Mayo Co	16/12/2011	Water and Sewerage Caretaker Grade III	1	Permanent
Mayo Co	16/12/2011	Water and Sewerage Caretaker Grade III	1	Permanent
Mayo Co	21/12/2011	Waterworks Caretaker Grade V	1	Permanent
Mayo Co	17/01/2012	General Services Supervisors	2	Permanent
Mayo Co	18/01/2012	Senior Executive Officer	1	Contract
Mayo Co	31/01/2012	Lifeguards	24	Contract
Mayo Co	01/02/2012	Water Services Caretaker Grade 5	1	Permanent
Mayo Co	10/02/2012	Lifeguard and Swimming Teacher	3	Contract
Meath Co	26/05/2011	Mechanical Fitter	1	Permanent
Meath Co	19/09/2011	Water Caretaker Grade V	1	Permanent
Meath Co	28/09/2011	Fitter/ Mechanic	3	Permanent
Meath Co	25/10/2011	Assistant Staff Officer	1	Permanent

[Deputy Phil Hogan.]

Local Authority	Date of Request	Position	No.	Type of contract sought
Meath Co	17/01/2012	Water/Wastewater Caretaker Grade V	1	Permanent
Meath Co	17/01/2012	Assistant Staff Officer Grade IV	1	Permanent
Meath Co	24/01/2012	Settlement Outreach Officer	1	Permanent
Meath Co	26/01/2012	Assistant Staff Officer	1	Permanent
Meath Co	26/01/2012	Library Caretaker	1	Contract
Meath Co	13/02/2012	School Warden	1	Permanent
Meath Co	28/09/2011	Fitter Foreman/Supervisor	1	Permanent
Monaghan Co	09/11/2011	Dog Warden	1	Contract
Monaghan Co	25/11/2011	Sports Inclusion Disability Officer	1	Contract
North Tipp	29/11/2011	General Services Supervisors	1	Acting
North Tipp	15/12/2011	Waterworks Caretaker Grade V	1	Permanent
North Tipp	15/12/2011	Waterworks Caretaker Grade V	1	Permanent
North Tipp	15/12/2011	Technician — Civil Engineering	1	Contract
North Tipp	16/12/2011	Re-settlement Worker	1	Contract
North Tipp	22/12/2011	Clerical Officer	1	Permanent
Offaly CC	21/12/2011	Senior Resident Engineer	1	Contract
Offaly CC	21/12/2011	Resident Engineer	3	Contract
Offaly CC	21/12/2011	Assistant Resident Engineer	2	Contract
Roscommon CC	11/10/2011	Resident Engineer	1	Contract
Roscommon CC	11/10/2011	Senior Resident Engineer	1	Contract
Roscommon CC	11/10/2011	Resident Engineer	1	Contract
Roscommon CC	11/10/2011	Assistant Resident Engineer	1	Contract
Roscommon CC	28/11/2011	Administrative Officer (RAS)	1	Acting
Roscommon CC	12/12/2011	Lorry Driver (Driver B)	1	Acting
Sligo Co	28/11/2011	General Services Supervisors	1	Acting
Sligo Co	09/12/2011	Building Superintendent	1	Acting
Sligo Co	09/01/2012	Foreman — Housing	1	Acting
South Tipp	14/12/2011	Retained Firefighter	1	Permanent
South Tipp	14/12/2011	Clerk of Work	1	Permanent
Waterford Co	14/06/2011	Clerk of Work	2	Contract
Waterford Co	14/06/2011	Resident Engineer	1	Contract
Waterford Co	27/01/2012	Resident Engineer (Civil)	1	Contract
Waterford Co	27/01/2012	Clerk of Works	1	Contract
Westmeath Co	01/02/2012	Water and Sewerage Caretaker Grade V	1	Contract
Westmeath Co	01/02/2012	Swimming Pool Manager	1	Contract
Wicklow Co	06/02/2012	Retained Firefighter	3	Permanent
Wicklow Co	06/02/2012	Town Overseer	1	Permanent
		Total	319	

### Local Authority Funding

425. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if funds collected by local authorities under the development contribution scheme continue to have a restriction whereby only money collected in any given year may be spent in that year; if so, how that will impact on the ability of local authorities to fund the local

contribution of new capital works; if any of these funds are at risk of being refunded on the basis of time limits for carrying out works; the amounts that are held by local authority and the years of same; and if he will make a statement on the matter. [7661/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In February 2009, my Department set out details of the financial requirements for local authorities relating to their overall management of capital and current accounts. These requirements flow directly from the requirement for Government finances as a whole to be managed in accordance with the Stability and Growth Pact established under the Maastricht Treaty, and the associated limitation on budget deficits. The Government set a limit of €200m for the contribution of the local government sector to the deterioration in the General Government Balance (GGB) in any one year. This is not a new requirement. However, the downturn in the economy and substantial pressures on Government funding generally require a sharp focus in all sectors, including local authorities, to ensure effective control and management of public finances.

In order to stay within the overall GGB limits, it is necessary for local authorities to maintain both their current and capital accounts broadly in balance. The only restriction on local authorities is that, in aggregate, capital income equals capital expenditure in the year. Balance is only required at an overall level and this allows considerable scope for authorities to draw on their existing capital reserves as an element of their overall investment programme. The precise manner in which capital and current accounts are managed in order to achieve the overall balance necessary is a matter for individual local authorities themselves. However, within these overall limits, there is additional capacity for non-mortgage borrowing and the expenditure of capital balances on hand by local authorities. Subject to the maintenance of balanced current and capital accounts, and allowing for the repayment of existing borrowings, up to €250m in new loan finance and expenditure of capital balances on hand can be made available to the local government sector annually to fund capital investment in necessary infrastructure projects. The process of prioritising applications for such projects for 2012 is underway and my Department is being guided by local authorities in respect of the most critical projects requiring funding at this time.

While I appreciate that these GGB requirements impose limitations on local authorities, there are considerable funding constraints at all levels of Government. It is a matter for every local authority to determine its own spending priorities in the context of the annual budgetary process having regard to both locally identified needs and available resources within the GGB limits as set out. The latest year for which we have complete audited information is 2009. The overall Development Contributions balance, comprising both cash and debtors, at the 31 December 2009, is some €962 million. The funds involved are being released over time as projects progress to completion. Development contributions are refundable in respect of special contributions imposed under section 48(2)(c) of the Planning and Development Acts 2000-2010. Section 48(12) of the Act sets out the relevant refund provisions.

#### **Departmental Staff**

426. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7738/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Information in respect of the organisational structure and associated Heads of Business Units of my Department is available at [www.environ.ie/en/AboutUs/OrganisationalStructure/](http://www.environ.ie/en/AboutUs/OrganisationalStructure/).

#### **Local Authority Charges**

427. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local

[Deputy Peter Mathews.]

Government the reason there is a need to include your PPS number while paying the household charge; and if he will make a statement on the matter. [7794/12]

**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 section 5(1) of the Act, the owner of a residential property, who on a liability date, is liable to pay a household charge to a relevant local authority, or who is entitled to a waiver from payment of a household charge under section 4(4), must make and provide to the relevant local authority a declaration stating that he or she is so liable or so entitled, as the case may be. Under section 5(2) of the Act, the declaration must, in the case of a person who is liable to pay a household charge, be accompanied by payment of the household charge in respect of the property concerned.

Article 5(2) of the Local Government (Household Charge) Regulations 2012 requires a household charge declaration to contain information, including the personal public service number of the person who, in the case of an individual, is the owner of the property, or the tax reference number of a company which is the owner of the property. These numbers are required for identification purposes, particularly in the context of owners of residential property with similar names located in close proximity.

### Building Regulations

428. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 424 of 24 January 2012, if, under the Building Regulations 1997 to 2011, one front entrance and no back entrance to a house is considered adequate provision, as specified in part M/TGD M. [7811/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

Part M of the Building Regulations, and the accompanying Technical Guidance Document M (TGD M), aim to ensure that, among other things, new dwellings are visitable regardless of age, size or disability. Section 3 of TGD M 2010 outlines how current minimum requirements in respect of access and use may be achieved in practice by a new dwelling. A new dwelling having only one entrance which has been constructed in accordance with Section 3.2 of TGD M 2010 and which has an approach route constructed in accordance with Section 3.1 of TGD M 2010, would be considered as having made adequate provision. Accessibility requirements apply to the main entrance to the dwelling and there is nothing in the Building Regulations to require any additional accessible entrance to be provided.

### Ministerial Appointments

429. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7821/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The information requested is outlined in the following table:

Agency/Board	Name of Appointee	Remuneration
An Bord Pleanála	Dr. Mary Kelly (Chairperson)	PPC Rate €189,474 and the Non PPC Rate €180,000 *

Agency/Board	Name of Appointee	Remuneration
An Bord Pleanála	Ms Mary MacMahon	Ordinary Board Members — €116,935 and the Non PPC Rate €111,214 *
An Bord Pleanála	Mr. Conall Boland	Ordinary Board Members — €116,935 and the Non PPC Rate €111,214 *
Building Regulation Advisory Board (BRAB)	Mr. Aidan O'Connor (Departmental representative)	Nil
Building Regulation Advisory Board (BRAB)	Mr. Paul Kelly	Nil
Building Regulation Advisory Board (BRAB)	Mr. Conor Taaffe	Nil
Dormant Accounts Board	Mr. Michael Morley (Chairperson)	€8,978.00
Dormant Accounts Board	Mr. Des Gunning	€5,985.00
EPA	Ms Laura Burke (Director General)	Salary Scale Director General PPC: €164,464; Non-PPC: €156,240 *
Irish Water Safety	Ms Breda Collins (Chairperson)	€8,978.00
Irish Water Safety	Mr. John Considine	Nil
Irish Water Safety	Mr. Michael Cuddihy	Nil
Irish Water Safety	Mr. Tom Doyle	Nil
Irish Water Safety	Mr. Brendan McGrath	Nil
Irish Water Safety	Mr. Paul Murphy	Nil
Irish Water Safety	Mr. Seamus O'Neill	Nil
Irish Water Safety	Mr. Martin O'Sullivan	Nil
Irish Water Safety	Ms Anne Ryan	Nil
Irish Water Safety	Ms Lola O'Sullivan	Nil
Irish Water Safety	Mr. Christy McDonagh	Nil
Irish Water Safety	Mr. Tim O'Sullivan (Departmental representative)	Nil
Housing and Sustainable Communities Agency	Mr. Rich Howlin (Chairperson)	€11,970.00
Housing and Sustainable Communities Agency	Mr. John O'Connor	Nil
Housing and Sustainable Communities Agency	Mr. Eddie Lewis (Departmental representative)	Nil
Housing and Sustainable Communities Agency	Ms Marie McLaughlin	Nil
Housing and Sustainable Communities Agency	Mr. Peter Carey	Nil
Housing and Sustainable Communities Agency	Ms Ann McGuinness	€7,695.00
Local Government Computer Services Board	Mr. Barry Quinlan (Departmental representative)	Nil
National Traveller Accommodation Consultative Committee	Mr. Tom Coughlan	Nil
Radiological Protection Institute Ireland	Professor William Reville (Chairperson)	€11,970.00
Radiological Protection Institute Ireland	Dr. Paraic James	Nil
Radiological Protection Institute Ireland	Dr. Maurice Fitzgerald	€7,695.00

\* New reduced rate of remuneration.

[Deputy Phil Hogan.]

All appointments are made in accordance with the appropriate legislation governing appointments to each body. In considering applications due regard is had to Government policy regarding gender balance on State Boards. A number of different statutory processes are involved in appointments to State boards. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Government or by the Minister for the Environment, Community and Local Government. In a number of situations, only some appointments to the body concerned are made by the Minister, or appointments are made with the consent of the Minister for Finance or following consultation with the Minister for Finance or Minister for Education and Skills, as appropriate.

The Boards of the Environmental Protection Agency (EPA) and An Bord Pleanála are executive in nature and members are employed on a full time salaried basis. The appointments as Chairperson of An Bord Pleanála and Director General of the EPA were made after competitions held by the Public Appointments Service. The Board Members of the Housing and Sustainable Communities Agency (HSCA) have been re-appointed on an interim basis pending enactment of legislation in respect of the HSCA.

The following members were appointed to the Board of Pobal, a not for profit company under the aegis of my Department, by Government, and do not receive fees:

- Mr. Séamus Boland (Chair)
- Mr. Thomas Maguire
- Mr. Liam Keane
- Ms Siobhan McLoughlin
- Ms Jennifer McHugh
- Mrs. Mari Hurley

#### **Local Authority Charges**

430. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the reason persons living in private housing estates who already pay for services such as roads by way of estate management company charges must also pay the household charge; and if he will make a statement on the matter. [7837/12]

#### **Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The EU/IMF Programme of Financial Support for Ireland commits the Government to the introduction of a property tax for 2012. The Programme reflects the need, in the context of the State's overall financial position, to put the funding of locally delivered services on a sound financial footing, improve accountability and better align the cost of providing services with the demand for such services. In light of the complex issues involved, a property tax, requiring a comprehensive property valuation system, would take time to introduce and accordingly, to meet the requirements in the EU/IMF Programme, the Government introduced the household charge in 2012. The household charge is an interim measure and proposals for a full property tax will be considered by the Government in due course.

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. Revenues from the household charge will support the provision of local services. Internationally, local services are administered by local authorities and financed by local service charges. In Ireland, local authorities are responsible for, among other services, public parks; libraries; open spaces and leisure amenities; planning and development; fire and emergency services; maintenance and cleaning of streets and street lighting. These facilities benefit everyone.

431. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government the reason the household tax database was not put out to tender in accordance with departmental procedures. [7840/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. The *householdcharge.ie* website is a modification of the website that is being used for the charge on non-principal private residences charge (NPPR). The NPPR website was procured through e-tenders.ie. The LGMA own the intellectual property for the purposes of the NPPR website and this was used in the context of the household charge website.

#### **Planning Issues**

432. **Deputy Michael McNamara** asked the Minister for the Environment, Community and Local Government if the conditions of an An Bord Pleanála planning decision are not met and the development is in the hands of a liquidator, on whom does the local planning enforcement office enforce the conditions; and if he will make a statement on the matter. [7843/12]

433. **Deputy Michael McNamara** asked the Minister for the Environment, Community and Local Government if the conditions of an An Bord Pleanála planning decision are not met and the development is in the hands of a receiver, on whom does the local planning enforcement office enforce the conditions; and if he will make a statement on the matter. [7844/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 432 and 433 together.

The developer of, for example, a residential estate is statutorily required to complete the development in accordance with the terms of the planning permission. A development which has not been completed in accordance with the planning permission is unauthorised development. Enforcement of planning control is a matter for the planning authority, which can take action where a development requiring planning permission has not obtained this permission or where permission has not been complied with.

Planning authorities have substantial enforcement powers under the Planning and Development Act 2000. A planning authority may issue an enforcement notice, non-compliance with which is an offence, in connection with unauthorised development (which includes failure to comply with planning conditions) requiring such steps as the authority considers necessary to be taken within a specified period. If an enforcement notice is not complied with the planning authority may itself take the specified steps and recover the expense incurred in doing so. A planning authority may also seek a court order requiring any particular action to be taken or not to be taken. The Planning Acts also place clear statutory obligations on planning authorities in relation to unauthorised development.

[Deputy Phil Hogan.]

A planning authority must issue a warning letter in relation to written complaints regarding unauthorised development or other unauthorised development it becomes aware of (except in the case of trivial or minor development). The planning authority must then carry out an investigation and where it establishes following such an investigation that unauthorised development (other than development that is of a trivial or minor nature) has been or is being carried out, and the person who has carried out or is carrying out the development has not proceeded to remedy the position, the planning authority must issue an enforcement notice or make an application for a court order unless there are compelling reasons for not doing so.

The 2000 Planning Act also contains other relevant provisions in relation to the completion of housing estates:

- Sections 34(4)(g) and 180(2)(b) of the Act provide that a planning authority may attach a condition to a planning permission requiring the giving of adequate security for the satisfactory completion of a development, and, if the development is not subsequently completed satisfactorily, may apply the security to that satisfactory completion.
- Section 160 of the Act provides that a planning authority may apply to the Circuit Court or the High Court for an order requiring that a development be carried out in accordance with the permission.

Accordingly, planning authorities have very substantial powers to compel the completion of housing estates by developers in accordance with the terms of the planning permission.

Section 180 of the 2000 Planning Act provided that where estates have not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced within the relevant period, the planning authority must, if requested to do so by the majority of the residents of the estate, initiate the procedures for taking the estate in charge. A further provision has been added in the 2010 Act to provide that a planning authority may take in charge an unfinished estate, at the request of the owners of the housing units, at any time after the expiration of the planning permission, in situations where enforcement actions have commenced or where the planning authority consider that enforcement action will not result in the satisfactory completion of the estate by the developer. Planning authorities have also been empowered to take in charge part of an estate or some, but not all, of the facilities in an estate. The decision as whether to take an estate in charge is ultimately one for the elected members of a local authority.

Legislation and issues arising in the context of company law are a matter for my colleague, the Minister for Jobs, Enterprise and Innovation. However, in general the liquidation of a company is the process under which assets are collected and disposed of and the resulting proceeds are applied, if there are sufficient funds, in discharging the company's liabilities. The balance, if any, which remains after paying the costs and expenses of a liquidation is distributed among the members of the company according to their rights and interests or as set out in the company's constitutional documents.

### **Departmental Funding**

434. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government if an organisation (details supplied) is eligible for lotto funding, funding from the homelessness budget, funding from the community budget or any other funding from his Department; and if he will make a statement on the matter. [7855/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department’s role in relation to homelessness involves the provision of a national framework of policy, legislation and funding to underpin action to address homelessness at a local or regional level. Section 10 funding provided by my Department in this context relates to the recoupment of 90% of approved expenditure by housing authorities on accommodation for homeless persons, with the balance being funded from housing authorities’ own resources. The HSE has responsibility for funding in relation to health and care services for homeless persons. There are no alternative current funding streams available for accommodation or operational issues relating to this service available from my Department.

Under the Housing (Miscellaneous Provisions) Act 2009, the Management Group of the Homelessness Consultative Forum may make recommendations to housing authorities regarding services to address homelessness and funding for such services, taking into account the financial resources that are available or are likely to be available. I have no direct involvement with individual services or operational matters on the ground. Any potential Section 10 funding for this service is a matter for the Dublin Regional Homeless Consultative Forum which covers the four Dublin local authorities.

### **Foreshore Licences**

435. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government in relation to a recent application (details supplied) for a foreshore licence, the number of submissions that were received in the public consultation period; the duration that he intends to deliberate on this application; and when he expects to make a decision. [7875/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Almost 700 individual submissions and 4,100 petitions were received by my Department in respect of the Providence Resources foreshore licence application during the public consultation period that ended on 2 February 2012. It is intended to publish the submissions on my Department’s website as soon as possible.

The licence application will be the subject of an environmental assessment by the scientific and technical advisors on the Marine Licence Vetting Committee (MLVC). Their assessment will involve a detailed examination of the application, related information and issues raised in submissions received from the public and prescribed bodies, and the applicant’s responses to those issues. I expect that the environmental assessment will consider potential impacts on European sites, sensitive species, other legitimate uses within the area the subject of the application, and navigation issues.

I will make a determination on the application in due course taking account of the recommendation of the Marine Licence Vetting Committee and my Department.

### **Local Authority Charges**

436. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if he has any proposals to ensure that patients in long-term nursing care, even if they entered such care after 1 January 2011, will not have to pay the household charge in 2012; and if he will make a statement on the matter. [7876/12]

454. **Deputy Derek Nolan** asked the Minister for the Environment, Community and Local Government the reason the household charge is applicable to persons who have been in nursing home care for less than 12 months; the number liable for the tax under this condition; and if he will make a statement on the matter. [8165/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 436 and 454 together.

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.

There are a number of exemptions and waivers from payment of the household charge under the legislation. In particular, section 4(2) of the Act provides an exemption from liability to pay the household charge for the year in which that liability date falls if, on that date, the owner of a residential property, which was that person's main or sole residence, is not residing in that property by reason of his or her having had to vacate the property due to long term mental or physical infirmity and that person is residing in another property that he/she does not own.

Section 4(6) of the Act defines the meaning of "long term mental or physical infirmity" as that which required the person to vacate the property in which he/she had been dwelling for a continuous period of more than 12 months and provides that such an infirmity must be certified by a registered medical practitioner.

#### **Water and Sewerage Schemes**

437. **Deputy Dan Neville** asked the Minister for the Environment, Community and Local Government the position regarding the provision of a new sewerage scheme for Adare, County Limerick. [7916/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The *Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Limerick. The Programme includes contracts under construction and to commence to the value of some €29 million in County Limerick during the period of the Programme. However, the Adare Sewerage Scheme was not amongst the priority contracts and schemes selected for inclusion in the current Programme.

The Programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth. A key input to the development of the Programme was the assessment of needs prepared by local authorities, including Limerick County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were subsequently appraised in the Department in the context of the funds available and key criteria that complemented those used by the authorities. Inevitably, through this process, certain projects that had been proposed had to give way to others that are more strategically important at this time.

Progress under the *Water Services Investment Programme 2010-2012* was reviewed last year and through this process, consideration was given to any newly emerging priority contracts and schemes submitted by local authorities for addition to the Programme. Limerick County Council included some works on the Adare Sewerage Scheme, with an estimated cost of €240,000, in their review but it was determined that the funding requirements would fall into the Small Schemes category of the Rural Water Programme and therefore was not added to the current *Water Services Investment Programme*.

Responsibility for the administration of the Rural Water Programme has been devolved to local authorities since 1997. The selection and approval of individual schemes for advancement

and funding under the programme, within the overall priorities set by my Department and subject to the block grant allocations provided, is therefore a matter for individual local authorities which in this case is Limerick County Council.

### **Grant Payments**

438. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when approval will be given to a grant (details supplied); and if he will make a statement on the matter. [7959/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to question 146 of 25 January 2012, which sets out the position in this matter. I am not in a position to consider any additional funding for the type of project referred to until such time as the DG Competition decision is received.

### **Foreshore Licences**

439. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he will amend the Foreshore Act 1933 in relation to the awarding of foreshore leases and licences in order that all applicants for a foreshore licence or lease must provide site notices and provide copies of the application to the appropriate local authority for public viewing; and if he will make a statement on the matter. [7964/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Questions Nos. 369 and 372 of 19 July 2011, outlining the position, which is unchanged, in regard to public notice of foreshore lease and licence applications.

### **Local Authority Charges**

440. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) is not included in the list of sites on which houses are exempt from the household charge due to being unfinished estates. [7969/12]

447. **Deputy Paul J. Connaughton** asked the Minister for the Environment, Community and Local Government the reason the residents of an estate (details supplied) in County Galway have not been granted a waiver in respect of the household charge given that the estate is very obviously unfinished; and if he will make a statement on the matter. [8140/12]

459. **Deputy Seamus Kirk** asked the Minister for the Environment, Community and Local Government if he will outline the criteria for deciding which housing estates are exempt from the household charge in County Louth; and if he will make a statement on the matter. [8227/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 440, 447 and 459 together.

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 categories as follows:

- Category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;

[Deputy Phil Hogan.]

- 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. The 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.

### **Planning Issues**

441. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the discretion Eirgrid has at its disposal to move a line carrying a pole a short distance if the relocation would benefit local residents and have no detrimental effect on any other local resident and if An Bord Pleanála were to sanction the permission, or if this discretion for relocation is curtailed. [7974/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I have no function in relation to the matter raised. Under section 30 of the Planning and Development Acts 2000-2010, I am specifically precluded from exercising any power or control in relation to any particular case with which a planning authority or An Bord Pleanála is or may be concerned.

### Waste Management

442. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government the regulations under which the Greyhound waste group operates its services in the Dublin region; and if he will make a statement on the matter. [7981/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Waste collection in Ireland is subject to compliance with applicable environmental and other relevant legislation, primarily the Waste Management Act 1996, as amended, and conditions attached to each waste collector’s collection permit issued by the relevant local authority under the Waste Management (Collection Permit) Regulations 2007, as amended. Waste collection in individual local authority areas may also be subject to local bye-laws. These requirements apply regardless of the location of a waste collector’s corporate headquarters.

The *Programme for Government* contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. As one might expect, a consensus is not apparent and, on almost all of the relevant issues, a considerable breadth of opinion was expressed. All of the responses received, in addition to a summary document, are available on my Department’s website, [www.environ.ie](http://www.environ.ie).

My Department is currently undertaking a regulatory impact analysis to examine the costs, benefits and other impacts of options for change, and to inform how best to regulate the household waste collection market. My overall policy objective is to improve the functioning of waste management in this country. I expect to be in a position to submit final proposals in relation to household waste collection to Government by Easter this year.

### Planning Issues

443. **Deputy Patrick O’Donovan** asked the Minister for the Environment, Community and Local Government the action a community association must take in order to request that its estate be taken in charge by a local authority, either through a plebiscite or other means. [8043/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Section 180 of the Planning and Development Act, 2000 applies to estates which have been granted planning permission and include the construction of two or more houses (which as defined in the Act includes apartments) and the provision of new roads, open spaces, car parks, sewers, watermains or drains. In relation to estates which have been completed to the satisfaction of the planning authority in accordance with the permission, section 180 provides that the planning authority must if requested to do so by the developer or by the majority of the qualified electors who are owners of the houses involved, initiate the procedures in section 11 of the Roads Act 1993 for declaring the road(s) to be public roads, for whose maintenance the local authority will then be responsible.

[Deputy Jan O’Sullivan.]

Section 11 of the Roads Act empowers a local authority to, by order, declare any road over which a public right of way exists to be a public road. Before making an order the local authority must be satisfied the road is of general public utility, consider the financial implications of taking the road in charge and consult with the public/consider any objections received. The consideration of the objections and the making of the order declaring the road to be a public road is a reserved function, so that the decision whether to take the road in charge is ultimately one for the discretion of the elected members.

In relation to estates which have not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced within the relevant period section 180 also provides that the planning authority must, if requested to do so by the majority of the owners, initiate the procedures in section 11 of the Roads Act. However, in this case the section provides that the provision in section 11 of the Roads Act requiring the authority to consider the financial implications of taking the road in charge shall be disregarded. Section 180 also provides that where a planning authority, in complying with section 180, makes an order under section 11 of the Roads Act, it must also take in charge any open spaces, car parks, sewers, watermains, or drains within the attendant grounds of the development.

Section 180 was amended in the Planning and Development (Amendment) Act 2010 to provide that a planning authority may take in charge an unfinished estate, at the request of the owners of the housing units, at any time after the expiration of the planning permission, in situations where enforcement actions have commenced or where the planning authority consider that enforcement action will not result in the satisfactory completion of the estate by the developer. Planning authorities have also been empowered to take in charge part of an estate or some, but not all, of the facilities in an estate.

### **Local Government Reform**

444. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if there are plans to abolish town councils (details supplied) under the local government reform plan. [8050/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 144 of 9 February 2012, which sets out the position in this matter.

### **EU Directives**

445. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if the ESB will have to pay for the use of water for the purpose of the production of hydroelectricity based on the reasoned opinion received from the European Commission in November 2011; the reply sent to the Union regarding same; and if he will make a statement on the matter. [8121/12]

446. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if Waterways Ireland will have to pay for the abstraction of water for use in the Royal Canal, the Grand Canal, the Shannon-Erne Waterway and other man-made waterways as a result of the reasoned opinion from the European Union in November 2011; the reply sent by him regarding same to the Union; and if he will make a statement on the matter. [8122/12]

466. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if he has replied to the reasoned opinion of the EU Commission of 24 November

2011, on the matter of the Water Framework Directive within two months, as requested by the Commission; the details of the reply; if he will lay the reply before the Houses of the Oireachtas; and if he will make a statement on the matter. [8300/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 445, 446 and 466 together.

A Reasoned Opinion from the European Commission in relation to the interpretation of the definition of water services under the Water Framework Directive was received in November 2011, with a request for reply by 29 January 2012. My Department sought, and has been granted, an extension of the date for reply to 29 March 2012, in view of the complexity of the issue. This matter is also the subject of Reasoned Opinions issued to at least 5 other Member States.

In relation to the question of payment for the use of water for purposes such as hydropower or inland navigation, Article 9 of the Water Framework Directive provides Member States with some discretion on the application of the cost recovery principle. For example, Member States may have regard to the social, environmental and economic effects of the recovery, as well as the geographic and climatic conditions of the region affected.

My Department is considering its response to the Reasoned Opinion in consultation with the Office of the Attorney General. It would not be appropriate or normal procedure to lay the terms of the eventual reply before the Houses of the Oireachtas; the matter is likely to be subject to further communication between the Commission and the Irish authorities.

*Question No. 447 answered with Question No. 440.*

#### **Local Authority Staff**

448. **Deputy Emmet Stagg** asked the Minister for the Environment, Community and Local Government the current number employed by Kildare County Council broken down by grade; and if they are indoor or outdoor staff. [8150/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department gathers information on the numbers employed in local authorities on a quarterly basis. The breakdown for Kildare County Council according to its quarterly return for December 2011 is provided in the table:

Post	Whole Time Equivalent
Managerial	6.00
Clerical/Administrative	332.00
Professional/Technical	157.00
Outdoor	314.00
Contract posts	40.00
Other	31.9
Total	880.9

#### **Water and Sewerage Schemes**

449. **Deputy Noel Harrington** asked the Minister for the Environment, Community and Local Government the status of the Bandon sewage scheme, County Cork; when he expects the project works to commence; the expected timetable for its completion; if he will confirm that

[Deputy Noel Harrington.]

funding will be provided by him to complete the scheme; and if he will make a statement on the matter. [8152/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** *The Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Cork. The Programme includes contracts under construction and to commence to the value of some €230 million in the county during the period of the Programme.

Contracts for both a wastewater treatment plant upgrade and network for the Bandon Sewerage Scheme Phase 2 are included as contacts to start during the life of the Programme.

In October 2011 my Department approved the revised Design Brief submitted by Cork County Council for the appointment of a Consultant to prepare a Preliminary Report for the upgrade of the Bandon Wastewater Treatment Plant.

I approved funding to allow Cork County Council award the contract for the network element of the scheme on 10 February 2012. The Council can now complete the contract formalities with the successful tenderer with a view to commencing work on the contract as soon as possible.

450. **Deputy Noel Harrington** asked the Minister for the Environment, Community and Local Government the position regarding the Castletownbere sewage scheme, County Cork; when the project works will commence; the expected timetable for its completion, if he will confirm that funding will be provided by him to complete the scheme; and if he will make a statement on the matter. [8156/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** *The Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Cork. The Programme includes contracts under construction and to commence to the value of some €230 million in the county during the period of the Programme.

The Castletownbere Sewerage Scheme is included in the Programme as a scheme to advance through planning during the life of the Programme. My Department is awaiting the submission by Cork County Council of a revised Preliminary Report for the scheme.

### **Departmental Funding**

451. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will ensure the continued funding for the Fettercairn and Killinarden estate management projects, Dublin; and if he will make a statement on the matter. [8157/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** As part of the Government's Comprehensive Review of Expenditure and the 2012 estimates process, difficult decisions have had to be taken in relation to prioritising funding for core services in all programme areas. The provisional funding estimate to support my Department's mainstreamed drugs projects under the Housing programme budget 2012 was €100,000.

Two of 5 drugs projects mainstreamed to my Department's Housing programme were the Tallaght Fettercairn and Killinarden Estate Management Projects. In 2011, funding was pro-

vided through South Dublin County Council for these projects and the Council had been informed that it would not be possible for my Department to continue funding these projects beyond 31 March 2012.

A consultation process has commenced between the projects, the relevant local authorities and other bodies to explore alternative funding mechanisms for the mainstreamed drugs projects for 2012 and beyond. My Department also met officials from South Dublin County Council with regard to broader public funding for relevant projects and asked them to consider the potential for the estate management projects to be reconfigured in line with the Council's housing management role. Following difficulties identified by the Council, the projects and other funding partners in ensuring that projects have sufficient time to identify alternative streams of funding and/or to undertake a reconfiguration of project tasks and priorities, my Department has agreed to provide additional pro rata funding to support the projects for the second quarter of 2012, i.e. to 30 June 2012, through a transfer of a further €100,000 from within the provisional Housing programme estimate for 2012.

This funding is being provided strictly on a once off basis and on the clear understanding that it represents an extension of the transitional arrangement only, thereby providing projects with sufficient time to undertake a fully comprehensive consultation to identify future alternative funding mechanisms. It will be a matter for all the public funding bodies, as part of the consultation process, to identify resources to deliver on the overall objectives of the reconfigured projects beyond end June 2012.

Furthermore, in the context of a public funding provision of €260 million for drugs programmes across all Departments and agencies in 2011, my colleague, the Minister of State with responsibility for the National Drugs Strategy is currently undertaking a review of the structures that underpin the National Drugs Strategy at local, regional and national level, including how the current funding structures can be improved or streamlined, particularly in relation to local and regional drugs task forces.

### Local Authority Housing

452. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government the number of notices to quit, broken down by council, served in relation to rent arrears in 2009, 2010 and 2011 and the levels of arrears in these instances; the numbers of these notices to quit that have led to summonses and the number of evictions that resulted; for those households evicted the tracking that is done and if it is known if any of those household became homeless. [8162/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department has since 2008 collected data on rent arrears, calculated by the total monetary amounts and not by individual persons or households, owing to local authorities. The data are supplied in a tabular format below. However my Department does not collect data on notices to quit related to those rent arrears.

Data in respect of 2011 are not yet available.

Local Authorities	Rent arrears at date specified		
	1st Jan 2008	1st Jan 2009	1st Jan 2010
County Councils			
Carlow	84,873	109,471	160,989
Cavan <sup>1</sup>	0	214,556	350,000
Clare	375,379	363,279	655,272



Town Councils	Rent arrears at date specified		
	1st Jan 2008	1st Jan 2009	1st Jan 2010
Athy	52,908	608,577	78,408
Ballina	156,344	135,342	88,962
Ballinasloe	24,069	31,343	27,765
Birr	9,629	5,932	17,345
Bray	81,737	109,950	144,724
Buncrana	21,433	38,769	71,616
Bundoran	7,279	8,586	5,412
Carlow <sup>1</sup>	0	20,268	10,070
Carrickmacross	2,968	7,204	13,158
Carrick-on-Suir	31,155	40,522	93,060
Cashel	26,325	11,294	14,459
Castlebar	24,791	19,037	14,826
Castleblaney	5,483	9,210	7,888
Cavan	231,005	241,787	277,907
Clonakilty <sup>1</sup>	0	46,874	52,899
Clones	5,490	8,943	17,179
Clonmel	23,687	46,962	88,729
Cobh	40,292	46,184	71,581
Drogheda <sup>1</sup>	0	340,156	545,520
Dundalk	359,079	372,057	354,287
Dungarvan	154,584	114,083	112,444
Ennis	46,486	33,720	54,938
Enniscorthy	131,646	125,037	152,062
Fermoy	21,890	21,098	58,152
Kells <sup>2</sup>	0	0	0
Kilkenny <sup>2</sup>	136,058	131,850	0
Killarney	9,650	8,721	9,019
Kilrush	21,803	19,873	19,370
Kinsale	49,776	46,420	46,388
Letterkenny	39,012	37,825	45,373
Listowel	24,126	29,035	40,704
Longford	200,000	130,483	136,073
Macroom	3,955	3,732	1,843
Mallow	30,665	49,476	38,884
Midleton	26,586	18,282	33,459
Monaghan	64,419	54,460	57,318
Naas	35,176	90,066	105,490
Navan <sup>2</sup>	0	0	0
Nenagh	9,252	13,538	28,456
New Ross <sup>1</sup>	0	42,346	29,899
Skibbereen	21,311	19,945	21,000
Sligo	188,342	219,839	271,358
Templemore	2,264	14,388	0
Thurles	38,663	28,366	25,001
Tipperary	18,216	2,000	18,222
Tralee	232,562	249,877	290,398
Trim <sup>2</sup>	0	0	0

[Deputy Jan O'Sullivan.]

Town Councils	Rent arrears at date specified		
	1st Jan 2008	1st Jan 2009	1st Jan 2010
Tullamore	225,178	278,839	286,000
Westport <sup>3</sup>	0	0	16,339
Wexford	236,181	199,520	205,715
Wicklow	26,489	11,916	715
Youghal <sup>3</sup>	0	0	0
Total (3)	3,297,810	4,025,998	4,308,260
Totals (1+2+3)	32,853,875	39,527,605	50,835,300

<sup>1</sup>2008 data not available.<sup>2</sup>Included in county return.<sup>3</sup>Not available.

### Household Charge

453. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government the position regarding property owners who have leased their properties to the local authority under the rental accommodation scheme; if these property owners are liable for the household charge and the non principal private residence charge; and if he will make a statement on the matter. [8163/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge and that Act also amended the Local Government (Charges) Act 2009 which provides the legislative basis for the charge on non-principal private residences. The 2011 Act has ceased the exemption from payment of the non-principal private residences charge in respect of properties in the rental accommodation scheme with effect from 1 January, 2012. Such properties are also liable to the household charge, unless otherwise entitled to an exemption or a waiver.

*Question No. 454 answered with Question No. 436.*

*Question No. 455 answered with Question No. 414.*

### Local Authority Funding

456. **Deputy Regina Doherty** asked the Minister for the Environment, Community and Local Government the amount that has been granted to pensioners in County Meath for home improvements under the scheme of housing aid for older people for the years 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [8176/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department's involvement with the Housing Adaptation Grant Schemes for Older People and People with a Disability relates primarily to the recoupment of a proportion of local authority expenditure on the payment of individual grants. The grant schemes, introduced in November 2007, are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. It is a matter for each local authority to determine how the funding is apportioned between the various grant measures.

Details of recoupments to Meath County Council under each of the various grant measures for the period 2009 to date are set out in the following table:

Year	Housing Adaptation Grant for People with a Disability	Housing Aid for Older People	Mobility Aids Grant
2009	€47,125	€227,666	€10,160
2010	€962,725	€199,101	€309,497
2011	€741,758	€395,919	€47,263
2012	Nil	Nil	Nil

Allocations under the grant schemes for this year will be notified to local authorities as soon as possible after the publication of the 2012 Revised Estimates for Public Services. Information on the status of applicants, including information relating to those in receipt of pensions, is not available in my Department.

### Local Authority Housing

457. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government the number of persons on housing waiting lists in each local authority in the State; on average the number of persons applying to be on the housing list every month; if this trend is increasing; and if he will make a statement on the matter. [8188/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department does not hold information on the number of households on local authorities’ waiting lists. This figure continuously fluctuates as households are allocated housing and new households apply for housing support. Detailed information on the latest statutory assessment of housing need carried out in March 2011, including a breakdown by housing authority, is available on my Department’s website — [www.environ.ie](http://www.environ.ie) or on the Housing Agency’s website at [www.housing.ie](http://www.housing.ie).

### Water and Sewerage Schemes

458. **Deputy Dan Neville** asked the Minister for the Environment, Community and Local Government the position regarding the improvement project of the Kilmallock town, County Limerick sewerage scheme. [8204/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** *The Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Limerick. The Programme includes contracts under construction and to commence to the value of some €29 million in the county during the life of the Programme.

The Kilmallock Sewerage Scheme, wastewater treatment plant (Design Build Operate) contract is included among the contracts to start during the period of the Programme at an estimated cost of €3.4 million. Limerick County Council’s recent request for confirmation that the necessary funding is in place to allow them accept the most economically advantageous tender for the contract is under examination in my Department. A decision will be conveyed to the Council as soon as possible.

*Question No. 459 answered with Question No. 440.*

### Proposed Legislation

460. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government in view of the fact that the memorandum of understanding with the IMF-EU states that the Government will conduct a study on the economic impact of eliminating the cap on the size of retail premises with a view to enhancing competition and lowering prices for consumers and discuss implementation of its policy implications with the commission service; if any legislation is planned to effect these changes in planning laws; and if he will make a statement on the matter. [8236/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The draft Guidelines for Planning Authorities on Retail Planning which issued for public consultation on 21 November 2011 are aimed at:

- ensuring that the planning system plays a key role in supporting competitiveness in the retail sector;
- advancing choice for the consumer while promoting and supporting the vitality and viability of city and town centres; and
- contributing to a high standard of urban design and encouraging a greater use of sustainable transport.

In response to the requirement in the *EU/IMF Programme of Financial Support for Ireland* for an economic analysis of the potential impact on competition and consumer prices of eliminating or relaxing the floorspace cap on retail premises, my Department and the Department of Jobs, Enterprise and Innovation commissioned Forfás to undertake an evidence-based and focused study to analyse the potential economic impacts of eliminating the cap on the size of retail premises. The draft Guidelines take into account the recommendations of the *Forfás Study Review of the Economic Impact of the Retail Cap* which is published on my Department’s website at [www.environ.ie](http://www.environ.ie). Public consultation period closed on 20 December 2011 and a total of 102 submissions are now being considered for purposes of finalising the Guidelines.

### Waste Management

461. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if it is possible for a householder in an area in which waste collection services are provided by a private company and not by the local authority to contract any waste service provider to collect their bins; and if he will make a statement on the matter. [8250/12]

472. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he is bringing in new legislation as outlined under the programme for Government 2011 to allow for competitive tendering for local waste collection services where the tenderer will bid to provide services in an entire local authority area; the timeline for introducing this legislation; and if he will make a statement on the matter. [8500/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 461 and 472 together.

Currently, very few local authorities directly provide household waste collection services. In many areas, a number of private sector waste collectors offer competing services to householders, subject to compliance with all applicable environmental and other relevant legislation. Householders in such areas are free to choose from among the competing service providers.

The *Programme for Government* contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. As one might expect, a consensus is not apparent and, on almost all of the relevant issues, a considerable breadth of opinion was expressed. All of the responses received, in addition to a summary document, are available on my Department's website, [www.environ.ie](http://www.environ.ie).

My Department is currently undertaking a regulatory impact analysis to examine the costs, benefits and other impacts of options for change, and to inform how best to regulate the household waste collection market. My overall policy objective is to improve the functioning of waste management in this country. I expect to be in a position to submit final proposals in relation to household waste collection to Government by Easter this year.

### **Household Charge**

462. **Deputy Paschal Donohoe** asked the Minister for the Environment, Community and Local Government if he is planning to include hardship cases among the waivers for the household charge; if he will direct the interdepartmental group to look at this for the property tax also; and if he will make a statement on the matter. [8254/12]

**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 Act, it is a function of a local authority to collect household charges and late payment penalties due to it and all charges and late payment penalties imposed and payable to a local authority are under the care and management of the local authority concerned. In this regard, application of the legislation in particular circumstances is a matter for the relevant local authority. Interpretation of the legislation is a matter for legal advice in individual cases and ultimately a matter for the Courts.

I have recently established an inter-Departmental expert Group to design an equitable property tax having regard to its terms of reference. This Group has been asked to report to me by end April, 2012. I will then bring proposals to Government for decisions on the structure and modalities of the property tax.

### **Building Regulations**

463. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he has been briefed by Dublin City Council on the exact works that are being carried out at the Priory Hall complex, Dublin; and if he will make a statement on the matter. [8259/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Dublin City Council is the designated authority with powers to enforce the statutory requirements arising under the Fire Safety Act, the Building Control Acts and the Planning and Development Acts, all of which are at issue in relation to Priory Hall. I have no direct role in relation to enforcement activity, or in relation to the remedial works which have been undertaken to date in the complex in question, or which continue to be necessary. Notwithstanding the above, my Department is being kept informed by Dublin City Council of developments in relation to the matter.

[Deputy Phil Hogan.]

The legal proceedings in relation to the Priory Hall complex are continuing.

### Departmental Agencies

464. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that there are only four members at present of An Bord Pleanála, when there should be nine, and as few as two members may make a decision which means that major projects as well as individual persons planning issues could potentially be dealt with by only two persons; and if he will make a statement on the matter. [8261/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The statutory process of filling a number of the current vacancies on the Board is now underway and I expect to be in a position to make appointments shortly. When appointing new Board members I will be taking account of the balance of skill sets and expertise required for the effective discharge of An Bord Pleanála's complex and wide ranging functions. Under section 108 of the Planning and Development Acts 2010, the reduced quorum of two Board members may not adjudicate on strategic infrastructure cases.

### Departmental Staff

465. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8271/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** No such payments are being made by my Department to any former public servant who has retired from my Department and no such payments are anticipated to be made to any officials due to retire in the near future.

In 2010 eleven retired civil servants in receipt of civil service pensions were re-engaged by my Department on a fee basis at a total cost of €55,415. The abatement principle, which ensures that the fee paid plus pension does not exceed the rate of pay the pensioner would receive if he/she had continued service in their former post, applied to all such payments made. The tasks carried out included time bound tasks or projects such as membership of expert groups, occasional service on interview boards, value for money reviews and process audits.

Information relating to 2011 will be available following the finalisation of the Appropriation Accounts which are currently being compiled. Any re-engagement of former civil servants by my Department would have been on the same basis as outlined above.

*Question No. 466 answered with Question No. 445.*

### Water Services

467. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if he has made a case for Ireland, within the two months as requested, as to the continued exemption of entirely private water sources in rural Ireland such as wells and rain-

water run-off tanks from his water metering plans; his views on the matter and his stance on the metering of private wells and of rain water run-off tanks and drains; and if he will make a statement on the matter. [8301/12]

468. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if he has proposed, as part of his response, to tier his well and rainwater metering charges in proportion to the ambient participation annually experienced in different parts of the country; if he has made a case in Europe for lower charges in areas of higher rainfall in view of the evidently lesser extractive impact of any wells and rainwater run-off tanks in those areas and with reference to the long term data gathered and held by the European Environmental Agency; and if he will make a statement on the matter. [8302/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 467 and 468 together.

The *Programme for Government* provides for the introduction of a fair funding model to deliver clean and reliable water. The Memorandum of Understanding with the EU, the IMF and the ECB also contains commitments for the reform of water services delivery and operation and the introduction of domestic water charges. To meet these commitments, the Government intends initiating a water metering programme for households on public water supplies in advance of the introduction of water charges.

The Government is proposing to establish an independent economic regulator for water within the Commission for Energy Regulation and the approach to be taken in relation to setting the level of charges for water services will be determined in consultation with the Regulator.

The Government is not proposing to install meters or to apply charges in respect of private wells or rainwater run-off tanks. The position regarding Ireland's response to the European Commission's Reasoned Opinion on our legal interpretation of the definition of water services provided for in the Water Framework Directive is set out in my response to Questions Nos. 445, 446 and 466 on today's Order Paper.

### **Local Authority Charges**

469. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will consider an exemption to original offshore islanders who have an additional home on the mainland from the household charges. [8308/12]

**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 legislation underpinning 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. I have no plans to provide an exemption along the lines suggested.

### **Departmental Staff**

470. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from

[Deputy Sean Fleming.]

retired or departed employees, in tabular form; and if he will make a statement on the matter. [8435/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested in relation to officers who have retired from my Department from 2008 to date is outlined in the table below.

The details in respect of future retirements from my Department up to 2015 are not available. However, a further 26 staff members have applied to retire before 29 February 2012 and their applications are currently being processed.

Figures in relation to the loss of the pension levy from employees who have retired from my Department and the loss of superannuation payments from retired staff of my Department are not available.

Year	Lump Sum	Pension
2008	€2,011,995.96	€642,974.66
2009	€4,410,356.51	€2,600,945.64
2010	€3,210,242.05	€1,064,973.70
2011	€3,205,169.87	€696,736.96
2012	€460,751.69	€80,321.38

\*Public Service Pension Reduction is not included.

### Local Authority Charges

471. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will support the issues raised regarding the household charge. [8475/12]

**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.

Citizens and residents of the State are bound by the laws of the State which are enacted by the Oireachtas. This is underscored by the Constitution of Ireland. There is no validity in the suggestion put forward that a person can opt out of a law of the State by not consenting to it. Under the legislation, an owner of a residential property on the liability date of 1 January 2012 is required to make a declaration of liability and to pay the household charge by 31 March 2012, unless otherwise exempted or entitled to claim a waiver. The Act further provides for offences where a person contravenes these statutory requirements.

*Question No. 472 answered with Question No. 461.*

### Parental Rights

473. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if he will clarify those parental, or other, rights that currently extend to both partners in a same sex relationship when one is the biological parent of the child and one is not. [7976/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Guardianship of Children Acts 1964 to 1997 set out who may have parental responsibility for a child. The position is that the married mother and father of a child are jointly guardians of the child. In relation to a child born outside marriage, the mother is sole guardian unless she and the father make a statutory

declaration appointing him joint guardian of the child, or the father obtains a court order appointing him guardian of the child. Guardianship entitles a parent to make important decisions regarding a child's upbringing, for example, deciding on the child's religion, education, medical treatment and where he/she lives. Both parents are responsible for maintaining the child, and a father may apply for custody of or access to his child, whether or not he is the child's guardian.

Where a child's parent is in a relationship with another person, whether of the same sex or of the opposite sex, that other person has no parental responsibility for the child under the law as it stands. In this regard, I refer the Deputy to my reply to Questions numbers 390, 397 and 411 of 7 February 2012 in which I said:

*“The Programme for Government includes a commitment to amend the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 to address any anomalies or omissions, including those relating to children. In this regard, the Law Reform Commission has made detailed recommendations in its Report on the Legal Aspects of Family Relationships. In particular, the Commission recommends that legislative provisions be introduced to facilitate the extension of guardianship (parental responsibility) to civil partners and step-parents either by agreement with the other parties who have parental responsibility for the child or by application to court. The Commission's recommendations are under consideration in my Department with a view to preparing legislative proposals.”*

#### **Visa Applications**

474. **Deputy Seán Kenny** asked the Minister for Justice and Equality the conditions for the granting of visas to investors from abroad who may wish to reside here. [8242/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I would refer the Deputy to my reply below to Parliamentary Question 498 of 31 January 2012. The position remains unchanged.

*I would direct the Deputy to my press release on Government approval for the two immigration programmes for investors and entrepreneurs. This press release outlines the available information on the programmes and may be viewed on my Department's web-pages. The specific application procedures including application forms, other supporting documentation and other requirements of the programmes are currently being drafted and will be made available at the formal launch in March.*

#### **Prison Committals**

475. **Deputy Patrick Nulty** asked the Minister for Justice and Equality the number of persons who were imprisoned here for each year from 2008 to 2011, inclusive; and if he will make a statement on the matter. [7598/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The information requested by the Deputy is set out in the table. Figures are taken from the Annual Reports for the Irish Prison Service.

Year	Total Persons committed
2008	7,140

[Deputy Alan Shatter.]

Year	Total Persons committed
2009	9,371
2010	10,877
2011*	11,285

\*The 2011 figure is provisional pending the publication of the Irish Prison Service Annual Report.

There has been a consistent increase in the total prisoner population in Ireland over recent years. The problem of prison overcrowding therefore remains a challenging issue which unfortunately cannot be resolved overnight.

I share the view of the Thornton Hall Review Group that decisive action is required on a number of fronts in order to address the problem of overcrowding and poor physical conditions particularly in Mountjoy and Cork Prisons. Whilst the reduced capital envelope for this year will not allow the Prison Service to proceed with the construction of Thornton Hall or Kilworth prisons, this does not signal a reversal of the Government's decision last year to approve in principle the recommendations contained in the Thornton Hall Review Group Report. It has been necessary to defer the commencement of these projects but it is my strong intention to revisit the timeframe for their delivery later this year.

I am also continuing to pursue alternatives to custody and progress is being made. The Criminal Justice (Community Service) (Amendment) Act 2011 requires the sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered. A number of key recommendations contained in the Thornton Hall Review Group Report are also receiving priority attention in my Department and many are in the process of being implemented, most notably the introduction of an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In this regard, a six month pilot project commenced in October 2011 in which it is envisaged that a total of 130 prisoners will participate.

The Fines Act 2010 introduced measures to prevent the automatic imprisonment of fine defaulters. I intend to bring forward new legislative proposals to introduce a system of "attachment orders" allowing a small amount of money to be taken from wages or social welfare facilitating the payment of the debt or fine over time. The concept of restorative justice also has a place in the range of non-custodial options which are available for use by the courts. The Deputy can be assured that my focus is to encourage the use of such options to the greatest extent possible.

476. **Deputy Patrick Nulty** asked the Minister for Justice and Equality the number of persons who were imprisoned here for each year from 2008 to 2011, inclusive, for the non-payment of fines; and if he will make a statement on the matter. [7599/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** A breakdown of the number of persons imprisoned for non-payment of fines for each of the years 2008, 2009, 2010, 2011 is set out in the following table:

Year	Number of Persons
2008	2,344
2009	4,350
2010	5,995

Year	Number of Persons
2011*	6,725

\*The 2011 figures are provisional pending the publication of the Irish Prison Service Annual Report.

I can advise the Deputy that the number of such persons held in custody at any one time is a tiny fraction of the overall prisoner population. To illustrate this point, on 13 February, 2012 there were 22 persons or 0.5 percent of the numbers in prison custody that fell into this category.

The Deputy may also wish to note that the Fines Act 2010 includes a number of provisions designed to minimise the level of fine default and where it does occur, to ensure, as far as possible, that fine defaulters are not committed to prison. In particular, under Section 14 of the Act, the court must consider the financial circumstances of the person before the amount of the fine is determined. There are also provisions in the Act, that I intend to commence in 2012, allowing for the payment of fines by instalments; the appointment of receivers to recover outstanding fines (or property to the value of those fines); and the substitution of community service orders for fines, where they remain unpaid after the receiver has completed his or her work.

I am also committed to pursuing alternatives to custody. The Criminal Justice (Community Service) (Amendment) Act 2011 commenced on 1 October last and requires judges when considering imposing a sentence of imprisonment of 12 months or less to first consider the appropriateness of community service as an alternative to imprisonment. I expect that these measures, taken together, will all but eliminate the need to commit persons to prison for non-payment of fines.

### Irish Prison Service

477. **Deputy Patrick Nulty** asked the Minister for Justice and Equality the amount it costs the Exchequer on annual basis for a person to remain in prison for a full year; and if he will make a statement on the matter. [7600/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy may wish to note that the average cost of an available staffed prison space is published annually in the Irish Prison Service Annual Report. The most recent figures are contained in the 2010 Annual Report which is available on the Prison Service's website [www.irishprisons.ie](http://www.irishprisons.ie).

The average cost of an available staffed prison space during the calendar year 2010 was €70,513 (€77,222 in 2009), a decrease on the 2009 cost of €6,709 or 8.7%. The decrease in average cost is attributed to the following two factors:

- a decrease in total costs of €20.7 million,
- an increase in bed capacity of 97 from 4,106 as at 31st December 2009 to an average bed capacity of 4,203 for 2010.

Consistent with calculations in previous years, costs which are not under the direct control of the Irish Prison Service have been excluded. Therefore, the teachers' salary costs are excluded from this exercise as these costs are not provided for under the Prisons budget allocation. Similarly, capital expenditure, including building/equipment assets and small works, is excluded from the calculations in the interest of facilitating comparison between prison types.

### **Garda Deployment**

478. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality if provisions are available to commit to extra resources for community gardaí in areas (details supplied), in view of increases in burglaries; if no extra provisions are available the plans in place to counter-act the increase in localised crime; and if he will make a statement on the matter. [7632/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The allocation of Garda resources in any particular location is a matter for Garda management. I am informed by the Garda authorities that the area referred to is within the Whitehall Garda Sub-District. Local Garda management is aware of an increase in the number of burglaries recorded in the area.

The area is the subject of regular patrols by uniform and plain clothes personnel, including the Community Policing Unit, Garda Bike Unit and local Detective and Drug Units, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel. Local Garda management has directed that additional patrols take place in the area, including the deployment of members of the Community Policing Unit, to prevent, deter and investigate these crimes. A Community Garda is allocated specifically to the area concerned and attends meetings with local residents to address any issues raised.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. I am further informed that this situation is being kept under review.

I would also like to advise the Deputy that an initiative was commenced in January 2010 by Assistant Commissioner, Dublin Metropolitan Region, in response to an increase in the number of burglary incidents recorded across the Garda divisions comprising the Dublin Metropolitan Region (DMR). The main objective of this initiative is, primarily but not exclusively, targeting those suspected of committing burglaries and the investigation and detection of such incidents, with particular emphasis on the DMR North, South and West Garda Divisions. An Inspector is tasked with the day-to-day running of the initiative, monitoring of crime trends and coordination of resources.

### **Citizenship Applications**

479. **Deputy Tom Fleming** asked the Minister for Justice and Equality the position regarding applications for certificates of naturalisation in respect of a persons (details supplied) in County Kerry. [7641/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Question 179 on 9th February, 2012. The position remains as stated.

*Reply to Parliamentary Question 179 of 9th February, 2012*

*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.*

### **Garda Strength**

480. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the number of gardaí employed at the end of 2011 by region; the grades in which they were employed; the numbers who have applied under the early retirement scheme by location and grade; the minimum number of gardaí deemed necessary for the security of the State; and if he will make a statement on the matter. [7652/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Commissioner that the number of Gardaí by rank and Regions, on the 31 December 2011, was as set out in the table hereunder:

	A/Comm	C/Supt	Supt	Insp	Sgt	Gda
Dublin Metropolitan Region	1	7	22	98	527	3,555
Northern Region	1	3	18	26	219	1,155
South Eastern Region	0	4	15	21	175	1,027
Eastern Region	0	4	14	29	212	1,259
Southern Region	0	4	18	39	322	1,874
Western Region	1	3	22	22	208	1,242

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.

[Deputy Alan Shatter.]

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, namely a Garda in Charlestown, a Sergeant in Clara and Sergeant in Garda Headquarters.

There is no mathematical formula for determining the optimum strength of the Garda Síochána, or indeed any police force. Instead, it is a matter of Government policy, taking into account all the relevant factors such as population and the crime rate, as well of course as the availability of resources.

### **Citizenship Applications**

481. **Deputy Alan Farrell** asked the Minister for Justice and Equality when a decision will be made on applications for naturalisation in respect of persons (details supplied). [7663/12]

**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 a certificate of naturalisation were received from the persons referred to by the Deputy in July, 2009.

The applications are currently being processed with a view to establishing whether the applicants meet 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.

### **Visa Applications**

482. **Deputy Brian Walsh** asked the Minister for Justice and Equality when join-spouse and join-parent visas will be issued in respect of persons (details supplied); and if he will make a statement on the matter. [7669/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to inform the Deputy that the visa applications referred to have been approved.

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.

**Professional Fees**

483. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he will consider introducing legislation to reduce receivership and liquidation professional fees; his views that adequate incentive structures are in place for receivers and liquidators expeditiously to achieve liquidity for a maximum number of creditors and thereby reduce the cost of professional fees; if he agrees the lack of fee regulation for receivers and liquidators is unjustly enriching professional firms to the detriment of unsecured creditors and other creditors further down the preferential chain; and if he will make a statement on the matter. [7696/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I will contact the Deputy directly in relation to this matter.

**Departmental Staff**

484. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7743/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The table sets out the information sought by the Deputy in respect of my Department. Further information is available on the Department’s website at [www.justice.ie](http://www.justice.ie).

Table

Secretary General	Minister’s Constituency Office Minister’s Private Office Press Office Secretary General’s Office Cosc
Director General	Irish Naturalisation and Immigration Service (INIS) Office of the Refugee Applications Commissioner (ORAC) Reception and Integration Agency (RIA)
Assistant Secretary	EU Presidency and International Policy
Assistant Secretary (Vacancy)	Civil Law Reform
Assistant Secretary (Vacancy)	Courts Policy
Assistant Secretary	Equality Division Office for the Promotion of Migrant Integration
Assistant Secretary	Garda Division
Assistant Secretary	Criminal Law Reform Prisons and Probation Policy
Assistant Secretary	Anti-Human Trafficking Anti-Money Laundering Compliance Unit Crime Divisions Irish Youth Justice Service (Community Programmes) Mutual Assistance and Extradition White Paper on Crime Unit

[Deputy Alan Shatter.]

Table

Assistant Secretary	Casino Gaming Control Section Charities Regulation Unit Corporate Affairs Financial Shared Services Freedom of Information Unit HQ Financial Management Unit Human Resources Division Internal Audit IT Division Office for Internet Safety Procurement Strategy Group Reform and Development Unit Victims of Crime
---------------------	---

### International Agreements

485. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide an update on Cosc's examination of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; and the date on which they will make a submission to the Government on Ireland signing the convention. [7753/12]

521. **Deputy Mary Mitchell O'Connor** asked the Minister for Justice and Equality if he will sign and ratify the new Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and to allow Ireland, as per the recommendations of Thomas Hammerberg, Commissioner for Human Rights of the Council of Europe, to serve as role model in this regard; and if he will make a statement on the matter. [8145/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 485 and 521 together.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is a very detailed Convention with a very broad scope across a number of policy areas. Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, an executive office within my Department, has examined the Convention and has requested observations on potential policy and legislative implications from relevant government departments and state agencies. Following receipt of the observations, consideration will be given to any issues which need to be addressed. It is hoped that this will be quickly followed by a submission to the Government on the question of signature of the Convention by Ireland.

### Garda Operations

486. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which the Garda Commissioner's draft policing plan for 2012 will be published; the date it will be laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [7754/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Policing Plan for 2012 was laid before the Houses of the Oireachtas on the 5th of December 2011.

### Proposed Legislation

487. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to bring forward legislative proposals to introduce attachment orders in addition to that contained in the Fines Act 2010; and the date on which this legislation will be introduced. [7755/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Fines Act 2010 includes a number of provisions designed to improve the collection of fines and to reduce the number of people committed to prison for the non-payment of fines. I intend to commence the outstanding provisions relating to instalment payments; the appointment of receivers; and the use of community service orders where fines remain unpaid, later this year.

The Programme for Government includes a commitment to introduce attachment orders to collect outstanding fines. I am currently considering how to implement this commitment and expect to be in a position to bring forward a Fines (Amendment) Bill to provide for attachment orders later in the year.

### Prisoner Releases

488. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide an update on his intention to give new guidelines to the Parole Board for the application of a temporary release scheme for long-term prisoners; and if he will make a statement on the matter. [7756/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In line with the Thornton Hall Review Group recommendations, an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service has been introduced. A six month pilot project, the Community Return scheme, commenced in October, 2011 in which it is envisaged that a total of 130 prisoners will participate. The issuing of guidelines to the Parole Board will be considered in the context of the development of the Community Return scheme.

### Departmental Bodies

489. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which he will establish the group to conduct a strategic review of penal policy incorporating an examination and analysis of all aspects of penal policy including prevention, sentencing policies, alternatives to custody, accommodation and regimes, support for reintegration and rehabilitation, the issue of female prisoners and 16 and 17 year olds within the system; and if he will make a statement on the matter. [7757/12]

490. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the way in which his group conducting a strategic review of penal policy will work with the sub-committee on penal reform. [7758/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 489 and 490 together.

I will announce details on membership and the terms of reference for this Group shortly.

Officials from my Department, the Irish Prison Service, and the Probation Service recently met with the Sub-Committee on Penal Reform to brief them on particular developments in the area of penal policy. I am aware of the Sub-Committee's work in that regard and will continue to bear it in mind.

### Garda Complaints Procedures

491. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality further to Parliamentary Questions No. 398 and 434 of 22 November 2011, if he will publish the legislative proposals suggested by the Garda Síochána Ombudsman Commission referred therein; and if he will make a statement on the matter. [7759/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Legislative proposals which are designed to improve the efficiency and effectiveness of the Garda Síochána Ombudsman Commission were included in its Two Year (2008) and Five-Year Report (2011) produced in accordance with section 80 of the Garda Síochána Act 2005. For details of the proposals concerned, the Deputy may wish to consult these reports which have been laid before the Houses of the Oireachtas.

As the Deputy will no doubt agree, it is necessary to strike the correct balance between the effectiveness and efficiency of police oversight and the other objectives of the Ombudsman Commission as set out in the 2005 Act. Preliminary discussions have taken place between the Ombudsman Commission and the Garda Síochána with a view to advancing the Ombudsman Commission's proposals in this area. In addition, I met the newly appointed members of the Ombudsman Commission in January and, following that meeting, they are now engaged in a review of the operations of the organisation with a view to submitting a paper to me on all relevant issues, including their proposed legislative amendments. I expect to receive the document from the Ombudsman Commission before the summer recess. Ultimately, any legislative amendments which are being brought forward in this area will require amendment of the Garda Síochána Act 2005 and, accordingly, formal legislative proposals will be presented to the Oireachtas for debate and consideration in the usual way.

### Proposed Legislation

492. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which he will introduce consolidated and reformed domestic violence legislation; and if he will make a statement on the matter. [7760/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Questions numbers 164 to 166 of 30 November 2011, in which I indicated the following:

*“The Programme for Government commitment — to introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation, in a way that provides protection to victims — will be progressed as soon as possible having regard to the need for consultations and the need to dispose of urgent legislative matters in my Department under the EU/IMF Programme of Financial Support for the State.”*

The Law Reform Commission's *Third Programme of Law Reform 2008-2014* provides for a general review of the law on domestic violence. I understand that the Commission has commenced its consultations and any recommendations it makes will inform the development by my Department of proposals for further legislative reform in this area.

### Equality Issues

493. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality, further to Parliamentary Question No. 432 of 22 November 2011, when he will put the question of giving ethnicity status to the Traveller community to the Government; and if he will make a statement on the matter. [7761/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Further to my answer on 22 November 2011, consideration is still ongoing and I intend that the question will be before the Government for decision as soon as possible.

**Proposed Legislation**

494. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality, further to Parliamentary Question No. 435 of 22 November 2011, the date on which he will publish a general scheme of a Bill to enable ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and if he will make a statement on the matter. [7762/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Subject to Government approval and other priorities, the General Scheme of an Inspection of Places of Detention Bill, which will include provisions to enable ratification of the UN Optional Protocol, is expected to be published mid 2012.

**Prison Service**

495. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality, further to Parliamentary Question No. 449 of 22 November 2011, if he will provide an update on his officials examination of the possibility of introducing formal risk assessment procedures for all new prisoners upon admission; the date on which he will publish their findings; and if he will make a statement on the matter. [7763/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Irish Prison Service that the Director General is in the process of establishing an expert working group to examine the matter. It is expected that this Group will report to me by the end of April 2012.

**Prison Staff**

496. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality the number of nurses and medical orderlies employed in each of the prisons here. [7764/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can advise the Deputy that the Irish Prison Service provides general healthcare services for the assessment, treatment and care of prisoners comparable to that available to those entitled to General Medical Scheme services in the community and which are appropriate to the prison setting. Primary care is the model of care through which healthcare is delivered; it is the linchpin of the prison healthcare system. The primary care service is provided using a multidisciplinary model and intra-disciplinary working processes and strives to provide proactive healthcare with a focus on health awareness and preventative medicine.

Each prison has a complement of nurses, medical orderlies and attendance by a prison doctor commensurate with the healthcare needs and prison population of the institution. The Irish Prison Service currently employs 3 full-time and 15 part-time doctors. In addition, a total of 135.5 nursing staff are employed, details of which are set out in the table:

Prison	Complex Nurse Managers	Chief Nurse Officers	Nurse Officer	Medical Orderly
Arbour Hill		1	5	
Castlerea		1	8.5	

[Deputy Alan Shatter.]

Prison	Complex Nurse Managers	Chief Nurse Officers	Nurse Officer	Medical Orderly
Cloverhill	1*	1	17	
Cork		1	4	2
Dóchas		1	6	1
Limerick		1	4	2
Loughan			2	
Midlands	1**	1	14	
Mountjoy	1***	1	24	2
Portlaoise		1	7	
Shelton			2	
St. Pat's		1	6	2
Training Unit			1	
Wheatfield		1	11	1
Total	3	11	111.5	10

\*Complex Nurse Manager covering Wheatfield and Cloverhill Prisons

\*\*Complex Nurse Manager covering Portlaoise and Midlands Prisons.

\*\*\*Complex Nurse Manager covering Mountjoy/St. Patrick's Institution/Dóchas and the Training Unit.

497. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of prison medical staff who have retired this month. [7765/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been advised by the Irish Prison Service that one nurse officer intends to retire with effect from 28 February, 2012.

### Prison Drug Treatment Services

498. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of prisoners on waiting lists for drug treatment programmes and the average waiting list time. [7766/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Given the large number of prisoners requiring drug treatment services, the Irish Prison Service endeavours to provide a comprehensive range of services. Drug rehabilitation programmes for prisoners involve a significant multi-dimensional input by a diverse range of general and specialist services provided both by the Irish Prison Service and visiting statutory and non-statutory organisations. It is the policy of the Irish Prison Service that where a person committed to prison gives a history of opiate use and tests positive for opioids to offer a medically assisted symptomatic detoxification, if clinically indicated. Patients can, as part of the assessment process, discuss with healthcare staff other treatment options, which may include stabilisation on methadone maintenance for persons who wish to continue on maintenance, while in prison and when they return to the community on release.

Merchants Quay Ireland are contracted to provide addiction counselling services in those prisons and deliver approximately 1,500 prisoner contacts per month. The service is delivered by 21 counsellors. There were 2,792 referrals to the service in 2011. There are currently approximately 290 on waiting lists across the system awaiting assessment and treatment. All those referred are assessed initially by a counsellor to identify the person's addiction and agree a treatment plan.

499. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of prisoners who requested methadone treatment during each of the past five years; and the number of prisoners who received methadone treatment during each of the past five years. [7767/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to advise the Deputy that it is the policy of the Irish Prison Service that where a person committed to prison gives a history of opiate use and tests positive for opioids to offer a medically assisted symptomatic detoxification, if clinically indicated. Patients can, as part of the assessment process, discuss with healthcare staff other treatment options, which may include stabilisation on methadone maintenance for persons who wish to continue on maintenance, while in prison and when they return to the community on release. Methadone maintenance is available in 9 of the 14 prisons and places of detention. The following table illustrates the number of prisoners who received Opiate Substitution Treatment with Methadone (detox, stabilisation, maintenance) in the last 5 years whilst in prison:

Year	Number of Prisoners
2007	1,840
2008	2,014
2009	2,424
2010	2,424
2011	2,241

### Prison Medical Service

500. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of prisoners who requested pharmacy, dental, chiropody, physiotherapy and optical services during each of the past five years; and the number of prisoners who received pharmacy, dental, chiropody, physiotherapy and optical services during each of the past five years. [7768/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to advise that it is not possible to provide the Deputy with the specific information requested as this would require the manual examination of records. Such an examination would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

The Irish Prison Service provides general healthcare services for the assessment, treatment and care of prisoners comparable to that available to those entitled to General Medical Services in the community and which are appropriate to the prison setting. The delivery of quality primary care interventions is a central tenet of the Irish Prison Service Healthcare strategy. Critical to the delivery of this service is the initial health assessment carried out at committal from which care interventions are developed. If, on clinical assessment, a need is identified for medical treatment, including those treatments identified by the Deputy, appropriate referrals are made. Prisoners can also self refer for treatment. The healthcare service strives to meet the essential healthcare needs of prisoners with a focus on health awareness and preventative medicine.

### Prison Service

501. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will publish

[Deputy Jonathan O'Brien.]

the review of the gratuity payments and allowances system recently completed by the Irish Prison Service; and if he will make a statement on the matter. [7769/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can advise the Deputy that a review of the prisoner gratuity payments and allowances system has been completed by the Irish Prison Service. The review covered all aspects of the current scheme including the daily allowance and approved work allowance. I am currently considering the recommendations from that review and hope to conclude this shortly.

### Proposed Legislation

502. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to improve the bail system; the date he will bring proposals on this to the Government; and if he will make a statement on the matter. [7770/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** A decision to grant bail in a particular case is a matter for the court, which is, subject only to the Constitution and the law, independent in the exercise of its judicial functions. There is a constitutional presumption in favour of bail, since, in the eyes of the law, a person is innocent until proven guilty. The provisions of the European Convention on Human Rights also restrict the extent to which the right to bail can be limited.

Prior to the Sixteenth Amendment of the Constitution, bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses. The Bail Act 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person.

I am conscious of public concern about the extent to which offences continue to be committed by persons on bail. I share that concern. I believe that bail law must be continually reviewed to ensure that all possible avenues are taken to protect the public against the commission of crime, particularly serious crime, by persons on bail. Accordingly, my Department has been engaged in work to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law. In the context of that modernisation of the law, I will be seeking to restructure the law so that it has a focus on the protection of the individual and of the public. My intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I am also taking the opportunity to introduce some general improvements to bail law to improve the overall working of the bail system. I will bring proposals to Government on the matter in the near future.

### Prison Service

503. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which the five-year capital strategy for the Irish Prison Service will be completed and published; and if he will lay a copy before the Houses of the Oireachtas. [7771/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Director General of the Irish Prison Service is in the process of preparing a draft Strategic Plan 2012-2014 which I expect will be presented to me for consideration in April. It will contain a Capital Expenditure Plan.

### Probation and Welfare Service

504. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which

the probation and welfare service will publish its research on the recidivism rates of offenders under their management. [7772/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Probation Service is in the process of conducting initial research in order to measure the recidivism rates of offenders under their management. Preliminary findings from the work done to-date indicate that the percentage of offenders who did not commit an offence in the 12 and 24 month periods after their initial conviction is high. However, as I have said before, this is a complex area of study and this research needs to be validated further before exact figures and findings can be published.

### Garda Training

505. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality, further to Parliamentary Question No. 44 of 1 December 2011, if he has received the requested information from the Garda Commissioner that is the recommendations of the An Garda Síochána training and development review group report that have been implemented and those which are outstanding; the date on which he expects all the recommendations to have been implemented; and the date when this information will be received. [7773/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the reply to Parliamentary Question No. 44 of 1 December 2011, I undertook to write directly to the Deputy who put down the original question. The information sought was provided by letter to the Deputy's Parliamentary colleague on the 13 January 2012.

### Departmental Staff

506. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality, further to Parliamentary Question No. 186 of 14 December 2011, if he will supply the further information regarding expenses received by certain employees within his Department; and if he will make a statement on the matter. [7774/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that the further information, he required, has been recently provided directly to him.

507. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of persons employed within his Department who receive salaries of more than €100,000 per annum; their job titles; and if he will make a statement on the matter. [7775/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** There are 31 individuals in senior positions in my Department who receive salaries of over €100,000 as follows:

Job Title/Position	Number
Secretary General	1
Assistant Secretaries	7
Director of COSC	1
Head of Anti-Human Trafficking Unit	1
Principal Officers	21

### Departmental Offices

508. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality, further to

[Deputy Jonathan O'Brien.]

Parliamentary Question No. 187 of 14 December 2011, the costs of running overseas visa offices as requested. [7776/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As advised in my answer to Parliamentary Question 187 of 14 December 2011 there are currently six overseas offices in operation run by staff members of my Department. These are located in Abu Dhabi, Abuja, Beijing, London, Moscow and New Delhi. Visa fee income in respect of the 46,500 visas processed in the offices in question in 2011 was approximately €2.3m. Precise figures in respect of the operational costs are not yet available, but when the relevant staffing costs are discounted — as staff salary costs are incurred in any event — these costs are likely to be close to the fee income.

### Residential Institutions

509. **Deputy Aodhán Ó Riordáin** asked the Minister for Justice and Equality if he will begin the process to expunge the criminal records of all persons convicted and detained as minors within residential institutions as defined by the Commission to Inquire into Child Abuse in residential institutions; if he will fast-track the legislative framework and advice necessary for the President to carry out same; and if he will make a statement on the matter. [7803/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy may wish to note that Section 35 of the Residential Institutions Redress Act 2002 provides that, for the avoidance of doubt, a person who was detained in an industrial school as a child in circumstances where no criminal offence was committed by him or her is not to be regarded as having a criminal record. Section 258 of the Children Act, 2001 also provides that any person convicted of an offence while a child shall be treated for all purposes in law as a person who has not been charged or found guilty of the offence provided he or she has not re-offended within a three-year period after the conviction. In addition, if an individual who was formerly resident in an industrial school wishes to have confirmation that he or she does not have a criminal record, this can be provided by way of a certificate to that effect. To date, 17 individuals have requested such certificates and these have been issued.

### Ministerial Appointments

510. **Deputy Shane Ross** asked the Minister for Justice and Equality if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7826/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that since I took up office, I have made appointments to a number of State bodies under the remit of my Department. Details of these appointments, including remuneration, if any, are set out in the following table:

Entity	First Name	Last Name	Remuneration € p.a./per diem	Start Date
Children Detention Schools Board of Management	Dan	Kelleher	No fee paid	20/09/11
Commission for the Support of Victims of Crime	Ray	McAndrew	8,978	01/09/11

Entity	First Name	Last Name	Remuneration € p.a./per diem	Start Date
Committee to monitor the effectiveness of the Garda Diversion Programme under Section 44 of the Children Act 2001 (as amended)	Norah	Gibbons	5,985	12/09/11
	John	Cheatle	5,985	12/09/11
	Anne Marie	McMahon	No fee paid	12/09/11
	John	Twomey	No fee paid	12/09/11
Courts Service Board	Deirdre	O'Keeffe	No fee paid	05/12/11
	Pat	Doyle	11,970	05/12/11
	Shane	Browne	11,970	05/12/11
Equality Authority	Kieran	Rose	7,695	21/09/11
	Betty	O'Leary	7,695	21/09/11
	Ellen	Mongan	7,695	21/09/11
	Salome	Mbugua	7,695	21/09/11
	Paddy	Maguinness	7,695	21/09/11
	Christy	Lynch	7,695	21/09/11
	Lynn	Jackson	7,695	21/09/11
	Sean	Fogarty	7,695	21/09/11
	Nigel	Brander	7,695	21/09/11
	Angela	Kerins	11,970 Chairperson	21/09/11
	Rhona	Murphy	7,695	21/09/11
	Peter	White	7,695	21/09/11
	David	Joyce	7,695	26/09/11
	Annette	Dolan	7,695	26/09/11
Garda Confidential Recipient	Oliver	Connolly	12,500	18/07/11
Irish Film Classification Office (Assistant Classifiers)	David	Power	167.44 per day	24/10/11
	Mark	Brennan	167.44 per day	24/10/11
Irish Human Rights Commission	Roger	Sweetman	7,695	20/12/11
	Helen	O'Neill	7,695	20/12/11
	Conleth	Brady	7,695	20/12/11
Judicial Appointments Advisory Board	Karen	Dent	No fee paid	07/06/11
	Valerie	Bresnihan	No fee paid	07/06/11
	Simon	Boucher	No fee paid	07/06/11
Legal Aid Board	Ger	Power	No fee paid	11/10/11
	Michelle	O'Neill	7,695	11/10/11
	Philip	O'Leary	7,695	11/10/11
	John	O'Gorman	No fee paid	11/10/11
	Donncha	O'Connell	No fee paid	11/10/11
	Micheál D	O'Connell	7,695	11/10/11
	Oonagh	McPhillips	No fee paid	11/10/11
	Joy	McGlynn	No fee paid	11/10/11
	Kate	Hayes	7,695	11/10/11
	Rob	Reid	No fee paid	11/10/11
	David	Garvey	7,695	18/01/12
	Mary	Dalton	No fee paid	11/10/11
Oonagh	Buckley	No fee paid	11/10/11	

[Deputy Alan Shatter.]

Entity	First Name	Last Name	Remuneration € p.a./per diem	Start Date
Mental Health (Criminal Law) Review Board	Muriel	Walls	No fee — waived Chairperson	11/10/11
	Michael	Mulcahy	250 per case reviewed	27/09/11
	Nora	McGarry	250 per case reviewed	27/09/11
Parole Board	Brian	McCracken	75,000 Chairman	27/09/11
	Ciairín	de Buis	7,695 with a 149.75 per diem payment for each prison visit, to a maximum of 12,600 p.a.	26/07/11
Parole Board	John	Costello	11,970 Chairman	26/07/11
Property Registration Authority	Frank	Branigan	No fee paid	30/03/11
	Teresa	Pilkington	€11,970	27/5/11
	Deirdre	Fox	€11,970	4/8/11

### Departmental Bodies

511. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality if the ministerial council on migrant integration is still operable; the number of meetings of the council held in the past year; the date of these meetings; if no meetings were held in 2011 the reason for this; his view on the council; and if he will make a statement on the matter. [7831/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The position is that no meetings of the Ministerial Council on Integration were held in 2011 as the future of the Council is under consideration and I will make a decision on the matter shortly.

### Refugee Status

512. **Deputy Noel Harrington** asked the Minister for Justice and Equality the position regarding an application for refugee status in respect of a person (details supplied); when he expects to be able to make a decision on the matter; and if he will make a statement on the matter. [7848/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT) which make recommendations to me on whether such status should be granted. If an application for refugee status has been made by the person concerned the Deputy will be aware that it is not the practice to comment on asylum applications that are pending.

513. **Deputy Noel Harrington** asked the Minister for Justice and Equality the position regarding an application for refugee status in respect of a person (detail supplied); when he expects to be able to make a decision on the matter; and if he will make a statement on the matter. [7849/12]

**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 14th May, 2010, that

the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before a final decision is made. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Garda Stations**

514. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality if he will outline the details of the closure of a Garda station (details supplied) in Dublin 9; his plans for this site; and if he will make a statement on the matter. [7920/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In reaching a decision on the closure of Garda stations, the Commissioner reviewed all aspects of the Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all Divisional Officers were asked to assess the level of activity in each Garda Station in their area. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the front-line if these particular stations no longer had to be staffed and maintained. There are no plans to review those decisions.

The Garda Commissioner has reiterated the commitment of An Garda Síochána to providing a professional and effective service to the community. Each Divisional Officer with responsibility for a Division that will be affected by this decision has been tasked with developing a comprehensive consultation strategy together with a tailored implementation plan that will meet the particular needs of their Division. They will consult with the various stakeholders within their respective Divisions during this process. On receipt of a formal closure notice of the station from An Garda Síochána, the Office of Public Works will examine other potential uses for the property.

### **Residency Permits**

515. **Deputy Timmy Dooley** asked the Minister for Justice and Equality the options available

[Deputy Timmy Dooley.]

to undocumented non-nationals living in this country; and if he will make a statement on the matter. [7929/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** It is the responsibility of all non-EEA nationals who are resident in the State to ensure that they have an appropriate permission from the Minister for Justice and Equality. Individuals who do not have a permission to be in the State are liable to be subject to the deportation process as provided for in Section 3 of the Immigration Act 1999.

I am aware of proposals for schemes for undocumented migrants which have been in circulation and I would refer the Deputy to my reply below to Parliamentary Question No. 168 of 17 November 2011. The position is unchanged since then.

*I am aware that there have been proposals of this nature and of course my Department will give due consideration to the issue. However great caution should be exercised before embarking on such a project. A proposal of this nature could give rise to very large, unpredictable and potentially very costly impacts across the full range of public and social services.*

*At EU level, the Member States, in agreeing the European Pact on Immigration and Asylum at the European Council in October 2008, made specific commitments “to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons”. While the Pact is not legally binding, the political commitment among the Member States, then and now, is clearly against any form of process that would in any way legitimise the status of those unlawfully present without first examining the merits of their individual case.*

*Any possible implication for the operation of the Common Travel Area would also have to be very carefully considered.*

### **Interdepartmental Committees**

516. **Deputy Robert Dowds** asked the Minister for Justice and Equality the position regarding the progress that has been made with the report on the Magdalen laundries; and when it is likely to be published. [7944/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Inter-Departmental Committee, under the independent chairmanship of Senator Martin McAleese, submitted an interim progress report last October which was considered by Cabinet and published on my Department’s website *www.justice.ie*. The Committee, which is receiving the full co-operation of Government Departments, the religious orders, and representative groups of women who were formerly resident in the Laundries, indicated their intention to conclude their work by mid 2012.

### **Residency Permits**

517. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if he is considering allowing high-skilled workers who have completed two years on the Irish green card scheme to apply for long-term residency in its current form until such time that permanent residency status is possible. [7975/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** At the present time, applicants for Long Term Residence are required to be resident in the State for a period of five years and to have five consecutive work permits. This requirement is in place for all applicants.

In relation to the specific category of immigrants referred to by the Deputy, I have asked my officials to examine his proposal and I will revert to him in due course.

### Proposed Legislation

518. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the stage at which the report is at regarding the issues surrounding prostitution; when he expects the consultation to begin; and if he will make a statement on the matter. [8000/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I announced in the Autumn my intention to arrange a consultation process to help inform the future direction of legislation on prostitution. A detailed discussion document to facilitate the consultation process is being prepared.

It will be appreciated that the discussion document, if it is to fully inform the public, needs to be prepared carefully. Drafting of the document is progressing well. I expect that the document will be ready for publication in the coming weeks. This, of course, is subject to resources having regard to competing priorities, including legislative priorities.

I will make a further public announcement when the consultation document has been completed. At that point, full particulars regarding the arrangements and time frame for making submissions will be provided. However, I would like to assure the Deputy that ample time will be given to enable members of the public prepare and submit views on this issue.

### Departmental Staff

519. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide a detailed breakdown of the number of public sector workers in his Department or under his aegis, including gardaí, who have retired between 1 January 2012 to date and who will retire by the end of February 2012, including their grade and place of employment, that is Garda station location in tabular form. [8012/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** A detailed breakdown of the number of public servants in my Department and the agencies under my remit who have retired or have indicated their intention to retire in the period from 01 January 2012 to 29th February 2012 is set out in the table:

Department/Agency	Place of Employment	Grade	Total Number
Department of Justice and agencies staffed by the Department	Department Head Office	Assistant Secretary 3	30
		Principal Officer 3	
		Assistant Principal 7	
		Higher Executive Officer 5	
		Executive Officer 2	
		Staff Officer 2	
		Clerical Officer 8	
		Equality Authority	
	Solicitor 1		
	Equality Tribunal	Assistant Principal 1	1
Irish Prison Service — non-discipline grades	Principal Officer 1	3	
	Assistant Principal 1		
		Higher Executive Officer 1	

[Deputy Alan Shatter.]

Department/Agency	Place of Employment	Grade	Total Number	
National Disability Authority Legal Aid Board	Probation Service	Assistant Principal Probation Officer 1	12	
		Senior Probation Officer 3		
		Probation Officer 7		
		Community Service Supervisor 1		
	Private Security Authority	Higher Executive Officer 1	1	
		Office of the State Pathologist	Senior Lab Analyst 1	2
	Office of the State Pathologist	Clerical Officer 1		
		Dublin	Porter 1	1
	Legal Aid Board	Dublin	Managing Solicitor Grade II 2	4
			Clerical Officer 2	
Nenagh		Managing Solicitor Grade II 1	1	
Letterkenny		Mediator 1	1	
Property Registration Authority	Dundalk	Clerical Officer 1	1	
		Dublin	Deputy Registrar 1	6
		Assistant Principal Officer 1	6	
		Higher Executive Officer 1		
		Executive Officer 1		
		Clerical Officer 1		
	Waterford	Examiner in Charge 1	3	
		Higher Executive Officer 2		
	Roscommon	Executive Officer 1	2	
		Higher Executive Officer 1		
Courts Service	Carlow	Staff Officer 1	4	
		Higher Executive Officer 1		
		Executive Officer 1		
		Clerical Officer 1		
	Castlebar	Court Messenger 1	1	
		Court Messenger 1		
	Cavan	Executive Officer 1	2	
		Clerical Officer 1		
	Clonmel	Higher Executive Officer 1	3	
		Executive Officer 1		
Clerical Officer 1				
Cork	Higher Executive Officer 2	2		
	Assistant Principal 1			
Drogheda	Clerical Officer 1			
	Dublin		Principal Officer 1	
		Assistant Principal 3		
		Higher Executive Officer 6		
		Executive Officer 2		
		Clerical Officer 3		
		Usher 1		
		Cleaner 1		
Dundalk	Assistant Principal 1	2		

Department/Agency	Place of Employment	Grade	Total Number
An Garda Síochána	Ennis	Higher Executive Officer 1	2
		Higher Executive Officer 1	
	Galway	Executive Officer 1	3
		Executive Officer 1	
		Clerical Officer 2	
	Kilkenny	Executive Officer 2	2
	Limerick	Higher Executive Officer 2	3
		Executive Officer 1	
	Longford	Executive Officer 1	1
	Monaghan	Higher Executive Officer 1	1
		Executive Officer 1	
	Naas	Court Messenger 1	1
		Clerical Officer 1	
	Sligo	Assistant Principal 1	1
	Tralee	Staff Officer 1	3
		Clerical Officer 2	
	Waterford	Higher Executive Officer 1	2
		Clerical Officer 1	
	Cavan/Monaghan	Superintendent 1	11
		Inspector 1	
		Sergeant 1	
		Garda 12	
		Garda 7	
	Clare	Sergeant 2	11
		Garda 7	
		Clerical Officer 1	
		Cleaner 1	
		Inspector 1	
	Cork	Inspector 1	28
		Sergeant 4	
Garda 18			
Clerical Officer 4			
Cleaner 1			
Harcourt Square	Assistant Commissioner 1	10	
	Sergeant 1		
Dublin Metropolitan Region (DMR) East	Garda 8	12	
	Inspector 2		
	Sergeant 4		
DMR North	Garda 6	16	
	Superintendent 1		
	Inspector 2		
	Sergeant 9		
	Garda 3		
DMR North Central	General Operative 1	2	
	Sergeant 1		
DMR West	Garda 1	9	
	Inspector 2		
	Sergeant 2		
		Garda 5	

[Deputy Alan Shatter.]

Department/Agency	Place of Employment	Grade	Total Number
	DMR South	Chief Superintendent 1 Superintendent 1 Inspector 1 Sergeant 2 Garda 5	10
	DMR South Central	Inspector 1 Sergeant 3 Garda 5	9
	Garda HQ	Chief Superintendent 3 Superintendent 2 Inspector 1 Sergeant 4 Garda 8 Higher Executive Officer 1 Staff Officer 1 Service Attendant 1	21
	G.N.I.B	Superintendent 2 Sergeant 3 Garda 9	
	Dublin Castle	Inspector 1 Staff Officer 1 Clerical Officer 1	
	NSS	Inspector 1 Sergeant 6 Garda 4	11
	Donegal	Superintendent 1 Sergeant 5 Garda 4	10
	Galway	Sergeant 4 Garda 13	17
	Kerry	Superintendent 1 Inspector 1 Sergeant 2 Garda 6	10
	Kildare	Superintendent 1 Garda 2	3
	Kilkenny/Carlow	Superintendent 1 Garda 2 Cleaner 1	
	Laois/Offaly	Chief Superintendent 1 Superintendent 1 Inspector 1 Sergeant 3 Garda 3 Clerical Officer 2	11
	Limerick	Inspector 1 Sergeant 5	23

Department/Agency	Place of Employment	Grade	Total Number
Irish Prison Service	Louth	Garda 16	10
		Executive Officer 1	
		Sergeant 3	
	Mayo	Garda 7	17
		Superintendent 1	
		Inspector 1	
		Sergeant 3	
		Garda 6	
		Assistant Principal 1	
		Higher Executive Officer 3	
		Executive Officer 1	
		Clerical Officer 1	
		Meath	
	Sergeant 2		
	Garda 2		
	Roscommon/Longford	Staff Officer 1	12
		Superintendent 1	
		Sergeant 3	
		Garda 7	
	Sligo/Leitrim	Staff Officer 1	9
		Sergeant 2	
	Tipperary	Garda 7	10
		Superintendent 1	
		Sergeant 1	
		Garda 4	
		Assistant Principal 1	
	Waterford	Clerical Officer 1	10
		Cleaner 2	
		Sergeant 2	
	Westmeath	Garda 4	6
Superintendent 1			
Wexford	Garda 3	5	
	Clerical Officer 1		
	Sergeant 3		
Wicklow	Garda 3	6	
	Sergeant 1		
	Garda 2		
Limerick	Clerical Officer 1	5	
	Prison Officer 5		
	Deputy Governor 1		
	Prison Officer 4		
Mountjoy	Trades Officer 1	5	
	Assistant Governor 1		
Dóchas Centre	Assistant Chief Officer 1	2	
	Governor II 1		
St Patrick's	Assistant Chief Officer 2	5	
	Prison Officer 4		
	Prison Officer 4		
Arbour Hill	Prison Officer 4	5	

[Deputy Alan Shatter.]

Department/Agency	Place of Employment	Grade	Total Number
	Cloverhill	Industrial Supervisor 1 Deputy Governor 2 Chief Officer I 1	3
	Wheatfield	Governor I 1	1
	Loughan House	Assistant Chief Officer 1 Prison Officer 7	8
	Loughan House	Prison Officer 7	
	Shelton Abbey	Prison Officer 4	4
	Cork	Prison Officer 6 Trades Officer 2	8
	Portlaoise	Governor I 1 Prison Officer 1	2
	Midlands	Deputy Governor 1 Prison Officer 1 Nurse Officer 1	3
	Castlerea	Prison Office 2 Industrial Manager 1	3
	Cork	Trades Officer 2	2

### Legal Services

520. **Deputy Niall Collins** asked the Minister for Justice and Equality when the office of the legal services ombudsman will be up and running. [8021/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the course of my opening contribution to the Second Stage debate on the Legal Services Regulation Bill 2011, which is nearing completion, I recalled to the House the decision taken in May 2011 not to proceed with the appointment of a Legal Services Ombudsman. This is because the oversight model proposed in the Legal Services Ombudsman Act 2009 was that of supervised self-regulation. Such a degree of self-regulation does not meet this Government's policy commitment to greater independence in the regulation of the legal professions. The 2011 Bill, therefore, contains a package of more independent structural reforms. These will be delivered as part of our national EU/IMF/ECB undertakings in support of greater competitiveness and early economic recovery. They will take the form of a new, independent Legal Services Regulatory Authority; an independent procedure to deal with complaints of professional misconduct, and the establishment of an independent Legal Practitioners' Disciplinary Tribunal. The Bill also provides for a more modern, consumer-friendly and transparent legal costs regime under the Office of the Legal Costs Adjudicator that will take-over the functions of the Taxing-Master. With the establishment of this more independent, regulatory regime under current Government policy the Legal Services Ombudsman Act of 2009 will be repealed.

*Question No. 521 answered with Question No. 485.*

### Public Procurement

522. **Deputy Paudie Coffey** asked the Minister for Justice and Equality when will the towing and management contract-tender for An Garda Síochána in Waterford be advertised; and if he will make a statement on the matter. [8168/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that it is planned to advertise a tender for the provision of a towing and management service for the Waterford Garda Division in the second quarter of 2012.

### Proposed Legislation

523. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality the way personal insolvency trustees, required for the proposed debt settlement arrangements, are to be selected and appointed; the standard of qualification and experience that will be required of them; the way they will they be remunerated and on what scale; and if he will make a statement on the matter. [8170/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Personal Insolvency Bill, the Heads of which I published on 25 January 2012, introduces a number of new non-judicial debt settlement systems. Two of the proposed arrangements — Debt Settlement Arrangement and the Personal Insolvency Arrangement — require the involvement of a Personal Insolvency Trustee.

The intention is that the Personal Insolvency Trustee will act as an intermediary between the debtor and his or her creditors. The General Scheme of Bill sets out in some detail the duties of the Trustee from initial assessment of the debtor's suitability for a particular arrangement, to negotiation of the arrangement and through to its completion. The role of the Trustee is critical to the proper functioning of the debt settlement arrangements as it is vital that debtors be properly and independently advised as to the implications of all options available to them prior to arriving at a decision. The average debtor is at a disadvantage *vis a vis* credit institutions and creditors in terms of experience, advice and expertise. Once a debt settlement is agreed and registered, effectively the personal insolvency becomes the custodian of the arrangement.

The Trustee will be selected by the debtor and, similar to debt settlement schemes which operate in other jurisdictions, it is intended that the fees involved in the arrangement will be borne by the creditors on the assumption that this will facilitate the maximum debt recovery.

The Deputy will appreciate that a number of matters still require to be finalised in relation to the proposed legislation such as the detailed arrangements for licensing and regulation of personal insolvency trustees and parameters in regard to appropriate costs and remuneration. As these are essentially financial services, it is my intention to consult with the Department of Finance and the Central Bank to see how these issues might best be addressed within the context of regulation of financial advisory services generally.

### Deportation Orders

524. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality the number of deportations that took place in 2011; the reasons for same; and if he will make a statement on the matter. [8173/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Over 4,100 persons were deported or removed from the State in 2011 in accordance with the enforcement of our immigration-related laws.

The break down by category is as follows:

- Almost 3,700 persons refused entry into the State at ports of entry and returned to the place where they had come from,

[Deputy Alan Shatter.]

- 280 failed asylum seekers and other illegal migrants deported from the State in 2011, all of whom had entered the State at one point or another,
- 144 asylum seekers transferred to the EU member state in which they first applied for asylum under the Dublin Regulation,
- 41 EU nationals were returned to their countries of origin on foot of an EU Removal Order.

The removal of illegal immigrants from the State is a necessary feature of the enforcement of immigration legislation with the purpose of upholding the integrity of the immigration system. In enforcing the law in this respect, Ireland is no different from other countries who also remove individuals who have no lawful right to remain within their territory.

### **Road Safety**

525. **Deputy Finian McGrath** asked the Minister for Justice and Equality if the Garda Síochána will act on a traffic safety matter at a school (details supplied) in Dublin 9 as a matter of urgency. [8174/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the area referred to is within the Clontarf Garda Sub-District. Local Garda management is aware of the difficulties being experienced at this location due to car access, parking and egress to three educational establishments, in particular at peak drop off and collection times.

The area is the subject of patrols, particularly during peak traffic periods, by the Community Garda and other Sub-District and District personnel, including Divisional Traffic Corps personnel. Fixed charge penalty notices are regularly issued for offences contrary to the Road Traffic Acts detected in the locality.

I am further informed that the local Community Policing Unit has been directed to monitor and address the issues referred to by the Deputy. I understand that the local Community Garda specifically allocated to the area is liaising with the management teams at the respective schools in order that appropriate measures be put in place to regulate parking, particularly at identified peak-times. A leaflet is also being distributed by the Community Policing Unit for parents / guardians, through the schools. Residents are being advised to report incidents to the local Community Garda should these difficulties continue and local Garda management will continue to monitor the situation.

### **Garda Deployment**

526. **Deputy Seán Kenny** asked the Minister for Justice and Equality the amount received by An Garda Síochána from Croke Park, the RDS, the O2, the FAI, the IRFU the GAA and so on towards covering the cost of policing events in the years 2007 to 2011, inclusive; and if he will make a statement on the matter. [8214/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information from the Garda Commissioner and I will write to the Deputy directly when this information is to hand.

### **Public Procurement**

527. **Deputy Seán Kenny** asked the Minister for Justice and Equality if additional vehicles

being purchased for An Garda Síochána will be marked or unmarked vehicles; the proportion of each; if additional vans will be purchased; when he expects An Garda Síochána to receive the additional vehicles; and if he will make a statement on the matter. [8215/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and allocation of Garda resources, including transport, is a matter for the Garda Commissioner.

I am advised by the Garda authorities that 40 new Garda vehicles will be rolled out in the coming weeks, all of which will be marked Garda cars. I am also informed that the number and category of further Garda cars to be purchased will be determined following the successful completion of a procurement process which is currently under way. The provision of new cars will be undertaken in the light of An Garda Síochána's operational requirements and the availability of financial resources.

The Garda authorities have further advised that the National Procurement Service will shortly advertise a tender for the procurement of vans. An Garda Síochána's requirement for vans will be addressed in that overall context.

528. **Deputy Seán Kenny** asked the Minister for Justice and Equality when the tender for the contract of towing away seized vehicles in the Dublin north division was last awarded; the cost of same; the name of the company that was awarded the contract; the length of the contract; the average cost of hiring out the recovery truck; if the price increases or decreases depending on the time of day; and if he will make a statement on the matter. [8216/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that the contract for the towing of seized vehicles in the Dublin North Division was awarded to Gannon City Recovery and Recycling Services Ltd in 2009 for a period of three years. Under the contract costs associated with the use of recovery trucks are fixed irrespective of the time of a call out.

I am further advised that the relevant cost of towing vehicles in 2011 amounted to €255,285.

529. **Deputy Seán Kenny** asked the Minister for Justice and Equality the cost to the Garda air support unit of purchasing an additional helicopter or aircraft; the cost per hour of having either the helicopter or aircraft airborne; and if he will make a statement on the matter. [8217/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that the cost of purchasing new aircraft for the Garda Air Support Unit can only be established in the context of an open procurement process. In the circumstances it is not possible to indicate such costs to the Deputy.

I am further advised that the flying costs for all Garda aircraft are borne by the Air Corps and, accordingly, they are not charged to the Garda Vote. I have requested details in relation to flying costs associated with the Garda Air Support Unit and I will forward these to the Deputy when they are to hand.

### **Garda Civilian Staff**

530. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of requests received from An Garda Síochána to employ additional civilian staff in the years 2009, 2010, 2011 and to date in 2012; the job title of each request; the number of requests that were approved, pending or refused in each of these years; and if he will make a statement on the matter. [8218/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The number of requests sought, approved and refused, for additional civilian staff in An Garda Síochána for the years 2009-2011 and to date in 2012 was as set out in the attached table. It must be remembered that the moratorium on public service recruitment and appointments continues to apply in the Garda Síochána for civilian staff and sworn members. Derogations may be sought from the moratorium in exceptional circumstances from the Minister for Public Expenditure and Reform.

Year	Grade	Number Sought	Approved	Refused
2009	—	0	0	0
2010	—	0	0	0
2011	Crime and Policing Analysts	2	0	2
2011	Higher Executive Officer	7	4	3
2011	Executive Officer	4	4	0
2011	Staff Officer	1	0	1
2011	Clerical Officers	35	0	35*
2011	District Finance Officers	To replace as required	Acting up posts where necessary	Permanent replacements
2012	—	0	0	0

\*Sanction was received for the filling of 20 temporary clerical officer positions in 2011 in the central vetting unit in Thurles.

### Garda Operations

531. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of Garda checkpoints that were carried out in the Dublin region on the 31 December 2011 and 1 January 2012; the number of persons arrested and charged with driving while intoxicated; the number of successful convictions secured to date; if he will provide same for each of the past four years; and if he will make a statement on the matter. [8219/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the time available it has not been possible for the Garda authorities to supply the information requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

### Citizenship Applications

532. **Deputy Brendan Griffin** asked the Minister for Justice and Equality if an application for naturalisation by a person (details supplied) in County Kerry will be granted; and if he will make a statement on the matter. [8252/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** A valid application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in August 2009.

The application is at an advanced stage of processing. The person concerned will be informed of my decision on his application in due course.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Stations**

533. **Deputy Dara Calleary** asked the Minister for Justice and Equality the projected cost of decommissioning the 39 Garda stations scheduled for closure in 2012; the costs on a station basis; and if he will make a statement on the matter. [8256/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I have been informed by the Garda authorities that Divisional implementation plans are being prepared in relation to the closure of the relevant stations. These plans will deal, inter alia, with the associated costs. Additionally, certain expenditure may arise for the Office of Public Works which is funded separately.

In the circumstances the Deputy will appreciate that the information he has sought is not available.

### **Departmental Staff**

534. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8275/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Some 7 senior public servants who had retired from my Department were re-engaged to carry out a range of services in 2011 at a total cost of €82,065. Payments to these individuals in 2011 ranged from €400 to €44,536 in respect of work related to the Mental Health (Criminal Law) Review Board, the Commission for Support for Victims of Crime, legislative drafting, and work as a Human Rights Monitor.

All of the individuals concerned were paid in accordance with the provisions of the Pensions (Abatement) Act, 1965 whereby the amount of remuneration paid plus the pension payable cannot exceed the salary payable prior to retirement.

No payments have been sanctioned for current senior public servants who are about to retire from my Department.

### **Garda Strength**

535. **Deputy Seán Kyne** asked the Minister for Justice and Equality while acknowledging retirements within An Garda Síochána and the requirements to reduce Garda numbers as set out in the EU-IMF financial assistance plan, when recruitment to the Garda Training College at Templemore, County Tipperary, may recommence. [8409/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The moratorium on Public Service Recruitment continues to apply to An Garda Síochána and no date has been fixed for future intakes into the Garda College. A decision on when recruitment will re-commence will, as the Deputy points out, take into account the rate of retirements in the Garda Síochána and Govern-

[Deputy Alan Shatter.]

ment targets, set in the context of the agreement with the EU and the IMF, to reduce the numbers of public servants.

Of course, what will ultimately determine the sustainable level of Garda numbers, and therefore establish when recruitment will recommence, is the level of budgetary provision that can be made for the Force, and the House will be conscious that difficult decisions will continue to have to be made, right across the public sector, in order to bring our public finances back into balance.

536. **Deputy Seán Kyne** asked the Minister for Justice and Equality if potential Garda recruits who completed a medical examination and were on the list awaiting to be called-up prior to the temporary cessation of recruitment are still regarded as being on the list or if they will have to undergo new medical examinations pending the possible resumption of recruitment in the foreseeable future. [8412/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Authorities that there is a Garda recruitment panel currently in place consisting of applicants selected by the Public Appointments Service as part of a 2008 recruitment campaign. However, no offers of employment have been made to applicants since the introduction of the public service moratorium on recruitment in 2009.

The moratorium on recruitment remains in place in furtherance of the objective, set in the context of the agreement with the EU and the IMF, to reduce the numbers of public servants. While successful applicants on this panel currently remain eligible to be offered positions as trainee Gardaí, the lifetime of the panel, and the position of applicants on it, will be kept under review in the light of when Garda recruitment might recommence.

### **Court Procedures**

537. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if his attention has been drawn to the long waiting times for family law cases to be heard in Donegal Circuit Court causing distress for vulnerable families; the actions he will take to address this and the county registers' ongoing delays in performing their functions. [8424/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The management and administration of the courts, as the Deputy will be aware, is a matter for the Courts Service. The allocation of the business of the courts, scheduling of court cases and the management of court lists are matters for the judiciary and in particular the Presidents of the courts. The Deputy will also be aware that judges are, subject to the Constitution and the law, independent in the exercise of their judicial functions.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that the waiting times for family law cases in Co. Donegal are as follows: Contested hearings: 9-12 months. Consent hearing: Next available court date. Appeals: 9-12 months

The Court Service has informed me that in 2011 three weeks of family law sittings were held in Letterkenny and one week was held in Donegal. It is intended to allocate similar amounts of time to family law in 2012, however, the situation is being kept under review by the President of the Circuit Court.

Case progression hearings in family law cases are dealt with by the County Registrar. These hearings help ensure that when a case is listed for hearing before the court it is ready to proceed, they also help to minimise the costs of the proceedings for the individuals and maxi-

mise the use of court time. I am informed that in Donegal, there are currently 18 cases in the case progression process.

Where the parties to a case are experiencing an undue delay in arranging the hearing of their case they or their legal representative should contact their local court office to establish whether an earlier date would be possible.

### **Fines Act**

538. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality if the provision in law where a fine can be deducted from a person's contributory pension for the non-payment of fines instead of their undergoing jail time has begun; and if he will make a statement on the matter. [8428/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Fines Act 2010 contains a number of provisions designed to reduce the number of people committed to prison for the non-payment of fines, including arrangements for the payment of fines by instalments. There is, however, no provision in the Act or in any other legislation, for a court to order the deduction of a fine from a contributory pension.

### **Departmental Staff**

539. **Deputy Sean Fleming** asked the Minister for Justice and Equality if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8440/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** In general the costs associated with staff leaving my Department, including any retirement lump sum and ongoing pension payments are incurred from Vote 7 Superannuation and Retired Allowances of the Department of Public Expenditure and Reform. As a result the information sought would not be available directly from my Department.

### **Garda Equipment**

540. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality his views on a matter (details supplied) regarding a Garda car; and if he will make a statement on the matter. [8455/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and allocation of Garda resources, including transport, is a matter for the Garda Commissioner.

I am advised by the Garda authorities that the allocation of Garda transport at District, Divisional and Regional levels is subject to ongoing review to ensure that optimum use is made of Garda resources and the best possible Garda service is provided to the public.

I am further advised that provision has been made in the Garda Vote for 2012 to acquire new Garda vehicles which will be deployed in accordance with An Garda Síochána's identified policing requirements and the availability of financial resources. In that context I understand that the needs of the area referred to by the Deputy will be fully considered.

### **Criminal Injuries Compensation**

541. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality when a determination

[Deputy Ciarán Lynch.]

will be forthcoming in a criminal injuries board appeal by a person (details supplied) in County Cork; and if he will make a statement on the matter. [8486/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to advise the Deputy that the Criminal Injuries Compensation Tribunal, which has responsibility for the administration of the Scheme of Compensation for Personal Injuries Criminally Inflicted on Prison Officers, is independent in the matter of individual applications under the Scheme. However, to be of assistance to the Deputy I have had enquiries made with the Tribunal.

I understand that the application referred to by the Deputy is the subject of an appeal by the applicant. The grounds for appeal were forwarded to the Tribunal by the applicant's solicitor on 16 January 2012.

I further understand that the applicant's case for appeal will be placed in chronological order with other appeal cases to be heard by the Tribunal and that a hearing is expected to proceed during the second half of this year.

### Army Barracks

542. **Deputy Peadar Tóibín** asked the Minister for Defence if his attention has been drawn to the fact that the Department of Defence is seeking to rent a premises in Cavan town to accommodate Reserve Defence Force training when there is a perfectly feasible army barracks in the town that is earmarked for closure and sale; if he will provide a cost-benefit analysis of renting a premises in Cavan town while simultaneously closing the barracks which is currently in Department ownership; and if he will make a statement on the matter. [8205/12]

553. **Deputy Jonathan O'Brien** asked the Minister for Defence the reason he is seeking to rent a premises in Cavan town to accommodate Reserve Defence Force training; the reasons they will not use the army barracks in Cavan town that is earmarked for closure and sale; the length of time for which his Department wishes to rent such a premises; the details of the tender and contract process; the details of a cost benefit analysis of renting a premises in Cavan town while simultaneously closing the barracks that is currently in Department of Defence ownership; and if he will make a statement on the matter. [8243/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 542 and 553 together.

Following the Government's decision to further consolidate Defence Forces personnel into fewer locations, four military barracks — Clonmel, Cavan, Mullingar and Castlebar — will close on 30 March 2012. Military personnel at present occupied on security and support functions within these installations will be released for operational duties leading to an efficiency gain of around €5 million p.a. In addition, there will be direct cash savings of approximately €1.3m arising from utilities, maintenance and security duties allowances in the four barracks.

The Reserve Defence Force in each barracks will be provided with alternative rented accommodation prior to the closure of the barracks. This is a normal arrangement for Reserve Units in other locations around the country and consistent with how the previous Government dealt with the matter. The Department has 10 permanent rentals and 30 part time rentals in place including part time use of parish and community halls as well as some commercial premises. The total annual cost is less than €100,000 for all forty premises.

On this basis, it is simply absurd to contend that there is an economic argument for keeping a full barracks open to cater for a Reserve Unit that may only train for a few hours once or

twice a week when alternative rented accommodation can be provided for a small fraction of the cost.

The closing date for receipt of tenders in respect of Cavan is 12 noon today. As this is a tendering process the Deputies will appreciate that it would be inappropriate to comment further on the matter.

### Departmental Staff

543. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7736/12]

**Minister for Defence (Deputy Alan Shatter):** The organisation chart detailing officials and their responsibilities within my Department is set out in the table:

Assistant Secretaries		Director
Mr. Ciarán Murphy 45 Officials	Mr. Maurice Quinn 214 Officials	
<ul style="list-style-type: none"> <li>• Conciliation and Arbitration Branch</li> <li>• Defence Forces Personnel Policy Branch</li> <li>• International Security and Defence Policy Branch</li> <li>• Litigation Branch</li> <li>• Delegation of Ireland to the Political and Security Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Finance Branch</li> <li>• Management Information Framework</li> <li>• Human Resources Branch</li> <li>• Information and Communication Technologies Branch</li> <li>• Planning and Organisation Branch</li> </ul>	<ul style="list-style-type: none"> <li>• Executive Branch</li> <li>• Office of Emergency Planning</li> <li>• Legislation Branch</li> <li>• Property Management Branch</li> <li>• Contracts Branch</li> </ul>

An organisation chart is available on my Department's website.

### Ministerial Appointments

544. **Deputy Shane Ross** asked the Minister for Defence if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7819/12]

**Minister for Defence (Deputy Alan Shatter):** The bodies under the aegis of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The Civil Defence Act 2002 provides that the Board shall consist of at least eight but not more than fourteen members who shall be appointed by the Minister for Defence. Legislation is currently being drafted to dissolve the Civil Defence Board and transfer the functions of the Board back into the Department of Defence. I appointed the current Board as an interim measure from 11 July 2011.

Membership of the interim Board appointed from 11 July 2011 is set out in the table:

	Nominating Bodies
<i>Civil Defence Board Chairperson</i> Mr. Brian Spain, Director, Department of Defence	Nominated by Minister for Defence

[Deputy Alan Shatter.]

	Nominating Bodies
<i>Civil Defence Board Members</i>	
Mr. Cathal Duffy, Principal Officer, Department of Defence	Nominated by the Minister for Defence
Ms Clare Tiernan, Principal Officer, Department of Defence	Nominated by the Minister for Defence
Mr. Robert Mooney, Principal Officer, Department of Defence	Nominated by the Minister for Defence
Mr. Bill Smith, Director General, Civil Defence Board	Appointed as Director General, Civil Defence Board
Mr. Ned Gleeson, County Manager, Limerick City Council	Nominated by City and County Managers Association
Mr. Keith Leonard, Assistant Fire Advisor	Nominated by the Minister for Environment, Community and Local Government
Dr. Barbara Rafferty	Nominated by Radiological Protection Institute of Ireland
Ms Becci Cantrell	Nominated by the Environmental Protection Agency
Ms. Veronica Forde, Assistant Civil Defence Officer	Nominated by the Civil Defence Officers Association
Lt. Col. Tony Kelly, SSO, Defence Forces	Nominated by the Chief of Staff of the Defence Forces
Detective Superintendent Orla Mc Partlin, An Garda Síochána	Nominated by the Commissioner of An Garda Síochána
Mr. Fergal Conroy	Elected volunteer member of Civil Defence
Ms Eileen Joyce	Elected staff member of the Civil Defence Board

There is no remuneration attached to membership of the Civil Defence Board.

The Army Pensions Board is an independent statutory body established under the Army Pensions Act, 1927. The Act specifies that the Board shall consist of a chairman and two ordinary members. The two ordinary members must be qualified medical practitioners of whom one must be an officer of the Army Medical Corps. The chairman and the non military ordinary member are appointed by the Minister for Defence with the concurrence of the Minister for Finance. The chairperson and the civilian doctor are entitled to annual fees of €7,618 and €5,079 respectively. The Army Medical Corps ordinary member is appointed by the Minister for Defence on the recommendation of the Chief of Staff of the Defence Forces.

The position of Army Medical Corps ordinary member recently became vacant due to retirement, and I have appointed Commandant Adam Lagun to the Board on the recommendation of the Chief of Staff. As the Army Pensions Act 1927 specifies that one of the ordinary members must be an officer of the Army Medical Corps, this position was not advertised.

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. No appointments have been made since that decision was taken and the Board will be dissolved shortly. There is no remuneration attached to membership of the Board of Coiste an Asgard.

### Defence Forces Personnel

545. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence if he provides a social work service at a location (details supplied) in County Kildare; and if he will make a statement on the matter. [7949/12]

**Minister for Defence (Deputy Alan Shatter):** I am advised by the military authorities that as part of their Personnel Support Service (PSS), personnel serving in the location referred to by the Deputy have access to a full time civilian Social Worker whose task is to provide assistance (preventative and curative) and support to service personnel and their families where required. The PSS is a confidential information, education, support and referral service, designed to give Defence Forces personnel access to information and services both from within and outside of the military community. It is a key element of human resource management. There is a PSS office in every major installation in the Defence Forces.

### Defence Forces Recruitment

546. **Deputy Terence Flanagan** asked the Minister for Defence if there will be a competition this year to recruit cadets to the Army; and if he will make a statement on the matter. [8192/12]

547. **Deputy Seán Kenny** asked the Minister for Defence if recruitment to the Defence Forces will occur in 2012. [8211/12]

552. **Deputy Seán Kenny** asked the Minister for Defence if there will be an Army cadetship recruitment this year; and if so, the date of same. [8233/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 546, 547 and 552 together.

The Government has decided to accept my recommendations that the strength of the Permanent Defence Force will be maintained at 9,500. I believe that this is the optimum level required to fulfil all roles assigned by Government.

I am advised by the Military Authorities that the strength of the Permanent Defence Force at 31 December, 2011, the latest date for which details are available, was 9,438 comprising 7,650 Army, 791 Air Corps and 997 Naval Service.

It is my intention that targeted recruitment will continue in 2012, within the resource envelope allocated to Defence, so as to maintain the Government approved strength of the Defence Forces. The Permanent Defence Force is not at present seeking applications for General Service Enlistment. If a decision is taken to hold a competition in 2012, details will be available on the Defence Forces website *www.military.ie*.

I would expect that the question of a cadet class in 2012 will be considered in the context of the re-organisation of the Defence Forces now necessary to meet the operational requirements of the Defence Forces within the new establishment of 9,500. It is too early to confirm if there will be a cadet class this year.

### Irish Red Cross

548. **Deputy Finian McGrath** asked the Minister for Defence if he is satisfied that the evidence given to the Committee of Public Accounts by officials from the Irish Red Cross on 19 January 2012 last was accurate in all respects; and if he will make a statement on the matter. [8221/12]

549. **Deputy Finian McGrath** asked the Minister for Defence his views on the evidence given recently by the Irish Red Cross to the Committee of Public Accounts; his further views on the recent letter from a former senior manager at the IRC to the PAC which disputes some of the evidence given by the IRC; and if he will make a statement on the matter. [8222/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 548 and 549 together.

I welcome the fact that the Oireachtas Committee of Public Accounts (PAC) recently examined the Chapter on Financial Control in the Irish Red Cross Society that was contained in the Comptroller and Auditor General's recent Report. I also welcome the fact that the Irish Red Cross Society readily agreed to appear before the Committee and I believe that their attendance represented a further important step in restoring the full confidence of the public in the Irish Red Cross Society. It is clear that before it agreed to dispose of the Chapter in question, the PAC dealt in some considerable depth with a wide range of issues relating to weak financial controls in the past and allegations of poor corporate governance. I believe that the PAC's work in this regard has helped to clear the air in relation to a number of serious allegations that have been made in public concerning, *inter alia*, the appropriateness of how the Society deals with unrestricted donations, its treatment of its property portfolio in its accounts, and also its ability to produce consolidated audited accounts for the whole of the Society. I am satisfied that the officials from the Irish Red Cross Society answered all of the questions put to them and whilst I am aware that some of the information presented to the PAC has subsequently been disputed by some, the question of resolving any discrepancies or misunderstandings that may have arisen is a matter for the Committee.

550. **Deputy Finian McGrath** asked the Minister for Defence his views on the fact that under the new Red Cross Constitution, there is no provision for retrospection of service, meaning the vice chairman and honorary treasurer can each serve for a further six years, bringing their service to 27 years and 15 years respectively; his further views on whether this arrangement meets good corporate governance guidelines; and if he will make a statement on the matter. [8223/12]

551. **Deputy Finian McGrath** asked the Minister for Defence when the new Irish Red Cross statutory order will be brought to Cabinet for consideration; if it is his intention to include a clause on retrospection of service for members of the IRC executive committee in the new order; and if he will make a statement on the matter. [8224/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 550 and 551 together.

I am on record as saying that I do not believe that it is conducive to good corporate governance for any individual to serve indefinitely on the Central Council or the Executive Committee of the Irish Red Cross Society, or in the same appointment. I have previously written to the Chairman of the Society and expressed my views on the need for mandatory breaks in service. I welcome the fact that the issue of turnover and rotation at leadership levels was raised by him at a subsequent Central Council meeting and that agreement was reached by the members to introduce a mandatory three-year break for Executive Committee members in circumstances where a member may have previously served for two consecutive three year terms.

In relation to the issue of retrospection, I am aware of the fact that it is the firm view of the International Federation of Red Cross and Red Crescent Societies that this is a matter for the membership of the Irish Red Cross Society who are free to choose whether to support long serving colleagues who present themselves for re-election to the Executive Committee. I am also aware that there is an ongoing debate about this issue amongst the membership of the Irish Red Cross Society. As retrospection is a matter for the democratic processes of the Society, I believe that its members should be given the opportunity to determine this issue for themselves. I am satisfied that in seeking to get the right balance, the members will consider the views of

their external stakeholders in making such decisions. In these circumstances, I do not believe that it is appropriate for the State to impose on the Society, which is an independent body corporate, changes to its election procedures that have not been sought by its members or by the International Federation.

The position in relation to the proposed legislation is that officials from my Department are currently liaising with the Office of the Attorney General on the final text of an amendment to the Irish Red Cross Society Order 1939. I expect to be in a position to bring this legislation to Government for approval in the coming weeks.

*Question No. 552 answered with Question No. 546.*

*Question No. 553 answered with Question No. 542.*

### **Departmental Staff**

554. **Deputy Catherine Murphy** asked the Minister for Defence if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8269/12]

**Minister for Defence (Deputy Alan Shatter):** I can confirm that no remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer by my Department, beyond any accrued pension entitlements, to any senior civil servant who has retired from the Department of Defence in the past five years. It was not possible to gather the detailed information sought by the Deputy in respect of the Defence Forces in the time available. My Department is currently seeking to compile the relevant data and I will provide the information directly to the Deputy once it comes to hand.

555. **Deputy Sean Fleming** asked the Minister for Defence if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8433/12]

**Minister for Defence (Deputy Alan Shatter):** It has not been possible in the time available to compile all the necessary information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

### **Army Barracks**

556. **Deputy Michael Healy-Rae** asked the Minister for Defence if he will make a statement on Kickham Barracks, Clonmel, County Tipperary. [8487/12]

**Minister for Defence (Deputy Alan Shatter):** As I have previously outlined to the House the consolidation of the Defence Forces formations into a smaller number of locations is a key objective in the ongoing defence modernisation programme and has been recommended in many reports over the past number of years. This was a key consideration of Government in addressing this issue as releasing personnel from security and support functions enables the

[Deputy Alan Shatter.]

operational capacity of the Defence Forces to be maintained notwithstanding the fall in strength. As with previous rounds of consolidation under the Defence Forces modernisation programme any barracks, once vacated, will be disposed of with the proceeds being used to fund the upgrading of Defence Forces equipment and infrastructure. Since the announcement of the Government decision on barrack closures my Department has written to each Government Department and various agencies and local authorities seeking expressions of interest in acquiring any of the properties to benefit the local community as a whole but with particular emphasis on job creation measures. There have been preliminary discussions between officials of my Department and some other State agencies in relation to Kickham Barracks Clonmel but these discussions are at early stages.

### State Assets

557. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine if he will give consideration to exclude forest parks from any sale of Coillte Teo in view of their importance to local communities and tourism development; and if he will make a statement on the matter. [7572/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** No decision has been taken by the Government in relation to the potential sale of Coillte. The consideration of a number of options in relation to the possible disposal of State assets, one of which is Coillte, is currently being undertaken by the Department of Public Expenditure and Reform, in consultation with relevant line Departments and NewERA.

I am aware that Coillte currently manages 10 Forest Parks and over 150 recreation sites throughout Ireland and that their forests provide a range of recreational opportunities for the general public continuing a long tradition of open access to state owned forests. I am also conscious that such recreational facilities are also very valuable resources as tourism attractions in the various regions. In view of the importance of such recreational opportunities for citizens for ongoing recreation and for visitors during their stay in Ireland, as I have previously advised the House, any potential sale would take account of public access to recreational land.

### Grant Payments

558. **Deputy Áine Collins** asked the Minister for Agriculture, Food and the Marine the payments a person (details supplied) in County Kerry is receiving from him. [7547/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st October 2010 and has received full payment in respect of 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, have to be completed before any payment can issue. During the course of these checks queries have arisen regarding the capital investment actions listed on the AEOS application of the person named. My Department will contact the person named about these queries and the 2011 payment will be processed upon the satisfactory resolution of these queries.

### Proposed Legislation

559. **Deputy Aodhán Ó Ríordáin** asked the Minister for Agriculture, Food and the Marine the position regarding the timeframe for the Animal Health and Welfare Bill; and if he will make a statement on the matter. [7578/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Programme for Government 2011 contains a commitment to amend and strengthen legislation on animal cruelty and welfare. The main vehicle to fulfil this commitment will be the Animal Health and Welfare Bill which I intend to publish as soon as possible, the exact timing will depend on the legal text being finalised by the Attorney General's Office and the Cabinet agreeing to publication. The Bill is a wide-ranging piece of legislation providing a basis for regulating the related areas of animal health and welfare with nearly seventy sections which requires careful consideration and examination. I am hopeful however that matters will be progressed at an early date on this matter.

### Fishing Industry Development

560. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Bia agus Mara an bhfuil sé i gceist aige casadh le Comhar Caomháin, Inis Oírr leis an bhforbairt feilme éisc gar don oileán a phlé agus, go mór mór, an bhfuil sé i gceist aige na riachtanais bunstruchtúir ar an oileán a phlé leo le gur féidir leis an oileán an tairbhe is fearr is féidir a bhaint as an togra; agus an ndéanfaidh sé ráiteas ina thaobh. [7603/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Tá a fhios agam gur bhuaile Bord Iascaigh Mhara le hionadaithe choiste forbartha Inis Oírr mar chuid de chlár fairsing comhairliúcháin sular cuireadh tús leis an bpróiseas iarratais oifigiúil le haghaidh ceadúnais maidir leis an tionscadal atá beartaithe.

Tuigim go ndearnadh raon leathan ceisteanna a phlé agus gur tugadh tacaíocht láidir an phobail don tionscadal faoi deara.

Déanfaidh mo Roinn an t-iarratas ar cheadúnas do bharshaothraithe a mheas de réir an Achta Iascaigh (Leasú), 1997. De réir mar a thuigim, ní mheasann BIM faoi láthair go mbeidh an bonnagar ar Inis Oírr ina bhac ar dheiseanna fostaíochta don phobal maidir leis an tionscadal.

### Grant Payments

561. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Carlow will receive their 2011 REP scheme payment. [7606/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in August 2008 and received payments for the first three years of their contract. REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue in respect of 2011. These checks have now been completed and 75% of the year 4 payment issued to the person named on 2nd February 2012 for the amount of €6,112.79 and the remaining 25% balancing payment issued on 7th February 2012 for the amount of €2,048.03.

562. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Carlow will receive their 2011 REP scheme payment. [7607/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS in July 2009 and received payments for the first two years of their contract. REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be com-

[Deputy Simon Coveney.]

pleted before any payments can issue in respect of 2011. These checks have now been completed and 75% of the year three payment issued to the person named on 9th February 2012 for the amount of €6,657.86. The 25% balancing payment will also issue shortly.

563. **Deputy Joe Carey** asked the Minister for Agriculture, Food and the Marine the reasons for non payment of REP scheme in respect of a person (details supplied); and if he will make a statement on the matter. [7634/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS in February 2009 and received payment for the first two years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue.

These checks are currently being finalised out and I expect that payment will issue shortly.

### Departmental Staff

564. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7732/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are currently almost 3,700 people (3,510 full-time equivalents) employed in my Department. It would not be feasible to provide the details requested by the Deputy in respect of each staff member.

The organisation chart below details the Divisions within the Department, together with their various areas of responsibility. It also contains details of all staff at Assistant Principal (and equivalent) level and above, as currently appointed to these areas.

As the Deputy is aware, the information may be subject to significant change following the ending of the retirement 'grace period' on 29 February 2012.

Mac Member	Deputy		Head of Division	Assistant Principals and Equivalent	
Tony Burke		Finance	Heber Mc Mahon	P. Stanley	M. O'Raghallaigh
				J. Caddle	P. Heeney
		Accounts	Geraldine Mullen	M. Hoban	C. McKiernan
				N. McHugh	J. Grimes
		Legal Services	Oliver Randall Plunkett	C. O'Reilly	D. Fitzsimons
			J. Winston	F. McKeon	
			S. O'Brien	D. Harney	
			A. Kieran	J. Kinsella	
			C. Kennedy		
			J. Dempsey		
		Internal Audit Group	Tom Medlycott	P. Lynch	D. Galvin
				M. Quirke	H. Murphy
		Agricultural Appeals	John Murphy	M. O'Brien	J. Byrne

Mac Member	Deputy		Head of Division	Assistant Principals and Equivalent	
Tony Burke (contd.)		Agriculture Structures and Other Market Supports	Gordon Conroy	R. Neilan	LM O'Regan
				N Hobson J. Furlong	S. Barron P. Kelly
Dave Beehan	Dermot Ryan	Agricultural Environment and Structures	William Fahey	D. Mc Carthy K. Coggins	M. Mc Mahon
				O. Molloy	D. Power
		Crop Policy, Production and Safety	Kevin Cassidy	F. Macken L. Brady	J. Caffrey S. O'Suilleabhain
				A. Duane	R. O'Connell
		Crops Evaluation and Certification	Donal Coleman	P. Vickers	
				J. Claffey	B. O'Reilly
		Plant Health and Horticulture	Gabriel Roe	S. Gaule D. Murphy	G. Doherty J. Brennan
				S. Nolan	M. Clarke
		Pesticides Registration and Controls	Dermot Sheridan	N Cunningham B. Delany	E. Massey L. Byrne
				G. Rennick	A. Moody
Feedstuffs, Fertilisers, Grain and Poultry	Liam Hyde	T. Barron A. Dillon	J. Harrison T O'Flaherty		
		D. McGilloway J. Acton J. Canny	P. Hickey S. Macken G. Lohan		
Livestock Breeding, Production and Trade	Gerry Grealley	C. O'Bric C. MacAodhain	M. Maguire		
		T. Keating F. Deere	J. Carty E. McGeough		
Nitrates, Biodiversity and Engineering	William Callanan	R. Leonard	T. Quinlivan		
		P. Torpey O. McEvoy J. Nolan	T. Reid L. Kinsella		
Research Food and Codex	Richard Howell	C. Byrne	D. Crammond		
		P. Byrne	C. Howard		

[Deputy Simon Coveney.]

Mac Member	Deputy		Head of Division	Assistant Principals and Equivalent	
Dave Beehan (contd.)		Agricultural Inspectorate Audit Unit		J. Conway	
Martin Blake	Paula Barry Walsh DCVO	State Veterinary Service Internal Audit Group	Pat Flanagan	R. Doyle	
	Inspection Service	Veterinary Public Health Inspection Service		M. Kenny	A. Guthrie
		South East, East and South		G. Griffin	D. Lynch
		Veterinary Public Health Inspection Service	Dave Nolan	K. Unger	V. Jordan
		South West, North East and North West		D. Patton	
	Michael Sheridan DCVO	International Trade and Class A Contingency	Billy McAteer	J. Melville	S. Gaynor
	Animal Health and Welfare	Veterinary Medicines and SIU	Pat Brangan	B. Flaherty	D. Holmes
		TSE and Animal By-Products	John Griffin	H. Sheridan	C. Alexander
	Vacancy DCVO	Veterinary Area Management — South	Vacant	M. Fitzgerald	J. Powell
	Animal Health and Welfare Delivery			P. Meskell	M. Hayes
				T. Kelliher	J. McCarthy
				D. Lynch	I. O'Boyle
				E. McDonald	T. Myers
		Veterinary Area Management — North	Vacant	J. Hannon	P. Corkery
				M. Lyons	D. Butler
				P. Monaghan	R. Finn
				J. Magee	B. Smith
				M. O'Brien	J. Burke
				T. McTague	
		ERAD — Brucellosis, Animal Welfare	Garry O'Hagan	M. Sheahan	N. O'Nuallain

Mac Member	Deputy		Head of Division	Assistant Principals and Equivalent		
Martin Blake (contd.)		TB/CVERA/ Identification/ Johne's/ Training	Margaret Good	P. Maher	J. O' Keeffe	
Dan O'Sullivan	Vacant  Head of Agriculture Labs	Dairy Science Labs	Nicholas Finnerty	A. Duignan	P. Mullooney	
				B. Hickey	B. Bugler	
				R. Heslin	P. Power	
				M. Rea		
	Donal Sammin Head of Veterinary Labs	Pesticides, Seed Testing and Plant Health	Michael Hickey	J. Garvey	J. Choiseul	
				J. Byrne		
				L. Scott	C. Mannion	
				Alma Flack		
				John Egan	T. Murphy	M. Gutierrez
				Pathology		W. Byrne
Cecil Beamish	Virology Regional Veterinary Laboratories and Blood Testing Laboratory Biosecurity Backweston Labs Admin Unit Longtown Farm Seafood Policy and Development	Pat Lenihan Micheal Casey	B. Bradshaw	P. Raleigh		
			J. Fagan	A. Johnson		
			D. Dooge			
			John Moriarty			
			P. Lynch			
			R. Fisk			
			K. Moriarty	D. Clarke		
Kevin Smyth	Aquaculture and Foreshore Management Marine Engineering Sea Fisheries Administration Single Payments Disadvantaged Areas and Suckler Cow Schemes	John Quinlan Gerard J. Farrell Paschal Hayes Paud Evans Andy McGarrigle	K. Burns	D. Kelleher		
			P. Corcoran	D. O'Donoghue		
			B. Whelton			
			J. McHale	C. O'Donoghue		
			T. O'Sullivan	G. Egan		
			K. Hodnett	M. Ní Dhúinn		
			P. O'Hara	N. Dinneny		
			C. Delahunty			
			B. Brennan	U. McMahon		
			M. Lawlor	L. Cashman		

[Deputy Simon Coveney.]

Mac Member	Deputy		Head of Division	Assistant Principals and Equivalent			
Kevin Smith (contd.)		Direct Payment Integrated Controls	Al Grogan	M. Fanning			
				J. O'Rourke	J. Sheehan		
				M. Sharkey	M. Moloney		
				T. Corcoran	C. O'Brien		
		Forest Service	Bridgeena Nolan	J. Flannery	P. Kelly		
				G. Cassidy	D. Furlong		
				M. McNamara	N. Heffernan		
				N. Foley	G. Cahalane		
		Forest Service Inspectorate	Seamus Dunne	F. Moore	T. McDonald		
				J. Fennessy			
				Forest Sector Development Beef Control	Eugene Hendrick		
					Vacant		
Martin Heraghty		Meat and Milk Policy	Brendan Gleeson	T. Corkery	B. O'Connor		
				Milk and Meat Hygiene and Animal By- Products	Tom Loftus	M. McCarthy	J. Downey
						A. Dillon	M. Broderick
				Dairy Controls	Nicholas Finnerty	M. Potter	P. Collins
		Food Safety Liasion	Paul Dillon	J. Lewis	J. Murphy		
				P. Lynch	E. O'Brien		
				K. Kelly	J. Byrne		
		Food Industry Development	Marian Byrne	M. Lynch	S. Murphy		
				EU and International Trade	Brid Cannon	J O'Reilly	G. Mulligan
				CAP Rural Development	Patricia Cannon	P. Savage	L. Walsh
		Economics and Planning	Ann Derwin	L. Broderick	S. McPhillips		
				Climate and Bio Energy	Paul McKiernan	C O'Cribin	C. Hayes
						L. Kinsella	M. Cadwell
				IMT Direct Farm Payment Systems	Sean Keevey	E. Forde	G. Hall
		IMT Animal Health and Traceability Systems	Vacant	J. Deasy	N. Toomey		
				S. Connolly	J. Ryan		
				G. Meleady	M. Farrell		
				D. Murray	A. King		
				T. Forristal			

Mac Member	Deputy		Head of Division	Assistant Principals and Equivalent	
Michael Bunyan (contd.)		IMT Customer Admin Financial and Fisheries Systems	Joe Hanly	B. Duffy	E. Minogue
		IMT Infrastructure	Robert Butler	A. O'Brien S. McGarry	S. Murphy T. McGarry
Philip Carroll		National Beef Assurance Scheme	Martin Farrell	J. Birthistle U. Forde	D. O'Riordan P Keena
		Animal Health Admin	Stephen Fitzpatrick	A. Keating N. Holleran	M. Carr
		Animal Health and Welfare	Dermot Murphy	K. O'Connor	M. Butler
				B. Farrell M. Winkelmann	T. Ryan
		ERAD / Veterinary Medicines	Richard Healy	B. Hickey	R. Green
		Regional Office Administration	Richard Healy	P. Kirwan S. Bric	C. O'Neill
		Corporate Affairs/ F.O.I. and Minister's Office	Paul Dillon	M. Kearney	R. Williamson
		Personnel and Training	Bert O'Reilly	M. Curley M. Mackessy	M. McDonagh N. Lynch
		Accommodation, ISO and Health and Safety	Danny Carroll	K. Ryan M. Talbot F. O'Brien	N. Behan P. Clarkin A McManus
		Management Services	Breffini Carpenter	D. Mehigan	S. Heneghan
			D. Ward	G. Curley	
			S. Bell	E. Mansfield	
			D. Buckley	P. Mulvey	
			A. Robinson	T. Drea	

### Grant Payments

565. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 220 on behalf of a person (details supplied), if he has considered the review request made by this Deputy on 7 December asking that permission be given to the landowner in question to lodge an amended agri environment options scheme plan as a result of additional lands that was reinstated by the Department following a successful appeal for the purpose of the disadvantaged area scheme; and if he will make a statement on the matter.

[7805/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named has been informed in writing that he was approved for participation in the 2011 Agri-Environment Options Scheme with effect from 1 September 2011.

The person named claimed 22.22 hectares of commonage under his AEOS application. Following a review by SPS the reference area of his commonage share has increased to 35.42 hectares. This increased area will be recognised on his AEOS application and the person named should now deliver on all the actions selected in the approved application together with this additional commonage land. My Department will issue a letter to this effect to the person named.

### Ministerial Appointments

566. **Deputy Shane Ross** asked the Minister for Agriculture, Food and the Marine if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they were appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7815/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are currently 12 State Bodies that fall under the aegis of my Department. Of these, I have made appointments to those Boards listed in the following table since I became Minister for Agriculture, Food and the Marine.

While the remuneration quoted is payable to all Board members, there are some who do not avail of this money.

Body/Agency	No. of Board Members	No. of Board appointments	Name	Remuneration Rates per annum
Aquaculture Licensing Appeals Board	7	1	Brendan Brice	Chair: €8,978; Ordinary member: €5,985
An Bord Bia	15	7 (including the Chair)	Michael Carey (Chair) Gary Brown Michael Cronin Rhona Holland John Kingston Brody Sweeney John Comer	Chair: €20,520; Ordinary member: €11,970
Bord na gCon	7	4	Philip Meaney (Chair), Matt Murphy, Brendan Moore, Tim Gilbert	Chair: €21,600; Ordinary member: €12,600
Coillte	9	1	Oliver McCabe	Chair: €21,600; Ordinary member: €12,600
Horse Racing Ireland	7	3	Neville O'Byrne, Mary O'Connor, Noel Meade	Chair: €21,600; Ordinary member: €12,600
Teagasc	11	1	Thomas Cooke — nominated by ICMSA	Chair: €20,520; Ordinary member: €11,970
Veterinary Council	19	5	Michael Joseph Sheahan, Peadar Ó'Scanail, Michael Patrick Mary Sadlier, Deirdre Patricia Campion, Martin Blake	No remuneration is paid to Board members

### Grant Payments

567. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Tipperary under the single farm payment scheme; and if he will make a statement on the matter. [7886/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment Scheme was received from the person named on 10 May 2011. The processing on this application was recently finalised and payment issued directly to the nominated bank account of the applicant on 2 February 2012.

568. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding REP scheme payments in respect of persons (details supplied) in County Kerry; and if he will make a statement on the matter. [7893/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commended REPS in September 2008 and received payments for the first three years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue. These checks have now been completed and the year 4 payment will shortly issue to the person named.

569. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the options open to a person (details supplied) who inadvertently did not comply with entitlement regulations by giving up land they had rented, brought the amount of their entitlements under the 50% figure for the reference year and it appears that this will result in a substantial drop in their income for 2011; and if he will make a statement on the matter. [7895/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In the 2005 Scheme year the person named submitted an application under the Inheritance measure of the Single Payment Scheme to inherit the entitlements established by his late wife. Following a successful Force Majeure application, these 69.06 entitlements had a gross unit value of €244.42 each giving a total value of €16,879.65 and were established utilising the alternative reference period 1997-1999.

The person named also submitted an application under the Consolidation measure of the 2005 Single Payment Scheme as he only inherited 49.73ha. This application was unnecessary as Under EU Regulations, the total Single Payment amount will, on transfer by way of inheritance, be divided by the number of hectares inherited. This resulted in the person named receiving 49.73 entitlements at a gross unit value of €339.43 each giving a total value of €16,879.65.

The person named submitted an application under the Consolidation measure of the 2011 Single Payment on 13 May 2011. The rules governing Consolidation require that an applicant must retain a number of hectares at least equal to 50% the original number of entitlements established — in this case 69.06ha. The land declared by the person named on the 2011 Single Payment application was 26.60 hectares which is less than 50% of the 69.06 entitlements originally granted. The application for Consolidation was therefore rejected.

The person named has recently submitted an application to appeal this decision to the Agriculture Appeals Office. A formal letter setting out their decision will issue to the person named within the coming weeks.

### Food Safety Standards

570. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he is satisfied that Department approved meat plants have the appropriate equipment for the slaughter of buffaloes; and if he will make a statement on the matter. [7937/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Slaughterhouses and meat processing plants operate under the approval and supervision of my Department, in accordance with the terms of EU Food Hygiene Regulations. My Department has approved 31 meat plants for the slaughter of bovine animals. Buffaloes are classified as bovine animals. The slaughter of buffaloes would be a matter for commercial decision by the meat plants concerned, but logistical issues may arise because of the size of the animals. Any such activity would be closely monitored by my officials as part of their supervisory role in such plants, to ensure compliance with regulatory requirements relating to animal welfare and hygiene.

### Grant Payments

571. **Deputy Seán Ó Fearghaíl** asked the Minister for Agriculture, Food and the Marine if he will provide the number of farmers in County Kildare who are still awaiting their 2011 single farm payment; and if he will make a statement on the matter. [7950/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are currently 23 herd owners in Kildare awaiting payments under the 2011 Single Payment Scheme. The timing of the Single Farm Payment is of critical importance to farmers, given that it represents in excess of €1.2 billion of the €1.7 billion that is paid out annually in direct aid. The SFP forms a significant part of the annual income of all farmers in Ireland, in many cases it is used to subsidise the running costs of the farming enterprise and is, therefore, greater than the net farm income in those cases. During 2011, mindful of the significance to the wider rural economy of the Single Payment, I successfully sought the approval of the Commissioner to have advance payments made on the earliest possible date. I am pleased to say that these payments commenced issuing on 17 October 2011, with payments continuing to be made, twice weekly, on an on-going basis. The vast majority of farmers had been paid by the end of December 2011.

572. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when a REPS scheme 4 payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [8177/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS in July 2009 and received payments for the first two years of their contract.

REPS 4 is a measure under the current 2007-13 Rural Development Programme and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before any payments can issue in respect of 2011. These checks are currently being finalised out and I expect that year 3 payment will issue shortly.

### Fishing Industry Development

573. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine with regard to our fishing industry, the proposals he has to manage harvest to match sustainable supply; and if he will make a statement on the matter. [8257/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Total Allowable Catches (TAC) and quotas are set each year taking account of the scientific advice for each stock. On November 23 2011, I presented a Sustainability Impact Assessment of EU Com-

mission Proposal on TACs and quotas for 2012 to the Dail. This assessment set out my strategy for the negotiation of Ireland's quotas. Following intensive negotiations at the December EU Fisheries Council TACs and quotas were established which protected the Irish fishing industry while respecting the most up-to-date scientific data for priority stocks of critical importance to our fleets.

Fish quotas are managed each year in close consultation with industry representatives.

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.

### **Proposed Legislation**

574. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his proposals regarding the criminalisation Bill being removed with regard to our fishing industry. [8263/12]

**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.

[Deputy Simon Coveney.]

The new control system is designed to promote a level playing field. I am fully supportive of all measures that promote effective controls across the EU and that promote 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.

*Question No. 575 withdrawn.*

### **Departmental Staff**

576. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8265/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department has re-engaged one retired Civil Servant on a contract basis since 25 October 2010 on foot of sanction received from the Minister for Public Expenditure and Reform. Remuneration of €101,468 has been paid to date and normal pension abatement rules apply.

### **Grant Payments**

577. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding payments under the agri environment option scheme in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [8312/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 November 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in relation to the claimed Natura area on one of the parcels. This problem is presently being addressed and I expect payment will issue shortly.

578. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding agri environment scheme payments in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [8313/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 November 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in relation to the claimed Natura area on one of the parcels. This problem is presently being addressed and I expect payment will issue shortly.

### Fishing Industry Development

579. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his plans for maintaining a sustainable future for the inshore sector; and if he will make a statement on the matter. [8315/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In light of the judgment of the European Court of Justice (ECJ) against Ireland concerning non-compliance with the EU Habitats and Birds Directives, my overriding policy priority for the inshore sector continues to be to bring all inshore fisheries, and aquaculture, in Natura 2000 sites into full compliance with the EU Birds and Habitats Directives. As part of a major project involving my Department and its agencies and the National Parks and Wildlife Service, a substantial body of scientific data and analysis has been generated over the past number of years since the ECJ judgment. The project is now focused on the roll-out of the bay by bay environmental assessments required under the Directives.

Three comprehensive assessments were completed in 2011, in respect of Castlemaine Harbour County Kerry, Dundalk Bay Co. Louth and Roaring Water Bay, Co. Cork. Work is at an advanced stage in respect of Lough Swilly, Co. Donegal and Clew Bay, Co. Mayo, among others, and this process will continue throughout 2012 in respect of these and other prioritised sites.

Any wider policy initiatives for the inshore sector must take account of this policy priority and the associated legal constraints these Directives impose in terms of putting in place new licensing or management arrangements for inshore stocks within Natura sites, in advance of the completion of the necessary environmental assessments.

### Departmental Schemes

580. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he is successful in changing its co-funding arrangements for EU schemes the effect this will have on the early retirement scheme. [8317/12]

581. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he is successful in changing its co-funding arrangements for EU schemes the effect this will have on the farm improvement scheme. [8318/12]

582. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if he is successful in changing its co-funding arrangements for EU schemes the effect this will have on the installation aid programme. [8319/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 580 to 582, inclusive, together.

The European Commission has introduced an enabling provision in the rural development legislation allowing certain Member States, experiencing budgetary constraints, to draw down existing allocated EAFRD funds up to a maximum rate of 85% under their Rural Development Programmes during 2012 and 2013 if they continue to receive financial assistance under the European Financial Stabilisation Mechanism.

My Department has sought an amendment of the Rural Development Programme 2007-2013 (RDP) in order to avail of the higher rate of draw down. This amendment is intended to ensure full draw down of available EU funding and is in line with current budgetary allocations and projected demand under the Programme schemes. With regard to existing commitments for schemes, such as the farm improvement scheme, early retirement scheme and the young farm-

[Deputy Simon Coveney.]

ers' installation aid scheme, provision has been made for outstanding commitments under these schemes and the proposed draw down rate will not impact on these existing commitments.

### **Rural Environment Protection Scheme**

583. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine the average and maximum times being taken to process REP scheme payments for those cases inspected in 2011 by offices in Limerick, Clonmel, Tralee and Mallow; and if he will make a statement on the matter. [8320/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** REPS 4 is a measure under the current Rural Development Programme, 2007-2013, and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the 75% payment can issue. The remaining 25% may only be paid when all the required on-the-spot inspections have been completed. REPS 4 applications take the form of an agri-environment plan which is prepared by a planner in consultation with the participant and which addresses many issues including nutrient management, grassland management and the environmental impact of the farming system. In order to minimise the possibility of EU disallowances, the administrative checking process and the on-the-spot inspections examine every aspect of the plans in detail.

In addition to the comprehensive administrative checking procedure which is carried out on all applications, each case selected for on-the-spot inspection is different. There is no maximum time prescribed for carrying out the administrative check or the on-the-spot inspection. The time taken will vary depending on a number of factors, including, location, the nature and complexity of the agri-environment plan, scale and weather conditions. In many cases, additional information and clarifications are required from the farmer after the farm visit. My Department makes every effort to ensure inspections are completed in a timely fashion to allow payments to issue to applicants at the earliest possible time. In this context, over 22,000 REPS 4 participants received payment in respect of 2011 before 31st December 2011, with the vast majority paid their 100%. All other cases are being paid as quickly as possible as issues arising are being resolved.

### **Grant Payments**

584. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 323 of 6 December 2011, the position regarding an application in respect of a person (details supplied) in County Clare. [8406/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This person named was the subject of a Satellite inspection in 2010 which resulted in a penalty of between 3 and 20 percent arising from a determined over-declaration of eligible land. As a result the person named submitted an application in 2011 which reflected the determined area in 2010. In response to Parliamentary Question 32674/11 on 3rd November, I confirmed that the person named was entitled to lodge an appeal in relation to the results of the 2010 Satellite Inspection.

An appeal dated 28 October 2011 was received. This appeal led to the need to carry out an inspection, which took place in mid December 2011. That ground review identified some areas that required amendment to my Department's Land Parcel Identification System database. The required changes are being carried out and will be completed shortly. When completed, the person named will then be promptly informed of the outcome.

### Departmental Staff

585. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine if he will outline on a yearly basis from 2008 to 2015, in respect of staff leaving the public service in his Department, the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8429/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The information sought by the Deputy is not readily available and will take some time to collate. Available information will be provided as soon as possible.

### Organic Farming

586. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if an application form for the organic farming scheme is currently pending in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [8447/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The closing date for receipt of Organic Farming Scheme applications was 16 May, 2011. There is no record of any application form received by my Department for the Organic Farming Scheme from the person named.

### Departmental Schemes

587. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding the dairy equipment scheme; and if he will make a statement on the matter. [8451/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The funding of all Targeted Agricultural Modernisation Schemes (TAMS), including the Dairy Equipment Scheme, is kept under constant review in order to ensure that optimum use is made of the financial allocation provided for such Schemes. However, I have no plans at present to alter the level of funding which has been made available for the Scheme.

### Disadvantaged Areas Scheme

588. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine if, as it is reported that the EU Commission has confirmed that an application has been received from Ireland regarding changes to the qualification criteria for payment structure for the disadvantaged area scheme, he will confirm his intention in this regard; and if he will make a statement on the matter. [8452/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Disadvantaged Areas 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 are under discussion with the EU Commission and the Commission's response is expected shortly.

### State Assets

589. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine

[Deputy Mary Lou McDonald.]

his plans to dispose of the harvesting rights of Coillte as part of the programme for Government State asset disposal programme. [8454/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** No decision has been taken by the Government in relation to the potential sale of Coillte.

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 relation to the issue of harvesting rights, as I have previously mentioned, one of the suggested ideas 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 reforestation. 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 sale of Coillte land is not an option.

### Fishing Industry

590. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the proposals he has with regard to transparent scientific advice and reports being made available stating who carried out surveys, when and where, the parties involved and the cost of independent scientific information supplied by fishermen to be accommodated; and if he will make a statement on the matter. [8461/12]

591. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding the fish industry. [8462/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 590 and 591 together.

The Marine Institute provide me with scientific advice to inform policy decisions. It annually publishes scientific papers including the Stock Book which details for fisheries of interest to Irish fishermen scientific advice on a stock by stock basis.

The design, management and execution of specific research surveys and data collection exercises are the sole remit of the Marine Institute and should be raised directly with the Institute. The Institute liaise and consult on a regular basis with industry interests including through the well established Industry Science Partnership, which offers a good forum for specific concerns.

### Fishery and Aquaculture Products

592. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding marketing and labelling. [8463/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the umbrella of the Reform of the Common Fisheries Policy (CFP) the European Commission have proposed a new regulation “*of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products*”.

The proposal to revise the Common Organisation of the Markets (CMO) for fishery and aquaculture products follows a very lengthy consultation phase.

The CMO is intended to provide market stability, to ensure a stable supply of quality products, to guarantee a fair income for producers and ensure a fair price to consumers.

I have welcomed the proposal to revise the CMO and support many of the elements contained in it including a greater emphasis on informing the consumer. Current labelling requirements are very broad and give little useful information to the consumer.

I believe in greater traceability and in that regard I am seeking to have more meaningful, recognisable, local catch origin labelling and product information so that consumers can usefully differentiate fish on the basis of a recognisable local area of origin.

593. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding imports. [8464/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** EU is increasingly dependent on imports of fish and fishery products to meet its needs. In 2009, the EU imported €15.5 billion worth of fish and fishery products, accounting for more than 60% of its fish consumption. Europe exported €2.5 billion worth of fisheries goods in 2009, the bulk of it to large markets like Norway, Russia and Japan. Total aquaculture production in the EU is around 1.3 million tonnes. As the world's largest market for fish imports, the EU has a major interest in improving market access conditions both at multilateral and bilateral level.

As an EU Member State it is not possible to restrict imports nor do I believe such a policy would be beneficial for the seafood sector in Ireland which is strongly dependant on the export market. Ireland's Seafood Sector is an export orientated industry with an estimated €420m of Seafood Exports in 2011 up 13% on 2010. After the recent success at the December 2011 Council of Fisheries Ministers where I secured an estimated €250m of fish quotas for Irish vessels, the prospects for exports are again positive for 2012. The export market is also critically important for our aquaculture sector.

In terms of import tariffs, tariff quotas (annual limits) are laid down by the EU within which certain products originating in countries outside the EU may be imported at preferential rates of duty (either at a reduced or zero rate). Ireland's position is, in general terms, supportive of the principle of Community preference for products, such as herring and mackerel, where EU is a major supplier to meet internal demand.

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. These are my priorities which I believe will deliver on the potential of the seafood sector in Ireland.

### **Fish Stocks**

594. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine

[Deputy Michael Healy-Rae.]

his plans regarding crawfish (details supplied); and if he will make a statement on the matter. [8466/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In order to protect the reproductive potential of the crawfish stock, Council Regulation No. 850/98 sets a minimum landing size of 95mm. The Regulation allows Member States to take measures for the conservation and management of stocks that go beyond the minimum requirements set by the Regulation. When the minimum landing size for crawfish specified in the Regulation was reduced in 2001 in an amending Regulation from 110mm to 95mm, this reduced size was considered by Ireland to offer inadequate protection to the reproductive potential of the stock. There were industry calls at the time for the higher minimum size to be restored in national law and this was done.

In June 2011, I asked BIM to carry out a review of the technical conservation measures (TCMs) currently in place for the crawfish stock. The review was to be conducted in conjunction with the Marine Institute and in consultation with crawfish fishermen and their representatives.

In the terms of reference for that review, I specified that the review should have regard to the negative and declining state of the crawfish stock, undesirable by-catch of non-target and possibly protected species from the use of nets by some fishermen in fishing for crawfish, the apparent market preference for smaller crawfish and the range of TCMs for crawfish used internationally. I asked BIM, in framing its recommendations, to ensure that its proposals provided at least the equivalent or a higher level of protection to the reproductive potential of the stock, as provided by the present measures, and that a high level of compliance would be assured within available resources.

I received a draft report from BIM last month and I am expecting the final report in the near future. I intend to publish the report shortly and will make arrangements for a copy to be sent to the Deputy.

I do not accept that Ireland's minimum landing size is in any way anti competitive or discriminatory. While the minimum landing size for crawfish specified in EU Regulations is 95mm, it should be noted that there is a wide range of different minimum landing sizes in force across Europe. Each Member State must take account of the characteristics of its own stock, including varying factors such as age at maturity. In those circumstances harmonised arrangements are not always practical or desirable.

### **Grant Payments**

595. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their REP scheme 4 payment; and if he will make a statement on the matter. [8478/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS in January 2010 and received payments for the first year of their contract.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, has to be completed before any payment can issue in respect of 2011. Following an inspection, a discrepancy was discovered in respect of one parcel of land that requires digitisation and verification of its area. This is currently being done with the intention of an early resolution and to enable payment in respect of 2011 to issue.

### Family Support Services

596. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if, in view of the Children's Rights Alliance's overall positive C+ grade to Government in its report card 2012, she will ensure that budget 2013 ring-fences the funding and staff complement required to ensure that the new child and family support agency will be able to deliver on its statutory obligations; and if she will make a statement on the matter. [7751/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Minister for Public Expenditure and Reform published the *Comprehensive Expenditure Report 2012-2014* on 5th December last. The sections relating to my Department in this document clearly highlight that the transfer of services to the new Child and Family Support Agency fully informed the strategic approach taken by my Department. This report states that: "The Department used the CRE process to inform its new structures and priorities based upon streamlined and effective use of limited resources which maximise policy outcomes and service delivery."

My Department's input to the Comprehensive Review of Expenditure process was fully aligned with the Government's reform objectives for children's services and encompassed the child protection and welfare services currently operated by the HSE and intended to transfer to the new Agency. In addition, the Government's public service reform announcements on 17th November signalled my decision to merge the Family Support Agency into the Child and Family Support Agency following the latter's establishment. Once again, this is consistent with the approach taken by my Department in the Comprehensive Review of Expenditure process of considering new, more effective ways to use resources to achieve the Government's key objective to improve services for children and families.

A dedicated new budget sub-head had been established for the first time in the HSE Vote, in preparation for the planned establishment of the Child and Family Support Agency in 2013. A provision of €568m has been made for 2012. A process is currently underway in conjunction with the HSE to further review and refine the detailed components of this sub-head. The provision for the first time of a dedicated budget for children and families within the HSE Vote will pave the way for the establishment of the new Agency in 2013. This dedicated budget will be managed by the National Director of Children and Family Services and his staff in support of the process of operational improvement in child protection and welfare services which he is leading. Central to this reform is the delivery of transparent and accountable management and budgeting.

The Government's reform of child welfare and protection services is also being assisted by the Task Force on the Child and Family Support Agency which I established in September. The Task Force, which has very considerable expertise, met for the eleventh time earlier this month and also has a number of sub-groups undertaking particular aspects of its work. The Task Force is chaired by Ms Maureen Lynott and it also includes the National Director of Children and Family Services, Mr Gordon Jeyes, and the Secretary General of my Department.

The Task Force has been asked to advise on the appropriate service responsibilities for the Agency during the course of its work from amongst those within the HSE that relate to children and family services, or from within the relevant operational responsibilities of my Department or its agencies. The allocation of financial and human resources for the new Agency will largely be determined by the services for which it will have responsibility; in terms of both direct provision and commissioning. The Task Force has been asked to review the existing budgets, staffing and other corporate supports in respect of the services transferring. Further, the Task Force has been asked to assess and propose, within the resources available for the transferring services, a plan for resource and staffing configuration which takes full account of the overall

[Deputy Frances Fitzgerald.]

corporate vision, indicators of need (geographically and by service) and the objectives of public sector reform and modernisation. I look forward to receiving the report of the Task Force's work, which will inform preparations for the new Agency, including the drafting of legislation. I would envisage tabling legislation before the House later this year to provide for the Agency's setting up in 2013.

In conclusion, I am satisfied that the recent budgetary decisions, while taking place in a context of tremendous pressure on the public finances, have been fully informed by the Government's commitment to the establishment of the Child and Family Support Agency. The establishment of the new Agency is part of a wider 'change agenda', which is aimed at strengthening the organisational capacity, business processes and systems necessary to deliver safe and reliable child protection services. This change agenda is necessary in order to utilise resources to their fullest to promote better outcomes for children and achieve Government objectives for the improvement of the child protection system. I believe, in time, this will constitute an important and demonstrable example for the general public of the benefits of public service reform.

597. **Deputy Patrick Nulty** asked the Minister for Children and Youth Affairs when the national strategy on aftercare will be published; the reason for the delay; and if she will make a statement on the matter. [7596/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have been informed by the HSE that the National Policy on Aftercare has been finalised and was formally issued to the Regional Managers for Children and Family Services, all Principal Social Workers and Child Care Managers. Copies are available from the HSE on request and I understand that the HSE intend to make this available on their website shortly.

### Homeless Persons

598. **Deputy Patrick Nulty** asked the Minister for Children and Youth Affairs the number of young persons under 18 years that are homeless as defined by section 5 of the 1991 Child Care Act; and if she will make a statement on the matter. [7597/12]

**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.

### Inter-Country Adoptions

599. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs if she will explain her views on the possibility of establishing a strong administrative agreement as an alternative to a bilateral agreement in respect of inter-country adoptions as per her statement in Dáil Éireann on 26 January; if she will elaborate on same; and if she will make a statement on the matter. [7660/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** With effect from 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention or with countries with which Ireland has a bilateral agreement. The Hague Convention is a minimum set of standards in intercountry adoption in areas such as subsidiarity, consent and financial considerations.

The Hague Convention is a formal state-to-state agreement between countries developed on a multi-lateral basis. The key difference between an administrative arrangement and a bilateral

agreement is that Governments are bound to one another by a bilateral agreement. Administrative agreements are related to the sequence and process arrangements in place to support the safeguards already agreed between states. The Adoption Authority of Ireland works with central authority counterparts in the establishment of administrative agreements while bilaterals are Government to Government agreements.

If a country has ratified the Hague Convention then the Adoption Authority of Ireland may establish administrative arrangements, as provided for in Section 72 of the Adoption Act, 2010. The Authority has over recent months travelled to a number of jurisdictions and has had discussions with the relevant Central Authorities. The purpose was to advise of its processes and procedures and to assess the need for additional administrative arrangements or agreements with referring Hague countries in order to underpin the process. These visits also provided an opportunity to discuss ways to streamline processes on both sides and get up to date information for prospective adopters on developments in the particular countries.

If a country has not ratified the Hague Convention then a bilateral agreement would be necessary in order for adoptions to continue with that country. The negotiation of bilateral agreements on intercountry adoption with states which have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010. Ireland has not to date entered into a bilateral agreement in respect of intercountry adoption. Under Section 73 of the Act, *“the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State.”*

The priority focus for the Adoption Authority is the putting place of administrative arrangements with other countries which have ratified the Hague Convention. Any future bilateral arrangements which might be entered into would also be required by law to meet the minimum standards set out in the Convention.

### **Children in Care**

600. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the number of children in State care who were charged or convicted of any criminal offence in 2010 or 2011; and if she will make a statement on the matter. [7720/12]

**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.

### **Departmental Staff**

601. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she will provide an organisational chart detailing officials and their responsibilities within her Department. [7734/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have arranged for the Department’s organisation chart to be forwarded directly to the Deputy at her office. The Department’s chart is now also available on my Department’s website.

### **Ministerial Appointments**

602. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs if she will list all appointments to State boards and agencies made by her since she came to power; the

[Deputy Shane Ross.]

persons appointed; to which boards and agencies; the remuneration details of each appointment; and if she will make a statement on the matter. [7817/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** In relation to the NEWB, there have been two appointments to the Board since my appointment as Minister for Children and Youth Affairs. Mr. Brendan Broderick was appointed based on a nomination of the trade unions and staff associations representing teachers under S9(2)(1)(b)(iv) of the Education (Welfare) Act 2000. Mr. Broderick was a direct replacement of a retiring nominee during his term of office. Mr. Eamonn Flynn was appointed to the NEWB based on a nomination of the Educational Welfare Officers under S9 (2)(1)(b)(v) of the Education (Welfare) Act 2000 whereby the Minister is obliged to consult with specified bodies in the process of these appointments. Mr. Broderick and Mr. Flynn are both ordinary board members in receipt of no remuneration.

In relation to the FSA, there have been ten members appointed to the Board since my appointment as Minister, namely Sharon Foley, Dick Hickey, Catherine Hazlett, Marie Fenlon, Yvette O'Malley (resigned 10 November, 2011), Liz Chaloner, Nuala Ryan, Imelda Martin, Caroline Murphy and Nollaig Byrne. Both Catherine Hazlett and Imelda Martin are not in receipt of any remuneration. As Yvette O'Malley resigned in November, 2011 there are currently seven board members who are each in receipt of €5,985 per annum.

I have made one appointment to the Board of the AAI since my appointment. Imelda Ryan was appointed on 7th February, 2012 and is in receipt of €7,965 per annum.

There is no Board for the Ombudsman for Children's Office. I am currently in the process of making appointments to the board of management of the children detention schools and will announce the full board when all members have been appointed. The term of the previous Board expired in October 2011 and the vacancies for the current Board are currently listed on my Department's website.

### Hospital Services

603. **Deputy Michael McNamara** asked the Minister for Children and Youth Affairs the costs that will be incurred for the refurbishment of Coovagh House special care unit at St. Joseph's Hospital, Limerick city, when it will open; and if she will make a statement on the matter. [7960/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department has sought the information from the HSE requested by the Deputy and I will provide the Deputy with this information when it becomes available.

### Child Care Services

604. **Deputy Michael McNamara** asked the Minister for Children and Youth Affairs the number of children that are being sent outside the State for special care; the cost to the Exchequer; and if she will make a statement on the matter. [7961/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department has sought the information from the HSE requested by the Deputy and I will provide the Deputy with this information when it becomes available.

### Education Welfare Service

605. **Deputy Patrick Nulty** asked the Minister for Children and Youth Affairs the number

of vacant education welfare officer positions in the National Education Welfare Board; the number of education welfare officers currently employed by the Board; and if she will make a statement on the matter. [7985/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The complex issue of school attendance is systematically addressed through the provisions of the Education (Welfare) Act, 2000. This act established the National Educational Welfare Board (NEWB) in 2002 — mandating it with supervising and implementing the provisions of the Act to effectively ensure that ‘each child attends a recognised school or otherwise receives a certain minimum education’ (Section 10). The legislation establishes a framework for promoting regular school attendance, participation and retention as well as tackling the manifold problems of absenteeism and early school leaving. The Act also charges the NEWB with responsibility for children who are being educated outside of recognised schools, for example at home, as well as 16-17 year olds who leave school to take up employment.

In relation to monitoring school attendance, the NEWB has 90 sanctioned Educational Welfare Service posts, 74 of which are currently filled (59 Educational Welfare Officers, 12 Senior Educational Welfare Officers and 3 Regional Managers). The Board also informs me that an additional 2 Educational Welfare Officers are due to retire at the end of the month.

Since mid-2009 the Board has an expanded remit which includes responsibility for the Home / School / Community Liaison scheme and the School Completion Programme in addition to the Educational Welfare Service. Under the extended remit, the Board is obliged to devise a single strategic approach to attendance, participation and retention. The Board is currently engaged in developing an integrated service model which would respond to the complexity of issues that impact on attendance, participation and retention. That model will be implemented in the academic year 2012-2013. This implementation will include appropriate management information systems to capture data for the measuring and monitoring of outcomes.

In the interim, and whilst the model of integrated practice is being finalised, the Board has put in place a number of measures to ensure a service to all schools. In areas where there are gaps, the following categories of referral have to be accorded priority.

- No school place.
- Refusal to enrol.
- Non transfer from Primary to Post Primary School.
- Where a student has been expelled.
- Court directed work.
- Child discharged from residential care without a school placement.
- Educational welfare issues combined with child protection/serious child welfare concerns.

*Question No. 606 answered with Question No. 95.*

### **Missing Persons**

607. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs if she will review a matter (details supplied) regarding the helpline. [8048/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under EU telecoms rules agreed in 2009, the 116000 number is reserved in all EU member states for a missing children hotline. My Department established and led a cross-sectoral Project Team, including representatives of my own Department, the Department of Justice and Equality, ComReg and An Garda Síochána to advance this matter.

The position is that ComReg, who have responsibility for allocation of this number in Ireland, received an application to operate the Hotline from the ISPCC. Following cross-departmental consultation and an examination of the issues involved by the Project team, ComReg has now allocated the number to the ISPCC.

In the coming months the Project Team will now work to ensure that the Hotline becomes operational as soon as possible and operates in a way that supports and augments existing arrangements to secure child protection.

### **Inter-Country Adoptions**

608. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs the annual costs of promoting and pursuing inter-country adoption in her Department and at the Adoption Authority of Ireland. [8133/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Authority of Ireland was established on 1 November 2010. It is an independent statutory body charged with implementing the Adoption Act, 2010. The Authority has responsibility for the direct operational implementation of legislation and Government policy.

The Adoption Authority is being funded in 2012 from within the Department of Children and Youth Affairs vote. Funding of €3.3 million has been allocated for the current year. Any additional costs to be borne by my Department would be low and would most likely arise as a consequence of a limited number of Ministerial/official visits in relation to intercountry adoption during the year.

### **Adoption Services**

609. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs the annual costs of providing search and reunion services to adopted persons and natural parents; and the amount of Adoption Authority of Ireland and Health Service Executive annual budgets that are spent on these activities. [8134/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Authority has advised that the direct payroll cost to the Agency for providing information and tracing services is in the region of €300,000 per annum.

I have been informed by the HSE that the overall cost to provide information and tracing services nationally by the HSE is in the region of €3 million. This includes salary, travel, office and administration costs.

### **Inter-Country Adoptions**

610. **Deputy Jack Wall** asked the Minister for Children and Youth Affairs if her attention has been drawn to the problems being encountered by the Adoption Authority of Ireland with inter-country adoption applications for new couples seeking to adopt from India; the steps being taken to resolve the issue and problems; if she will outline a timeframe for the matters to be resolved; and if she will make a statement on the matter. [8202/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Authority of Ireland is an independent statutory body charged with implementing the Adoption Act, 2010. The Authority has responsibility for the direct operational implementation of legislation and Government policy. The AAI has advised that it is proposing to send a delegation to India to discuss administrative matters relating to intercountry adoption between our two countries.

### Departmental Staff

611. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from her Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from her Department; if she will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if she will make a statement on the matter. [8267/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** No payments as described by the Deputy have been made, or are planned to be made, to any retired or retiring official from my Department.

### Child Abuse

612. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she has studied the incidents and frequency of child abuse in situations inside or outside the home over the past number of years with particular reference to identification of situations or circumstances which might lead to recurrences; and if she will make a statement on the matter. [8388/12]

613. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which early detection and support services are available in situations whereby children or young adults might be vulnerable to abuse; and if she will make a statement on the matter. [8389/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 612 and 613 together.

When we talk about child abuse it is important to remember that in reviewing the number of cases referred to the HSE's Children and Family Services, child neglect has been identified as the most common form of abuse. There are in fact more cases of neglect than sexual abuse and maltreatment in child protection. I am aware that national and international research has linked incidents of child abuse with domestic violence, parental mental health issues, and alcohol and drug addiction amongst families. There are, however, other factors to be considered including the parent's role and the societal and environmental factors contributing to the parent's inability to provide for the basic needs of the child, such as social isolation, poor housing, low levels of employment and poverty.

Family support and social work intervention are crucial to identifying, containing and alleviating the circumstances that can lead to child abuse in all its heinous forms. The HSE's Child Protection and Welfare Practice Handbook, published to complement the revised Children First Guidance which I launched last year, sets out in significant detail the indicators of abuse and how they may be reflected in parental behaviour, in the environment in which the child is growing, and in the behaviour of the child. These indicators allow the relevant professionals to

[Deputy Frances Fitzgerald.]

make judgments about current risk to a particular child and/or the potential future risk to other children. By evaluating and recording their experiences with the child and the family, the professional is in a very strong position to intervene in an appropriate and agreed manner.

Early intervention and family support are undoubtedly the best means of keeping a child safe in its home environment. I should also say that by getting to know a family over a period of time and with the input of other medical and professional colleagues, social workers are probably best placed to monitor developments or and to deal with concerns should they occur. This requires appropriate training, support and supervision for staff working at the coalface. Social workers do unfortunately need to continue to develop skills in dealing with families who do not wish to engage, who are threatening and violent towards staff, and who may try to be elusive in relation to the standard of care they are providing.

The lessons that continue to be learned from the child welfare and protection system have led to significant changes to how services are being delivered. These include the decision to establish a dedicated agency; publication and roll out of the revised *Children First* Guidance and the accompanying HSE Handbook; the appointment of a National Director for Children and Family Services in the HSE; the work done in standardising business processes across the HSE Children and Families Service; the commitment to develop improved information systems and a child protection register. They have also contributed to an increase in the child protection social work cohort and in staff development.

614. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the degree to which adequate support services are available to provide the necessary follow up and support in cases in which child sexual or physical abuse is identified or suspected; the length of time within which it can be reasonably expected that supportive measures are taken in individual cases; and if she will make a statement on the matter. [8390/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### **Child Support Services**

615. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent, if any, to which she has been in a position to identify the most important or needy areas for investment in terms of personnel or facilities in the child support services; and if she will make a statement on the matter. [8391/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department publishes a biennial State of the Nation's Children report which benchmarks progress on services and supports as well as children's outcomes. My Department has also recently published a National Research and Data Strategy which sets out a strategic direction and comprehensive action plan for research and data on children's lives in Ireland for the next five years. One of the five objectives is to improve monitoring and evaluation of children's services in Ireland at local and national level and the actions carried under this objective, particularly those relating to improving administrative systems, will be used to ensure good quality information is available to inform my Department about key areas for investment.

My Department also manages the National Children's Research Programme. As part of this Programme, more than sixty research studies on children's lives have been funded. Among these are studies of children at risk including children on remand, youth homelessness, children

who are witnesses to domestic violence and children as carers. This month a set of briefing notes covering more than half of these studies was published, containing key messages for policy and practice arising from this research. The largest study under the National Children's Research Programme is Growing Up in Ireland, the National Longitudinal Study of Children. This Study is following the development of almost 20,000 children in Ireland across two cohorts: an infant cohort recruited at age nine-months; and a child cohort recruited at age nine years. Since 2006, when the first phase of the study commenced, two waves of data collection of the infant cohort have been completed (at age nine-months and three years) and two waves of data collection of the child cohort are also almost completed (at ages nine years and thirteen years).

These studies allow us to better understand children's lives, particularly the lives of children at risk. Growing Up in Ireland in particular, also allows us to better understand the risk and protective factors for these children and the importance of early experiences on outcomes later in life.

Further, the recently published National Strategy for Research and Data on Children's Lives, 2011-2016 contains commitments to improving our knowledge of children's lives and the supports and services needed across five themes based on the National Services Outcomes of the Agenda for Children's Services. Some examples include:

#### *Child protection*

- Analysis of existing reports and literature on children in need of protection and in care of the State with extraction of key messages to be published by mid 2013.

#### *Youth justice*

- Studies measuring the impact and outcomes of youth justice initiatives will be carried out over the period 2012-2015.

#### *Early Childhood Care and Education*

- Findings of process and intervention evaluations from the Prevention and Early Intervention Programme by mid 2014.

#### *Children's participation in decision-making*

- Two reports on the extent to which children's voices are heard in policy and service development will be published at the end of 2012, from a research project to examine young people's experiences of existing participation structures and from a review of literature on participation initiatives and experiences with seldom-heard young people.

#### *Youth affairs*

- Administrative data on youth work services will be used to profile activity, resources and services in this sector, starting in 2012.

#### *Poverty and social inclusion*

- Performance indicators to monitor the effectiveness and efficiency of child income support payments will be published by the Department of Social Protection commencing in 2012.

### **Health Services**

616. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the

[Deputy Bernard J. Durkan.]

degree to which psychological support and diagnostic services are available to children and young adults as required; her plans to develop such services; and if she will make a statement on the matter. [8392/12]

**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.

*Question No. 617 answered with Question No. 96.*

### Foster Care

618. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which the fosterage services throughout the country are adequate to meet requirements; the extent of the waiting lists; the proposals if any for the development of such services in the future; and if she will make a statement on the matter. [8394/12]

**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.

*Questions Nos. 619 and 620 answered with Question No. 96.*

### Human Trafficking

621. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she and her Department have identified locations for potential trafficking in children or young adults with particular reference to the need to prevent the activities of organised criminals in this area; and if she will make a statement on the matter. [8397/12]

622. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she and or her Department have identified situations likely to allow trafficking in children or young adults; her plans to address any issues arising from evidence available; and if she will make a statement on the matter. [8398/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 621 and 622 together.

I do not have responsibility for offences relating to the trafficking of children. Under the Child Care Act, 1991, the Health Service Executive (HSE) is responsible for the care and protection of separated children seeking asylum until they reach 18 years of age. Their immediate and ongoing needs as well as their application for refugee status are the responsibility of the Health Service Executive (HSE) in accordance with the Refugee Act, 1996 (as amended) and the Child Care Act, 1991. Where children are identified by An Garda Síochána, at the point of entry, their circumstances are investigated and if there are any concerns about the welfare of the child, they are placed into the care of the HSE. These children are particularly vulnerable and in need of care and protection.

The HSE is aware of concerns that separated children seeking asylum who go missing from care may be at risk of being trafficked. The HSE and the Garda National Immigrant Bureau have worked closely since 2008 in this regard and have a Joint National Protocol on Children who go missing from care, and have held meetings between their respective management to identify risk, share information and work cooperatively in respect to this group of children.

The parties to the meetings included Local Garda Inspectors, GMIB Inspectors, Social Workers engaged in after hours and separated children seeking asylum teams.

The steps taken to address risk issues in relation to separated children include:

- Collaborative interviewing at points of entry between the Garda and social workers.
- Planned surveillance of those at risk of going missing from the point of entry to the initial period in placement and a range of other activities undertaken by An Garda Síochána.

The revised *Children First* National Guidance for the Protection and Welfare of Children deals with the recognition, reporting and management of child safety concerns. It emphasises the need to safeguard and to protect children, particularly vulnerable children. It specifically highlights the roles and responsibilities of the HSE and An Garda Síochána, as the two agencies with statutory responsibility for child protection and forms an integral part of their existing operations and practice. Where the HSE has identified a concern regarding child trafficking, this is referred to the Gardaí and the two statutory organisations work closely together to ensure the safety of the child. HSE management and staff have been closely involved in collaboration with the Department of Justice and Equality in the development of the National Action Plan on Anti-Human Trafficking and every effort is being made to fulfil commitment to combat trafficking as outlined in this Plan.

### Child Abuse

623. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the number of incidents of child or youth abuse reported in each of the past five years to date; the extent to which the various back up services have increased or are likely to be increased to meet ongoing requirements; and if she will make a statement on the matter. [8399/12]

**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 Staff

624. **Deputy Sean Fleming** asked the Minister for Children and Youth Affairs if she will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in her Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if she will make a statement on the matter. [8431/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Since the establishment of my Department in June 2011, one member of staff has retired with an associated lump sum and pension cost of €95,504 and €29,820 respectively. It is not possible to identify the number of staff retiring and associated costs between now and 2015 for a number of reasons: (a) the decision to retire is a personal matter for individual staff to make and (b) different retirement conditions apply depending which scheme they are a member of. For example, some staff can retire at any time between the ages of 60 and 65 years while other staff must continue to work until at least aged 65 years. Another complicating factor is that retirement benefits are based on final salary and final pensionable service, all of which may be subject to change

[Deputy Frances Fitzgerald.]

between now and 2015. All members of the various schemes may also opt for actuarially reduced retirement benefits once they have reached the age of 50.

As a result, it is not possible to supply figures on loss of revenue from pension related deductions and superannuation contributions for those retiring before 2015. However, an indicative figure for a civil servant at my Department currently earning €54,000 per annum and recruited after April 1995 would suggest a pension related deduction of €3,500 (gross) per annum and superannuation contributions of €3,091 (including contributions to the Spouses' and Children's Pension Scheme).

### Parliamentary Questions

625. **Deputy Michael Healy-Rae** asked the Minister for Health the length of time it is acceptable to wait for an answer to a query directed to the Health Service Executive from her Department following a parliamentary question. [7555/12]

**Minister for Health (Deputy James Reilly):** All Parliamentary Questions should be answered on the day required by the Oireachtas, or if due to the nature of the question this proves impossible as soon as possible thereafter. The Health Service Executive is very conscious of the need for prompt replies to Parliamentary Questions and there is regular liaison between my Department and the Executive in this regard. While the Executive attempts to answer all questions referred to it as quickly as possible, many of the questions submitted by Deputies request large and detailed amounts of statistical data on a variety of subjects which require input and coordination from all areas of the Executive.

In its National Service Plan the HSE commits to answering 75% of questions within 15 working days. In November of last year the Executive introduced a new IT system for dealing with Parliamentary Questions. It is envisaged that this system will contribute towards a more efficient method of dealing with PQs within the HSE and result in more prompt replies being issued.

While I, as Minister for Health, have ultimate responsibility for the health services I continue to believe that questions concerning individual patients and operational matters relating to local issues should be referred to the Health Service Executive for direct reply to Deputies. A balance has to be struck between responsibility for local issues, which rests with local area service managers, and the ultimate accountability of Ministers.

If the Deputy has concerns about a specific Parliamentary Question I would ask him to forward the details to my office and I will follow it up with the HSE.

### Medical Cards

626. **Deputy Catherine Murphy** asked the Minister for Health the number of persons employed in processing medical card application forms; if staff are allocated to register applications within a set timeframe; the timeframe for same; if staff are allocated to open mail; if a dedicated postbox could be provided for the public to deliver forms and documents in view of the extent of material being lost; the changes he will make to improve the situation; and if he will make a statement on the matter. [7561/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

I very much share the Deputy's concerns in relation to lost or misplaced documentation.

A review of the medical card processing service is under way at the moment and the issues raised by the Deputy are being examined as part of this process. The review will be completed in a few weeks time.

### Hospital Accommodation

627. **Deputy Dara Calleary** asked the Minister for Health if he will outline the operational arrangements that have been put in place at St. Joseph's District Hospital, Ballina, County Mayo, at the end of February; if agreement has been reached with existing staff at the facility and with health insurers and insurance companies; the training programmes that are in place; and if he will make a statement on the matter. [7574/12]

628. **Deputy Dara Calleary** asked the Minister for Health the savings achieved by the closure of 12 beds at St. Joseph's District Hospital, Ballina, County Mayo, since November; and if he will make a statement on the matter. [7575/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 627 and 628 together.

As these are service matters they have been referred to the Health Service Executive for direct reply.

629. **Deputy Dara Calleary** asked the Minister for Health the details of a fund he has put in place to maintain beds at community and district hospitals here; if Swinford District Hospital, County Mayo, has received an allocation under this fund; the operations of the fund; the future of community and district hospitals generally; and if he will make a statement on the matter. [7576/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Medical Cards

630. **Deputy Dara Calleary** asked the Minister for Health the reason there is a delay in processing medical card applications in respect of persons (details supplied) in County Donegal; and the steps being taken to reduce the waiting times. [7583/12]

**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.

631. **Deputy Denis Naughten** asked the Minister for Health when a decision will issue on an application in respect of persons (details supplied) in County Roscommon; the reason for the delay in same; and if he will make a statement on the matter. [7584/12]

**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.

632. **Deputy Denis Naughten** asked the Minister for Health the average processing times for appeals in each regional appeals office by category of application; and if he will make a statement on the matter. [7585/12]

**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.

[Deputy Róisín Shortall.]

I have held detailed discussions with the HSE regarding the ongoing backlog in medical card appeals. The HSE is moving additional staff to this area to help address the unsatisfactory waiting times.

### Health Services

633. **Deputy Denis Naughten** asked the Minister for Health the position regarding a review in respect of a person (details supplied) in County Roscommon; when a decision will issue; and if he will make a statement on the matter. [7586/12]

**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.

### Hospital Services

634. **Deputy Pearse Doherty** asked the Minister for Health the reason for the delay in receiving surgery in respect of a person (details supplied) in Dublin 22; when the person may expect the surgery to take place; and if he will make a statement on the matter. [7620/12]

**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 nine-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

635. **Deputy Peter Mathews** asked the Minister for Health if the moneys collected as part of the pension levy from the Irish Blood Transfusion Service were passed on to the Department of Finance or if the IBTS retains the money as part of its own pension plan; and if he will make a statement on the matter. [7623/12]

**Minister for Health (Deputy James Reilly):** The Irish Blood Transfusion Service (IBTS) is a public service body as defined in the Financial Emergency Measures in the Public Interest Act, 2009 and consequently its employees are public servants within the terms of that Act. To date, the Pension Levy deducted has not been remitted by the IBTS to the Exchequer. My officials are in discussion with the Board of the IBTS on how best to resolve the issue of the deficit in the IBTS pension fund, and this may involve using a proportion of pension levy funds. The Irish Blood Transfusion Service pension scheme comes under the scope of a public service pension scheme as defined in Section 1 of the Act.

### Health Services

636. **Deputy Olivia Mitchell** asked the Minister for Health the position regarding a placement for a person (details supplied) in Dublin 14, now that the Health Service Executive national service plan has been published; if a decision on their care could be communicated to their family as soon as possible; and if he will make a statement on the matter. [7635/12]

**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.

637. **Deputy Olivia Mitchell** asked the Minister for Health the position regarding a placement in respect of a person (details supplied) in Dublin 16, now that the Health Service Executive national service plan has been published; if a decision on their care will be communicated to their family as soon as possible; and if he will make a statement on the matter. [7636/12]

**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.

638. **Deputy Olivia Mitchell** asked the Minister for Health the position regarding a placement in respect of a person (details supplied) in Dublin 14, now that the Health Service Executive national service plan has been published; if a decision on their care could be communicated to their family as soon as possible; and if he will make a statement on the matter. [7637/12]

**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.

### Nursing Home Services

639. **Deputy Gerry Adams** asked the Minister for Health the number of nursing home beds available in County Louth at present; the number that are public beds and the number that are private; and the comparable figures for 2002. [7638/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Health Information and Quality Authority (HIQA) is the statutory body responsible for the registration of all designated centres for older people, including public, voluntary and private nursing homes. HIQA has been given until 30 June 2012 to fully register all existing nursing homes. Full details of all currently registered nursing homes, including the maximum number of residents who can be accommodated, as well as inspection reports on all nursing homes, can be found on the HIQA website, [www.hiqa.ie](http://www.hiqa.ie).

In addition to the above the Long-Stay Activity Reports, published by the Department present data collected through a survey of long-stay units for older people. In 2002, 497 questionnaires were returned out of a total of 569 giving a national response rate of 87.3%. The survey reports that there were 2,189 beds in the former North Eastern Health Board Area and provides a breakdown of the number of beds on a unit by unit basis within the region.

The latest comparable report published by the Department in 2011, covering the year 2010 had an 80% response rate, nationally. The survey now provides a breakdown of the number of beds in each County on a unit by unit basis. It reports that there were 5 HSE Extended Care Units providing 228 public beds and 9 private nursing homes providing 415 private beds in Louth.

[Deputy Kathleen Lynch.]

The Long-Stay Activity Reports are published on the Department's website, *www.doh.ie*. The Deputy should be mindful that these are survey results.

I have asked the HSE to supply the Deputy with the current number of public long-stay beds available in Louth.

640. **Deputy Gerry Adams** asked the Minister for Health if he is committed to public provision of nursing home beds into the future; and if he will make a statement on the matter. [7639/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Government policy in relation to older people is to support people to live in dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to quality long-term residential care.

While the Minister and this Government continues to reiterate our commitment to the future public provision of residential care for older people we must recognise that the HSE is facing challenges in respect of all services in 2012. In the case of Community Nursing Units these include challenges regarding staffing, funding and the age and structure of its units.

In this regard the HSE is carrying out a viability review of all its long stay nursing homes. When complete, this will give a clear outline and profile of each of the public long stay units including their status on meeting Health Information and Quality Authority standards.

### **Food Labelling**

641. **Deputy Jim Daly** asked the Minister for Health his plans, if any, to introduce a proposal that restaurants include the calorie content of each dish on their menus; and if he will make a statement on the matter. [7646/12]

**Minister for Health (Deputy James Reilly):** Late last year I wrote to a range of Fast Food Outlets and cafes requesting they, like their counterparts in the USA and UK, to take part in an initiative to put calories on menus in Ireland. This calorie posting would be done initially in a voluntary capacity. There has been a positive response to my request and this scheme is an excellent opportunity to work with all stakeholders and partners in food service establishments to tackle the ever growing problem of obesity in the Irish population.

Working with the Food Safety Authority of Ireland, I launched a public consultation, "Putting Calories on Menus in Ireland," on 2 February 2012, which will help inform how best to provide calorie information to consumers. The consultation period will finish at the end of February and results are expected in April.

### **Departmental Schemes**

642. **Deputy Catherine Murphy** asked the Minister for Health if he will provide figures on the total number of annually diagnosed cases of systemic lupus erythematosus here for each year in the past decade; if his attention has been drawn to the average cost of treatment for a person diagnosed with systemic lupus erythematosus; his plans to include this chronic, long-term incurable disorder under the terms of the Health Service Executive long-term illness scheme; if not, the measures that exist to offset the continued costs for patients with the disorder; the measures the HSE have taken to make the public aware of the disorder; and if he will make a statement on the matter. [7658/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Lupus is an uncommon condition, with 90% of cases occurring in women. The condition causes many different health problems ranging from mild to life-threatening. As there is no register of patients with lupus, it is not possible to provide a figure for the total number of annually diagnosed cases.

Patients with lupus are generally under the care of a rheumatologist and may also be seen by other specialists such as dermatologists. Any person may be referred to their local hospital by their GP. There is no estimate available of the average cost of treatment.

There are no plans at present for a national campaign to provide information regarding lupus. The HSE would be happy to make arrangements to meet the Lupus Patient Group. The HSE National Advocacy Unit will facilitate such a meeting and can be contacted at *www.your-serviceyoursay.ie* or 045 880400.

There are no plans to extend the list of conditions covered by the Long Term Illness Scheme. Under the Drug Payment Scheme, no individual or family pays more than €132 per calendar month towards the cost of approved prescribed medicines. The scheme significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultation.

643. **Deputy John McGuinness** asked the Minister for Health his plans to develop and improve the rural practice grant for general practitioners; and if he will make a statement on the matter. [7676/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The current rates of payments are set out in the Health Professionals (Reduction of Payments to General Practitioners) Regulations 2010 (S.I. 638/2010). Under the Financial Emergency Measures in the Public Interest Act 2009, fees and allowances payable to GPs were reduced in 2009 and 2010.

Under the General Medical Services (GMS) Contract, GPs are eligible for a Rural Practice Allowance when they live and practise in an area with a population of less than 500, where there is not a town with a population of 1,500 or more within a three mile radius of that centre and where the HSE considers it necessary to pay an allowance to retain a doctor in the area. The current annual rural practice allowance is €17,530.89.

Under the Programme for Government, it is intended to develop a new contractual framework for GPs which will be more suited to current needs and will facilitate the planned development of Primary Care Services. Mechanisms for encouraging GPs to set up practices in rural and urban disadvantaged areas will be considered, as appropriate, in the context of this review of the GMS GP Contract.

### **Drugs Task Forces**

644. **Deputy Catherine Byrne** asked the Minister for Health if he will provide details of the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7700/12]

645. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7701/12]

646. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7702/12]

647. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7703/12]

648. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7704/12]

649. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7705/12]

650. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7706/12]

651. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7707/12]

652. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7708/12]

653. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7709/12]

654. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7710/12]

655. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7711/12]

656. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7712/12]

657. **Deputy Catherine Byrne** asked the Minister for Health the funding that was allocated to local community projects via a drugs task force (details supplied) in 2011; the name of each project; the amount they received; and if he will make a statement on the matter. [7713/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 644 to 657, inclusive, together.

Due to the volume of information requested by the Deputy, I have arranged for the details to be forwarded directly to her.

### Medical Cards

658. **Deputy Jack Wall** asked the Minister for Health the position regarding a medical card application for their child in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7714/12]

**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.

### Assisted Human Reproduction

659. **Deputy Jonathan O'Brien** asked the Minister for Health the date on which his Department will present policy proposals to him on assisted human reproduction; and if he will make a statement on the matter. [7716/12]

**Minister for Health (Deputy James Reilly):** My Department is examining policy proposals in the area of Assisted Human Reproduction and related practices in Ireland. I will be examining the proposals with a view to submitting them to Government later this year.

### Health Service Staff

660. **Deputy Robert Dowds** asked the Minister for Health the measures being put in place to ensure there are sufficient front-line health staff at a time when so many are retiring from the public health service. [7723/12]

**Minister for Health (Deputy James Reilly):** The impact of staff reductions, and particularly those occurring before the end of the present “Grace Period”, together with reduced financial resources, represents a significant challenge for the health system in delivering services. The HSE’s National Service Plan 2012, which I recently approved, sets out what actions will be taken to address these challenges. The HSE is seeking to mitigate the impact of the retirements on frontline services by:

- Using the provisions of the Public Service Agreement to bring about greater flexibilities in work practices and rosters, redeployment and other changes to achieve more efficient delivery of services;
- Delivering greater productivity through the National Clinical Programmes to reduce average length of stay, improve day of admission surgery rates and increase the number of patients treated as day cases;
- Some limited and targeted recruitment in priority areas to help limit the impact of retirements on frontline services.

To implement the National Service Plan, the HSE is finalising regional business plans, supported by detailed local planning, which will take account of the effect of the reduction in both staff numbers and budgets, as well as addressing the service areas identified for priority development under the National Service Plan. Briefings with staff, unions, public representatives and other stakeholders have already commenced and will continue over the coming weeks.

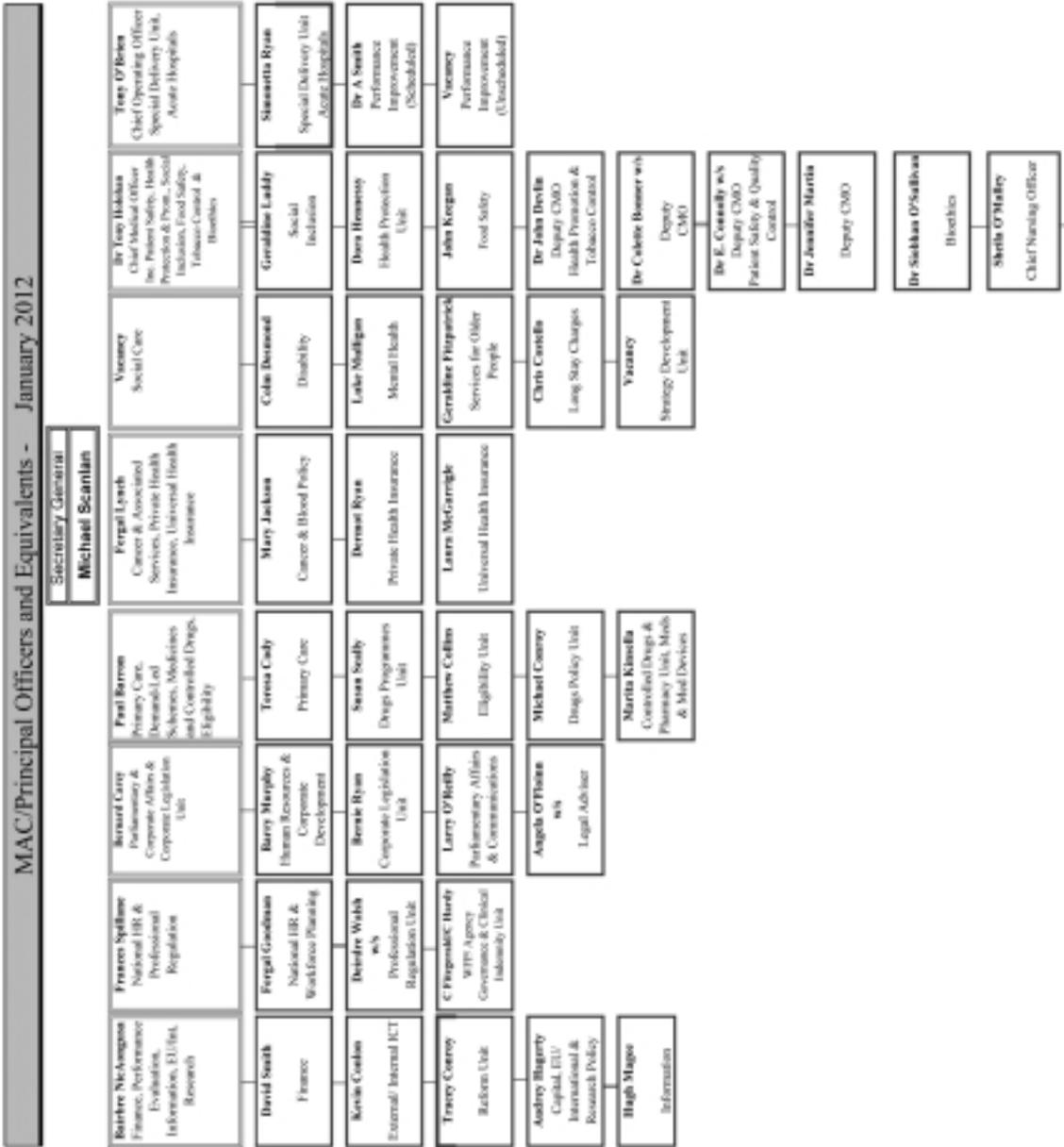
[Deputy James Reilly.]

Detailed planning for retirements in the period to the end of February 2012 commenced in October last and has been intensified at regional and local service level as the numbers and locations of those leaving have become clearer. The focus of these plans is on maintaining essential frontline services such as emergency departments, intensive care and maternity services. The plans reflect the fact that the number of staff leaving varies from region to region and from service to service.

### **Departmental Staff**

661. **Deputy Mary Lou McDonald** asked the Minister for Health if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7741/12]

**Minister for Health (Deputy James Reilly):** The information requested by the Deputy is as follows.



### Medical Aids and Appliances

662. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding a medical appliance in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [7777/12]

**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.

### Food Safety

663. **Deputy Peter Mathews** asked the Minister for Health his views on a matter regarding safe food (details supplied); and if he will make a statement on the matter. [7806/12]

**Minister for Health (Deputy James Reilly):** SafeFood (or the Food Safety Promotion Board) has run upwards of 10 major media campaigns in the last 12 years. These are aimed at increasing awareness on the importance of food safety and on healthy eating. In the last 2 years their campaigns have focused on the importance of proper food hygiene practices when handling and preparing food, the necessity of avoiding cross-contamination in food preparation, and on healthy eating. All of their campaigns are evaluated on an ongoing basis using independent consumer market research, which uses a nationally representative sample. In each case, the research has shown that the SafeFood media campaigns have helped to considerably raise awareness of the issues raised among consumers.

### Ministerial Appointments

664. **Deputy Shane Ross** asked the Minister for Health if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; the boards and agencies to which they have been appointed; the remuneration details of each appointment; and if he will make a statement on the matter. [7824/12]

**Minister for Health (Deputy James Reilly):** Where fees are approved, there are four categories payable to chairpersons and directors of Non-Commercial State Agencies. The "one person one salary" principle provides that public servants acting as chairpersons or directors of state-sponsored bodies do not receive additional remuneration for undertaking such duties. Members of Boards are entitled to claim travel and subsistence as governed by the Travel and Subsistence Circulars issued by the Department of Public Expenditure and Reform. Instead of the fees mentioned above, members of the Hepatitis C and HIV Compensation Tribunal are paid a briefing fee of €17,526 when they take up their appointment and a daily rate of €992.68.

The approved annual rates in respect of those Boards to which I have made appointments and where board fees are payable are:

Category	Chair	Director
1	€29,888	€14,963
2	€20,520	€11,970
3	€11,970	€7,695
4	€8,978	€5,985

The information regarding remuneration for the members detailed below is currently being collated and will be forwarded to the Deputy when finalised. The following Board appointments have been made by me since 9th March 2011:

Board	Member	Position	Appointed
Pre-Hospital Emergency Care Council	Maureen Cronin	Ordinary Member	20/04/2011
Health Service Executive	Brian Gilroy	Ordinary Member	20/05/2011
Health Service Executive	Laverne McGuinness	Ordinary Member	20/05/2011
Health Service Executive	Philip Crowley	Ordinary Member	20/05/2011
Health Service Executive	Barry White	Ordinary Member	20/05/2011
Health Service Executive	Bairbre Nic Aongusa	Ordinary Member	20/05/2011
Health Service Executive	Paul Barron	Ordinary Member	20/05/2011
Health Service Executive	Tony Holohan	Ordinary Member	20/05/2011
Health Service Executive	Michael Scanlan	Ordinary Member	20/05/2011
National Haemophilia Council	Ann Grogan	Ordinary Member	23/05/2011
National Haemophilia Council	Deborah Greene	Ordinary Member	23/05/2011
Health Service Executive	Martin Connor	Ordinary Member	06/06/2011
Pharmaceutical Society of Ireland Council	Catriona O'Driscoll	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Michael Barry	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Leonie Clarke	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Jean Holohan	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Ciaran O'Boyle	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Fionan O'Cuinneagain	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Kenneth McDonald	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Keith O'Hourihane	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	John David Corr	Ordinary Member	15/06/2011
Pharmaceutical Society of Ireland Council	Ignatius Noel Stenson	Ordinary Member	15/06/2011
National Haemophilia Council	Barry Harrington	Chairperson	19/07/2011
National Haemophilia Council	Mary Jackson	Ordinary Member	22/07/2011
Hepatitis C and HIV Compensation Tribunal	Kathryn Hutton	Ordinary Member	01/08/2011
National Cancer Registry Board	Anna Gavin	Ordinary Member	06/08/2011
National Cancer Registry Board	Donal Hollywood	Ordinary Member	06/08/2011
National Cancer Registry Board	Deirdre Murray	Ordinary Member	06/08/2011
National Cancer Registry Board	Mary Jackson	Ordinary Member	06/08/2011
National Cancer Registry Board	John McCormack	Ordinary Member	06/08/2011
National Cancer Registry Board	Paul Redmond	Ordinary Member	06/08/2011

[Deputy James Reilly.]

Board	Member	Position	Appointed
National Cancer Registry Board	Tony O'Brien	Chairperson	06/08/2011
Pharmaceutical Society of Ireland Council	Fachtna Murphy	Ordinary Member	26/09/2011
Medical Council	Michael Ryan	Ordinary Member	04/10/2011
Medical Council	Marie Kehoe	Ordinary Member	04/10/2011
Irish Blood Transfusion Service	Lelia Thornton	Ordinary Member	18/10/2011
Irish Medicines Board	Mary Horgan	Ordinary Member	19/10/2011
Health and Social Care Professionals Council	Jenny Bulbulia	Ordinary Member	24/11/2011
Health and Social Care Professionals Council	Muiris Fitzgerald	Ordinary Member	24/11/2011
Health and Social Care Professionals Council	Martin Higgins	Ordinary Member	24/11/2011
Health and Social Care Professionals Council	Pat Quinlan	Ordinary Member	24/11/2011
Health and Social Care Professionals Council	Kristin Quinn	Ordinary Member	24/11/2011
Tallaght Hospital Board	Keith Pearson	Chairperson	14/12/2011
Tallaght Hospital Board	Peter Byrne	Ordinary Member	21/12/2011
Tallaght Hospital Board	Tom O'Higgins	Ordinary Member	21/12/2011
Tallaght Hospital Board	David Pierpoint	Ordinary Member	21/12/2011
Tallaght Hospital Board	Peter Prendergast	Ordinary Member	21/12/2011
Health Service Executive	Michael Scanlan	Chairperson	01/01/2012
Tallaght Hospital Board	Richard Reilly	Ordinary Member	18/01/2012
Dublin Dental Hospital Board	Pat O'Boyle	Ordinary Member	02/02/2012
St James's Hospital Board	Colm Bergin	Ordinary Member	07/02/2012
St James's Hospital Board	Sean Farrell	Ordinary Member	07/02/2012

### Medicinal Products

665. **Deputy Sandra McLellan** asked the Minister for Health the reason 25mg tablets of Prednisolon cannot be dispensed by pharmacists; and if he will make a statement on the matter. [7834/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Prednisolone is a corticosteroid and is used to treat a wide range of conditions. For a medicine to be authorised in Ireland the manufacturer has to make an application to the Irish Medicines Board for approval of the medicine before placing it on the market. In this instance the manufacturer in question has only sought authorisation for prednisolone in 1mg, 2.5mg and 5mg tablet strengths. While higher strengths of prednisolone are available in other countries the manufacturer has not sought to authorise these products in Ireland.

### Medical Cards

666. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Kerry. [7835/12]

**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

667. **Deputy Charles Flanagan** asked the Minister for Health the position regarding the employment panel for physiotherapists in Ireland; if any recently graduated physiotherapists have been accommodated with employment in the health service; and if he will make a statement on the matter. [7839/12]

**Minister for Health (Deputy James Reilly):** In 2008, the HSE ran a recruitment campaign for physiotherapists which provided the health service with a significant number of candidates suitable for appointment. To date, 250 physiotherapists have been appointed from this panel and over 200 remain available for appointment. While the current panel would meet the foreseeable recruitment needs for staff grade physiotherapists, the Executive is considering the possibility of running a new recruitment campaign at an appropriate time.

### Departmental Funding

668. **Deputy Peter Mathews** asked the Minister for Health if an organisation (details supplied) is eligible for any funding from his Department; and if he will make a statement on the matter. [7857/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply.

### Hospital Waiting Lists

669. **Deputy Jack Wall** asked the Minister for Health when a person (details supplied) in County Kildare will receive an appointment for a medical procedure; and if he will make a statement on the matter. [7872/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Medical Cards

670. **Deputy Charlie McConalogue** asked the Minister for Health if he will confirm if haemochromatosis is covered under the medical card schemes for medical card holders; if not, the plans he has to include it; and if he will make a statement on the matter. [7878/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Eligibility for health services in Ireland is based primarily on residency and means. There are currently two categories of eligibility for all persons ordinarily resident in Ireland i.e. full eligibility (medical card) and limited eligibility (all others). Full eligibility is determined mainly by reference to income

[Deputy Róisín Shortall.]

limits, and is granted to persons who, in the opinion of the Health Service Executive, are unable to provide general practitioner, medical and surgical services to themselves and their dependents without undue hardship. There is no automatic entitlement to a medical card for persons who have haemochromatosis.

There is a provision for discretion to grant a card in cases of “undue hardship” where the income guidelines are exceeded. The HSE recently set up a clinical panel to assist in the processing of applications for discretionary medical cards where there are difficult personal circumstances. It is the Government’s intention to extend free GP services to the entire population during the course of this Government.

### **Health Service Staff**

671. **Deputy Dan Neville** asked the Minister for Health when a permanent appointment will be made to the position of the director of the national suicide prevention office. [7879/12]

673. **Deputy Dan Neville** asked the Minister for Health when a permanent appointment will be made to the position of the director of the national suicide prevention office. [7881/12]

693. **Deputy Patrick Nulty** asked the Minister for Health if he will confirm that a director for the National Office for Suicide Prevention will be appointed; the reason for the delay; and if he will make a statement on the matter. [7984/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 671, 673 and 693 together.

As the National Office for Suicide Prevention was established by the HSE in 2005 and is part of the internal organisation of that body the issue raised is a matter for the HSE. On that basis the questions have been referred to the HSE for direct reply.

672. **Deputy Dan Neville** asked the Minister for Health when the director of mental health services will be appointed to the Health Service Executive. [7880/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Government has approved the drafting of legislation to give effect to changes in the governance of the HSE. Significantly the new system of governance will involve seven Directorates, including a separate Directorate for Mental Health which will have full responsibility and accountability in that area. In this context, my colleague the Minister for Health intends to bring forward detailed proposals at a later date for the re-organisation of the HSE at directorate, regional and local levels in a manner which facilitates a smooth transition from the current governance arrangements to the proposed new structures.

*Question No. 673 answered with Question No. 671.*

### **Genetically Modified Organisms**

674. **Deputy Michael Colreavy** asked the Minister for Health if there has been any application to produce genetically modified food; his views on same; and if he will make a statement on the matter. [7083/12]

**Minister for Health (Deputy James Reilly):** Responsibility for issues relating to the cultivation of genetically modified (GM) crops in Ireland rests with my colleague Mr. Phil Hogan, T.D. Minister for the Environment, Community and Local Government while responsibility for GM animal feed rests with the Minister for Agriculture, Fisheries and Food, Mr. Simon Coveney, T.D. My responsibility in this area relates to the safety of food.

Each application for authorisation to place food consisting of, or containing, genetically modified ingredients on the markets of EU Member States is considered on a case-by-case basis. The food in question must be deemed to be safe by both the European Food Safety Authority and the competent authority in the country of application. The Food Safety Authority of Ireland (FSAI) is the competent authority on food safety in Ireland. My Department has consulted with the FSAI and has been informed that they have received no applications for the production of GM foods.

### Medical Cards

675. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied); and if he will make a statement on the matter. [7894/12]

**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 Executive

676. **Deputy Michael McCarthy** asked the Minister for Health if he will confirm and elaborate on his plans to abolish the Health Service Executive by the end of this year; if he will clarify specifically the functional areas of responsibility and authority that will reside with his Department following the abolition of the entity; and if he will make a statement on the matter. [7899/12]

677. **Deputy Michael McCarthy** asked the Minister for Health his plans for Health Service Executive employees following the planned abolition of the body at the end of this year, specifically in relation to issues of employee retention, redundancy packages, or any requirement there might be to re-apply to a new organisation which may replace the HSE; and if he will make a statement on the matter. [7900/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 676 and 677 together.

My Department has primary responsibility for advising me on issues relating to national policy development and review, while the HSE has responsibility for the delivery of health and personal social services. In line with the Programme for Government commitments, a series of legislative changes are planned to bring about radical reform of the health services which will see the introduction of Universal Health Insurance (UHI). As a step towards achieving this goal, new governance arrangements will be made for the HSE, through legislation to abolish the Board structure and to replace the Board structure with a directorate structure. These transitional governance arrangements will be given effect to by legislation which will be advanced as a priority. There will also be strengthened accountability arrangements for the HSE.

New administrative arrangements will be put in place in tandem with the proposed transitional legal structures. The new arrangements will provide clarity as regards the delivery of the relevant services under the responsibility of the Directors and greater financial transparency and accountability in assessing those services. The Directorate team will be tasked with running the health services and preparing for the transformation required in the move to UHI. These arrangements constitute a step in the process of transformation which will, over time, see the HSE ceasing to exist, as the health reform programme advances. The dissolution of the HSE as a legal entity will be a complex task, potentially requiring sequential legislation to provide for the HSE's functions to move to other bodies as the health reform programme advances.

[Deputy James Reilly.]

Such future legislation will also include appropriate provisions for the transfer of HSE employees to these bodies.

Other organisational reform priorities this year include the relocation of the National Clinical Care Programmes and the National Cancer Control Programme to my Department and the establishment of a Programme Management Office in the Department to drive the implementation of this wide ranging process of reform.

### Medical Cards

678. **Deputy Tom Fleming** asked the Minister for Health if he will examine and expedite a medical card application in respect of a person (details supplied) in County Kerry. [7912/12]

**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

679. **Deputy Joanna Tuffy** asked the Minister for Health if he will put in place a plan to provide speech and language therapy services for pupils of a school (details supplied); and if he will make a statement on the matter. [7918/12]

**Minister for Health (Deputy James Reilly):** 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.

### Tobacco-Related Diseases

680. **Deputy Tom Fleming** asked the Minister for Health the results of analyses in the tobacco content of cigarettes smuggled illegally here with regard to harmful chemicals and carcinogens which exceed the permitted levels in cigarettes in this country; and if he will make a statement on the matter. [7922/12]

**Minister for Health (Deputy James Reilly):** The Revenue Commissioners and An Garda Síochána have primary responsibility for dealing with the issue of illicit trade of tobacco products. I understand from the Revenue Commissioners that they do not carry out any analysis of seized products. The only testing carried out in relation to tobacco product seized by Revenue is done under the auspices of O.L.A.F. (E.U. Antifraud Office) and is only to determine if large scale seizures consist of counterfeit or contraband product.

### Health Service Staff

681. **Deputy Gerry Adams** asked the Minister for Health if a transition team has been established with his Department to manage the exodus of staff from the health services to avail of pension entitlements before the end of February; the members of the transition teams; when were they established; and the number of times the team has met. [7924/12]

**Minister for Health (Deputy James Reilly):** Considerable work has been undertaken by my Department and the HSE in recent months to deal with and plan for retirements from the health sector, together with the reduction in financial resources available for the health services in the current year. My approval on 16 January 2012 of the HSE National Service Plan followed a rigorous examination of budget allocations and human resources, aimed at minimising the impact on frontline services and identifying where efficiencies will be driven. In recent weeks my Department has been briefed in detail on the HSE Regional Service Plans and the measures being taken to safeguard service provision in the current year.

Building on these engagements and to oversee the response to the specific short-term impact of Grace Period retirements, I have established a formal Transition Team for the health sector, chaired by the Assistant Secretary in my Department with responsibility for Human Resources and Professional Regulation. The other members of this Team are the HSE National Director of Integrated Services, the Executive's National Director of Quality and Patient Safety and the four Regional Directors of Operations. The Transition Team first met on 2 February 2012.

### Hospital Waiting Lists

682. **Deputy Seán Ó Fearghail** asked the Minister for Health if he will arrange for urgent surgical intervention in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7925/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Medical Cards

683. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Mayo; and when a decision will be made. [7927/12]

**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.

### EU Directives

684. **Deputy Billy Kelleher** asked the Minister for Health the maximum number of hours doctors are allowed to work concurrently in hospitals under the EU working time directives; and if he will make a statement on the matter. [7930/12]

685. **Deputy Billy Kelleher** asked the Minister for Health if the Health Service Executive asks doctors to sign documentation concerning the EU working time directive before working in hospitals; and if he will make a statement on the matter. [7931/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 684 and 685 together.

S.I. No. 494 of 2004 European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004, which transposed the EU Working Time Directive, provides for:

- A maximum 48 hour average working week;

[Deputy James Reilly.]

- A 30 minute rest break every 6 hours during period on-site on-call;
- 11 hours rest every 24 hours or equivalent compensatory rest before return to work;
- 35 hours continuous rest per week or twice a fortnight or 59 hours continuous rest per fortnight.

The 2010 Contract of Employment for Non-Consultant Hospital Doctors (NCHDs), which these staff sign on appointment, reflects the above provisions. Under the contract NCHDs are to undertake the duties/services set out in the contract, typically for 39 hours per week and to deliver these hours on any 5 days out of the 7 in a week. However, the contract provides that NCHDs shall not be required to work more than 24 consecutive hours on-site. In addition, the contract also states that work outside the confines of the contract is not permissible if the combined working time associated with employment under the contract taken together with any other employment exceeds the maximum weekly working hours as set out in S.I. 494 of 2004. A related agreement between the HSE and the IMO provides that the contract is subject to the Directive. On the 13th January 2012, in response to a Reasoned Opinion on EWTD compliance forwarded by the EU Commission, Ireland submitted a detailed Plan outlining how it will achieve compliance by NCHDs with the Working Time Directive. The response affirms Ireland's commitment to achieving compliance with the Directive and sets out a timeframe for achieving this over the next 3 years. It commits to implementing measures that will support compliance, including:

- a. The implementation of new work patterns for medical staff;
- b. Transfer of work undertaken by NCHDs to other grades;
- c. Organisation of hospital services to support EWTD compliance.

These measures will be complemented by my plan to establish hospital groups as soon as possible, by the efficiencies being driven by the Special Delivery Unit in association with the HSE's National Clinical Programmes and by the ongoing changes in work practice being advanced under the Public service Agreement.

686. **Deputy Billy Kelleher** asked the Minister for Health the number of different doctors who were required to work beyond the hours stipulated in the EU working time directive in Irish hospitals, by hospital, during 2011 and to date in 2012; and if he will make a statement on the matter. [7932/12]

**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.

### **Clinical Indemnity Scheme**

687. **Deputy Billy Kelleher** asked the Minister for Health the provisions that are in place for insuring doctors working in Irish hospitals, particularly for those hours that exceed the limit imposed by the EU working time directive; and if he will make a statement on the matter. [7933/12]

**Minister for Health (Deputy James Reilly):** The Clinical Indemnity Scheme (CIS) indemnifies public hospitals, doctors, nurses, nurse midwives and allied healthcare professionals in relation to the provision of their professional medical services. Once a doctor is providing his/her professional medical services for and on behalf of his/her employing public hospital,

whether his/her hours exceed the limit imposed by the EU Working Time Directive, that doctor continues to be indemnified by the CIS. The principle of Enterprise liability, which underpins the CIS, ensures that the doctor is covered, vicariously, for all professional medical services provided by him/her on behalf of his/her employing hospital.

### Health Service Staff

688. **Deputy Richard Boyd Barrett** asked the Minister for Health the number of consultants retiring under the recent retirement scheme; the number of these that are under retirement age and by how many years; the number of these consultants that will be replaced; and on what kind of contracts will they be replaced [7934/12]

**Minister for Health (Deputy James Reilly):** I wish firstly to clarify that there is currently no early retirement scheme available in the public health sector. The 'grace period' during which the calculation of public service pensions is unaffected by the pay reductions applied under the Financial Emergency Measures in the Public Interest (FEMPI) (No. 2) Act 2009 expires on 29 February 2012.

The most recent information available from the HSE indicates that over the period January/February 2012 52 consultants will have retired from the health service. These numbers are liable to change as data is refined, such as additional applications being processed or existing applications being withdrawn.

Of this total, the HSE has advised that nine consultants are retiring under the Cost Neutral Early Retirement facility. This facility allows public servants to retire before reaching normal pension age. However, under this facility, retirement benefits are reduced to take into account the early payment of the lump sum and the longer period over which pensions will be paid. Those who meet the eligibility criteria with a minimum retirement age of 60 can retire from age 50 on reduced benefits, while those with a minimum retirement age of 65 can retire from age 55 onwards (also with reduced benefits).

The HSE has advised that decisions on consultant posts to be filled will not be finalised for some weeks. Where posts fall to be filled, the type of contract to be offered in each case will be determined in line with established procedures and according to the service need and other relevant circumstances.

Vacant posts may be filled on an interim basis through temporary appointments or by locum consultants.

### Health Services

689. **Deputy Seán Ó Fearghaíl** asked the Minister for Health the position regarding social work and psychological services in the Kildare town and Monasterevin areas of County Kildare; if the approved staffing levels are in place in this area to provide for these necessary services; if adequate occupational therapy services are available; and if he will make a statement on the matter. [7947/12]

**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.

### Health Service Staff

690. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he is satisfied with current staffing levels in all departments of Naas General Hospital, Kildare; if the public service retire-

[Deputy Seán Ó Fearghaíl.]

ment scheme will impact adversely on the services that the hospital provides; and if he will make a statement on the matter. [7948/12]

**Minister for Health (Deputy James Reilly):** The most recent information available from the HSE (as of 8 February 2012) indicates that, over the first two months of 2012, some 2,300 staff will have retired from the health service, with 1,920 of these expected to leave during February. These numbers are liable to change as data is refined, additional applications are processed and the possibility that existing applications may be withdrawn. As such it is not possible to furnish the Deputies with exact numbers of staff retiring or subsequent re-employment in advance of 29th February and I have referred your query to the HSE for direct reply once the information becomes available.

Planning for the delivery of health services is undertaken within the context of the annual National Service Planning process. This process ensures that all factors, including budgets and staffing levels and any other emerging issues, including the impact of the retirements are factored into the plan for what services will be delivered within the coming year. To meet these challenges and to implement the National Service Plan, the HSE is finalising detailed regional plans which will take account of the effect of the reduction in both staff numbers and budgets, as well as addressing the service areas identified for priority development under the plan. Briefings with staff, unions, public representatives and other stakeholders have already commenced and will continue over the coming weeks. Detailed planning for retirements in the period to the end of February 2012 commenced in October last and has also been intensified at local service level as the numbers and locations of those leaving have become clearer. The focus of these plans is on maintaining essential front line services such as emergency departments, intensive care and maternity services. The plans reflect the fact that the number of staff leaving varies from region to region and from service to service. I intend to review the Service Plan in March when the full picture in relation to the current retirements will be clear. The HSE is continuing to utilize the provisions of the Public Service Agreement 2010 to 2014 (the “Croke Park Agreement”) as it seeks to change staff rosters, work practices and to redeploy staff. This will assist in minimising the service impact. Contingency plans to address the impact of the retirements also focus on staff redeployment, streamlining, delivering Greater Productivity through the National Clinical Programmes and the related work of the Special Delivery Unit. There are a number of additional allocations set out in the HSE’s National Service plan that will assist in minimising the impact of the retirements on services, to include the following. Focused Recruitment for critical posts vacated will be undertaken (within the context of the cost containment plans and budgets for each service). Agency staff may be used where there is a critical requirement. Any reliance on agency staff will be in the context of the HSE’s objective to reduce overall agency costs by 50% in 2012. The National Service plan in 2012 also makes provision for some conversion of agency costs into whole time equivalent staff which will be explored in limited circumstances where local budgets allow.

### Medical Cards

691. **Deputy Dara Calleary** asked the Minister for Health the reason there is a delay in processing medical card application (details supplied); and the steps that are being taken to reduce the waiting times [7954/12]

**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.

### Consultancy Contracts

692. **Deputy Charles Flanagan** asked the Minister for Health the total amount of money

expended by the Health Service Executive on external legal advisers each year for the past five years [7978/12]

**Minister for Health (Deputy James Reilly):** I have referred this matter to the Health Service Executive for direct reply.

*Question No. 693 answered with Question No. 671.*

### Health Services

694. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health the number of cardiac procedures that were carried out at Letterkenny General Hospital, County Donegal, in the years 2008, 2009, 2010 and 2011. [7988/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Policy

695. **Deputy Emmet Stagg** asked the Minister for Health if his attention has been drawn to the fact that approximately 400 people die in Ireland each year from the outcome of ruptured Aorta Aneurysms, and in view of the fact that this condition, which meets all of the criteria set down by the World Health Organisation for screening programmes which can be diagnosed at very low cost, if he will now consider introducing a pilot scheme for the screening for this condition; and if he will make a statement on the matter. [7992/12]

**Minister for Health (Deputy James Reilly):** In June 2010 “Changing Cardiovascular Health: Cardiovascular Health Policy 2010-2019” was launched. This policy establishes a framework for the prevention, detection and treatment of cardiovascular diseases, which seeks to ensure an integrated and quality assured approach in their management, so as to reduce the burden of these conditions; and while decisions concerning recommendations for screening and surgical repair of aortic aneurysm were not considered, the report did add that it should be considered further as part of general policy requirements for health screening. The Department will establish a working group to examine the possibility of introducing a pilot scheme.

### Medical Cards

696. **Deputy Michael McCarthy** asked the Minister for Health if he will advise the reason for the delay in dealing with an application for a change of doctor under the medical card scheme in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [7996/12]

**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.

697. **Deputy Michael McCarthy** asked the Minister for Health if he will advise the reason correspondence sent to the primary care reimbursement service by a person (details supplied) in County Kerry in September 2011 in respect of their medical card application has been requested again by that Department; and if he will make a statement on the matter. [7997/12]

**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

698. **Deputy Mary Lou McDonald** asked the Minister for Health the reason a person (details

[Deputy Mary Lou McDonald.]

supplied) has been told by the Health Service Executive in Swords, County Dublin, that they must wait 14 to 16 months for an appointment with a speech and language therapist appointment and 12 months for a hearing test for their three and half year old child; his views on such lengthy waiting times for a public patient with a medical card who is reliant on the public health system. [8009/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for this question to be transferred to the Health Service Executive for direct reply.

699. **Deputy Brendan Griffin** asked the Minister for Health if he can assist with a transfer request by a health professional (details supplied); and if he will make a statement on the matter. [8016/12]

**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.

#### **Ambulance Service**

700. **Deputy Martin Ferris** asked the Minister for Health if he will make inquiries regarding the fact that an emergency call for an ambulance in Rathkeale, County Limerick, resulted in a delay of two and a half hours for the ambulance to arrive; and if he will make a statement on the matter. [8027/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

#### **Drugs Task Forces**

701. **Deputy Olivia Mitchell** asked the Minister for Health if he will provide details of all the drugs task forces nationally including the name of the chair, the number of board members, and the number of staff employed on full time and part time contracts; the procedures, if any, that are in place to decide the persons that compose these boards; and if he will make a statement on the matter. [8045/12]

702. **Deputy Olivia Mitchell** asked the Minister for Health if he could provide a breakdown of the expenditure of each drugs task force on local projects and on salaries; the funding allocated to each drugs task force nationally for 2011; the amount of funding allocated for each task force for 2012; and if he will make a statement on the matter. [8046/12]

703. **Deputy Olivia Mitchell** asked the Minister for Health the section within his Department that has responsibility for allocating funding to drugs task forces; if he will clarify if it is this same section to whom task forces report ; if not, to whom do they report; and if he will make a statement on the matter. [8047/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 701, 702 and 703 together.

Due to the volume of information requested by the Deputy in relation to the membership and staffing of each Task Force and its expenditure on local projects and salaries, I have arranged for the details to be forwarded directly to her.

The procedures governing the appointment of the chair and members to the Task Force are contained in the Local and Regional Drugs Task Forces Handbook, which is available on the

Department's website. In the main, each Task Force is supported by a coordinator, a development worker and administrator.

Drugs Task Forces report to the Drugs Programmes Unit of my Department in relation to their expenditure and activities. This Unit is also responsible for allocating funding to the Drugs Task Forces. The 2011 and 2012 allocations in respect of each Task Force are detailed in the table:

Local Drugs Task Force	2012 Allocation €	2011 Allocation €
Ballyfermot	1,569,489	1,608,413
Ballymun	1,180,695	1,209,976
Blanchardstown	1,124,343	1,152,227
Bray	1,573,101	1,612,114
Canal Communities	1,562,243	1,600,987
Clondalkin	1,421,577	1,456,832
Cork	1,578,581	1,617,730
Dublin 12	1,120,360	1,148,145
Dublin NE	1,228,782	1,259,256
Dún Laoghaire	926,167	949,136
Finglas Cabra	936,590	959,818
North Inner City	2,369,624	2,428,391
South Inner City	2,161,821	2,215,434
Tallaght	1,250,347	1,281,356
<b>Total</b>	<b>20,003,720</b>	<b>20,499,815</b>

Regional Drugs Task Force	2012 Allocation €	2011 Allocation €
East Coast Area	851,596	872,716
Midland	849,513	870,581
Mid-West	1,496,428	1,533,540
North East	986,091	1,010,546
North West	765,610	784,597
North Dublin City and County	826,087	846,574
South East	1,132,703	1,160,794
South West	849,524	870,592
Southern	1,034,305	1,059,956
Western	702,677	720,104
<b>Total</b>	<b>9,494,534</b>	<b>9,730,000</b>
<b>Overall Total</b>	<b>29,498,254</b>	<b>30,229,815</b>

### Hospital Acquired Infections

704. **Deputy Patrick O'Donovan** asked the Minister for Health in view of deaths recently in a Belfast maternity hospital associated with pseudomonas, the measures that have been taken by the Health Service Executive to examine the risk of a similar contamination in maternity hospitals here; and if he will make a statement on the matter. [8123/12]

**Minister for Health (Deputy James Reilly):** On 1st February, my Department requested the HSE to prepare a report (to be submitted to me by the end of this week) on the actions, if required, to minimise the risk of pseudomonas infection in augmented care settings (i.e. high dependency, adult and neonatal critical care) such as raising awareness of the potential infection risks posed by water systems; reinforcing good practice for the management of water delivery systems; working with estates management to identify potential risk areas; developing guidance on pseudomonas and augmented care settings etc. In the meantime the HSE has issued guidelines on the prevention of pseudomonas infection in neonatal units.

### EU Directives

705. **Deputy David Stanton** asked the Minister for Health if the directive on cross-border health care, that was adopted by the European Council and the European Parliament in February 2011, has been transposed into Irish law; and if he will make a statement on the matter. [8135/12]

**Minister for Health (Deputy James Reilly):** The Directive on the Application of Patients' Rights in Cross Border Healthcare was published in the EU Official Journal on 4th April 2011 and the transposition period of 30 months commenced on 24th April 2011. Member States have until October 2013 to implement the Directive. The purpose of this patient-focussed Directive is to establish a clear legal framework to facilitate cross border healthcare with a focus on patient rights, information for patients on entitlements and patient choice. This will require all Member States to put in place processes to allow for the exchange of information on treatments, and their cost, to citizens across the EU. Member States will also have to facilitate the exchange of patient information following treatment and put in place mechanisms to refund patients up to the amount the treatment would have cost them to have received the same procedure in their own Member State.

Given the complexity of the issues to be considered, both nationally and between Member States, it is envisaged that the transposition of the Directive into Irish law will be completed within the transposition time frame of October 2013.

### Health Policy

706. **Deputy David Stanton** asked the Minister for Health the steps events, policies and so on being taken by him throughout 2012 to promote the European Year of Active Aging; and if he will make a statement on the matter. [8136/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Following a co-decision of the European Parliament and of the Council of Ministers, 2012 has been designated as the European Year for Active Ageing and Solidarity between Generations. The Year provides an opportunity to reflect on how Europeans are living longer and staying healthier than ever before — and to realise the opportunities that represents. The Year also places a focus on solidarity between generations (or “intergenerational solidarity”) which refers to the mutual support and cooperation between different age groups in order to achieve a society where people of all ages have a role to play in line with their needs and capacities, and can benefit from their community’s economic and social progress on an equal basis.

The aim of the Year is to encourage and support the efforts of Member States, their regional and local authorities, social partners, civil society and the business community to mobilise demographic opportunities, and to embrace the contribution that older people can make to society by promoting active ageing. The Department of Health is co-ordinating the Year for

Ireland, and a National Coordinator from the Office for Older People within the Department has been appointed.

While responsibility for co-ordinating the European Year falls to the statutory authorities, my Department recognises that a joined-up partnership approach working with the NGO, community and voluntary sector and with other public sector organisations, to ensure the input and involvement of a broad range of relevant stakeholders will be key to achieving the objectives of the Year outlined in the official decision.

Ireland has a strong voluntary and community sector and can boast considerable expertise among the many NGOs working with and for older people and on matters relating to intergenerational solidarity. The invaluable work carried out within these sectors is supported and encouraged by the Irish Government, which recognises the need for a joined-up partnership approach in the provision of services to people of all ages within the statutory, voluntary/community and NGO sectors.

To build on forging these partnerships, a National Steering Group for the Year has been established which draws together a range of key stakeholders who are willing to work in partnership arrangements, both with each other and with my Department to identify existing activities, to suggest alternative ways of doing things and to develop new ideas within the constraints of limited resources. In the main, the membership of the Steering Group is composed of all of the key stakeholders with an interest in ageing and intergenerational solidarity in Ireland.

An ambitious programme of activities, events and initiatives has already been identified for the Year by the National Steering Group. The initial National Work Programme will be available shortly on my Department's website. As the Year progresses and awareness builds, it is expected that many additional activities/initiatives will be included in an expanding calendar of events which will be available on the official website for the Year at [www.activeageing.ie](http://www.activeageing.ie) in the coming days.

The Deputy may wish to note that the President of Ireland, Michael D. Higgins officially launched the Year in Ireland at a successful conference held in Dublin Castle on 9 February 2012.

### Health Services

707. **Deputy Mary Mitchell O'Connor** asked the Minister for Health the funding that was spent on speech and language therapy by the Health Service Executive in the past ten years in tabular form. [8143/12]

**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.

708. **Deputy Mary Mitchell O'Connor** asked the Minister for Health the reason the Health Service Executive has cut respite services to the pupils of a school (details supplied) in County Dublin who have ASD and are aged 12 to 18 years; and if he will make a statement on the matter. [8147/12]

**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.

### Medical Cards

709. **Deputy Mattie McGrath** asked the Minister for Health when a decision will be made on an application for a medical card in respect of a person (details supplied) in County Tipperary who submitted requested further information on 13 January; the reason for the delay in processing the information received; and if he will make a statement on the matter. [8153/12]

**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.

### Pension Provisions

710. **Deputy Robert Troy** asked the Minister for Health if he will prioritise payment of gratuity in respect of a person (details supplied) who has taken early retirement on ill health grounds following an assault which occurred while working. [8154/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Health Service Staff

711. **Deputy Gerry Adams** asked the Minister for Health if he will provide a month by month breakdown of retirements of the number of health service staff that are retiring each month between September 2011 and end of April 2012; if he will provide an outline of the posts that will be prioritised for replacement and give a month by month breakdown of when these positions will be filled. [8160/12]

**Minister for Health (Deputy James Reilly):** These numbers are liable to change as data is refined, as additional applications are processed and if existing applications are withdrawn. There is currently no data available for the months of March and April 2012.

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 102,100 WTE in 2012.

The impact of staff reductions, and particularly those occurring before the end of the present “grace period”, together with reduced financial resources, represents a significant challenge for the health system in delivering services. The HSE’s National Service Plan 2012, which I recently approved, sets out what actions will be taken to address these challenges. The HSE is seeking to mitigate the impact of the retirements on frontline services by—

- Using the provisions of the Public Service Agreement to bring about greater flexibilities in work practices and rosters, redeployment and other changes to achieve more efficient delivery of services.
- Delivering greater productivity through the National Clinical Programmes to reduce average length of stay, improve day of admission surgery rates and increase the number of patients treated as day cases.
- Some limited and targeted recruitment during 2012 to address critical risks and in priority areas including mental health, primary care, child protection and the National Clinical Programmes, to help limit the impact of retirements on frontline services. It is not possible at this stage to indicate a detailed timescale for such appointments.

712. **Deputy Gerry Adams** asked the Minister for Health if he will provide a monthly breakdown of the number of health service staff in County Louth due to retire between September 2011 and end of April 2012; if he will provide a breakdown by grade and location; the posts that will be prioritised for replacement if he will and give a monthly breakdown of when these positions will be filled. [8161/12]

**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.

#### **Nursing Homes Support Scheme**

713. **Deputy Tom Fleming** asked the Minister for Health if he will expedite an application for fair deal nursing in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [8164/12]

**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**

714. **Deputy Sandra McLellan** asked the Minister for Health if he will consider employing extra staff in the Midleton and District Day Care centre in County Cork (details supplied); and if he will make a statement on the matter. [8166/12]

**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 Acquired Infections**

715. **Deputy Patrick Nulty** asked the Minister for Health the frequency and location of MRSA infections in hospitals reported for each year for the past five years to date in 2012; the steps that have been taken to reduce the occurrence of the virus; if a reduction has been achieved; and if he will make a statement on the matter. [8189/12]

716. **Deputy Patrick Nulty** asked the Minister for Health the frequency and location of norovirus infections in hospitals reported for each year for the past five years to date in 2012; the steps that have been taken to reduce the occurrence of the virus; if a reduction has been achieved; and if he will make a statement on the matter. [8190/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 715 and 716 together.

A table showing the data on Staphylococcus aureus/MRS bloodstream infection from acute hospitals (public and private) for the past five years follows. The information is taken from a report by the Health Protection Surveillance Centre (HPSC) which is available on their website. The Table shows that there has been a decrease of 43% in the number of MRS cases reported between 2007 and 2010.

The control of Healthcare Associated Infections (HCAIs) continues to be a policy priority for my Department and the Health Service Executive (HSE) and a number of initiatives have been taken in the last few years aimed at reducing the incidence of HCAIs. National Infection Control Action Plan was launched by the HSE in 2007, aimed at reducing HCAIs by 20%, MRS infection by 30% and antibiotic consumption by 20%. National Standards for the Prevention and Control of HCAIs were published by HIQA in May 2009 and the process of implemen-

[Deputy James Reilly.]

tation by the HSE is ongoing. Hand hygiene is an important factor in the control of HCAI's. The HSE continues to encourage good hand hygiene among its staff and monitors the level of compliance with hand hygiene standards across the hospital system.

In relation to norovirus infections, data on the frequency of occurrence by hospital for the past 5 years is not available. There is no requirement to report hospital name or location of outbreaks in relation to norovirus to the HPSC. The HPSC, does however, collect the number of confirmed norovirus outbreaks in acute hospital settings, by region, each year. These are set out in the table which shows the total number of outbreaks and a geographical breakdown of the location.

In 2003, National Guidelines on the Management of Outbreaks of Norovirus Infection in Healthcare settings was produced to address the issue of hospital and other healthcare settings. In 2002 the average size of norovirus outbreaks in Irish hospitals was about 100 cases. Average hospital outbreak size fell to about 28 cases by 2006. In 2011, the average size of norovirus outbreaks in hospital has reduced again to 22, a clear indication of the improved capacity within the acute sector to rapidly control norovirus outbreaks. It should be noted that norovirus is highly transmissible and what is seen in hospitals is simply a reflection of generalised norovirus activity in the community rather than a reflection on the hygiene conditions in any particular hospital. The reason hospitals figure so prominently in norovirus data is that outbreaks are more likely to be identified and managed in hospitals than in any other setting. In addition, people ill with norovirus are more likely to present to hospital hence inflating the figures.

Appendix 4. Annual summary of Staphylococcus aureus/MRSA data by hospital, 2007-2011(Q3)

Data correct as of 14/12/2011

Year

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Adelaide, Meath and National Children's Hospital, Tallaght	61	18	29.5%	0.097	80	27	33.8%	0.141	61	14	23.0%	0.074	62	12	19.4%	0.064	38	6	15.8%	0.043
Aut Even Hospital, Kilkenny	1	0	0.0%	*	2	2	100.0%	*	1	1	100.0%	*	1	0	0.0%	*	1	0	0.0%	*
Bantry General Hospital	11	8	72.7%	0.307	5	1	20.0%	0.037	5	3	60.0%	0.124	11	7	63.6%	0.392	8	0	0.0%	0.000
Beacon Hospital, Sandyford	3	0	0.0%	*	0	0	0.0%	*	5	0	0.0%	*	8	2	25.0%	0.055	8	3	37.5%	0.095
Beaumont Hospital	127	50	39.4%	0.222	110	45	40.9%	0.198	103	20	19.4%	0.086	93	22	23.7%	0.097	83	23	27.7%	0.142
Blackrock Clinic	12	3	25.0%	*	6	0	0.0%	*	3	0	0.0%	*	7	0	0.0%	*	4	0	0.0%	0.000
Bon Secours Hospital, Cork	10	0	0.0%	0.000	7	2	28.6%	0.031	12	1	8.3%	0.015	15	3	20.0%	0.045	6	1	16.7%	0.020
Bon Secours Hospital, Galway	2	1	50.0%	0.066	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	*

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Bon Secours Hospital, Glasnevin	0	0	0.0%	*	2	0	0.0%	*	0	0	0.0%	*	0	0	0.0%	*	0	0	0.0%	*
Bon Secours Hospital, Tralee	4	3	75.0%	*	2	1	50.0%	*	5	0	0.0%	0.000	4	1	25.0%	0.030	5	1	20.0%	0.039
Cappagh National Orthopaedic Hospital	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000
Cavan General Hospital	24	9	37.5%	0.137	22	3	13.6%	0.046	19	6	31.6%	0.089	17	5	29.4%	0.071	15	2	13.3%	0.038
Children's University Hospital, Temple St	5	0	0.0%	0.000	11	2	18.2%	0.065	8	1	12.5%	0.032	14	0	0.0%	0.000	6	0	0.0%	0.000
Connolly Hospital, Blanchardstown	28	14	50.0%	0.172	32	7	21.9%	0.089	27	8	29.6%	0.100	23	6	26.1%	0.074	11	6	54.5%	0.093
Coombe Women's and Infant's University Hospital	11	2	18.2%	0.034	9	1	11.1%	0.018	15	1	6.7%	0.019	21	0	0.0%	0.000	12	0	0.0%	0.000
Cork University Hospital <sup>1</sup>	128	39	30.5%	0.182	88	25	28.4%	0.116	100	27	27.0%	0.125	73	15	20.5%	0.069	62	20	32.3%	0.125
Erinville Hospital, Cork <sup>1</sup>	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Galway Clinic, Doughiska	3	0	0.0%	*	6	0	0.0%	*	1	0	0.0%	0.000	5	2	40.0%	0.047	4	0	0.0%	0.000
Galway University Hospitals <sup>2</sup>	92	37	40.2%	0.161	89	47	52.8%	0.208	84	35	41.7%	0.158	79	22	27.8%	0.104	45	16	35.6%	0.102

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Hermitage Medical Clinic, Lucan	0	0	0.0%	*	1	0	0.0%	*	3	0	0.0%	*	0	0	0.0%	*	1	0	0.0%	*
Kerry General Hospital, Tralee	38	16	42.1%	0.187	21	13	61.9%	0.162	21	9	42.9%	0.119	17	8	47.1%	0.106	14	5	35.7%	0.094
Kilcreene Orthopaedic Hospital, Co. Kilkenny	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000
Letterkenny General Hospital	34	13	38.2%	0.129	42	19	45.2%	0.193	36	14	38.9%	0.145	39	9	23.1%	0.095	27	4	14.8%	0.057
Louth County Hospital, Dundalk	9	1	11.1%	0.028	10	4	40.0%	0.112	7	1	14.3%	0.029	0	0	0.0%	0.000	0	0	0.0%	0.000
Mallow General Hospital	8	4	50.0%	0.139	11	6	54.5%	0.230	10	2	20.0%	0.078	5	3	60.0%	0.116	3	1	33.3%	0.062
Mater Misericordiae University Hospital	97	40	41.2%	0.221	95	34	35.8%	0.199	75	19	25.3%	0.095	92	21	22.8%	0.106	53	6	11.3%	0.043
Mater Private Hospital	5	0	0.0%	0.000	0	0	0.0%	0.000	9	0	0.0%	0.000	5	1	20.0%	0.020	1	0	0.0%	0.000
Mayo General Hospital, Castlebar	39	20	51.3%	0.226	23	8	34.8%	0.092	34	19	55.9%	0.221	26	15	57.7%	0.187	11	2	18.2%	0.035
Mercy University Hospital	27	15	55.6%	0.219	29	12	41.4%	0.192	27	3	11.1%	0.050	19	8	42.1%	0.134	12	3	25.0%	0.069

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Merlin Park University Hospital, Galway <sup>2</sup>	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Midland Regional Hospital, Mullingar	15	5	33.3%	0.091	23	6	26.1%	0.105	21	5	23.8%	0.087	21	4	19.0%	0.066	18	6	33.3%	0.124
Midland Regional Hospital, Portlaoise	9	3	33.3%	0.071	9	1	11.1%	0.024	10	3	30.0%	0.068	9	3	33.3%	0.069	6	1	16.7%	0.029
Midland Regional Hospital, Tullamore <sup>3</sup>	28	13	46.4%	0.207	8	12.5%	0.017	18	4	22.2%	0.065	19	8	42.1%	0.120	14	4	28.6%	0.091	
Mid-Western Regional Hospital, Dooradoyle	52	16	30.8%	0.117	60	19	31.7%	0.142	54	23	42.6%	0.165	65	19	29.2%	0.138	45	12	26.7%	0.116
Mid-Western Regional Hospital, Ennis	10	3	30.0%	0.095	7	2	28.6%	0.068	2	0	0.0%	0.000	10	0	0.0%	0.000	5	2	40.0%	0.129
Mid-Western Regional Hospital, Nenagh	12	9	75.0%	0.336	4	1	25.0%	0.043	7	2	28.6%	0.101	4	1	25.0%	0.056	4	1	25.0%	0.080
Mid-Western Regional Maternity Hospital, Limerick	2	0	0.0%	0.000	2	0	0.0%	0.000	2	0	0.0%	0.000	3	0	0.0%	0.000	5	0	0.0%	0.000

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Mid-Western Regional Orthopaedic Hospital, Croom	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000	1	0	0.0%	0.000	0	0	0.0%	0.000
Monaghan General Hospital <sup>4</sup>	10	3	30.0%	0.143	3	1	33.3%	0.052	2	1	50.0%	0.099	**	**	**	**	**	**	**	**
Mount Carmel Hospital, Churchtown	2	0	0.0%	*	1	0	0.0%	*	0	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000
Naas General Hospital	21	11	52.4%	0.151	18	6	33.3%	0.076	26	14	53.8%	0.177	20	8	40.0%	0.109	8	1	12.5%	0.018
National Maternity Hospital, Holles Street	4	0	0.0%	0.000	13	0	0.0%	0.000	9	0	0.0%	0.000	11	0	0.0%	0.000	5	0	0.0%	0.000
Other non-acute facilities	3	0	0.0%	*	12	7	58.3%	*	8	2	25.0%	*	8	2	25.0%	*	6	2	33.3%	*
Our Lady of Lourdes Hospital, Drogheda <sup>5</sup>	5	1	20.0%	0.042	15	2	13.3%	0.021	26	7	26.9%	0.077	23	1	4.3%	0.011	24	8	33.3%	0.106
Our Lady's Children's Hospital, Crumlin	33	4	12.1%	0.066	37	6	16.2%	0.099	35	1	2.9%	0.017	33	4	12.1%	0.067	19	3	15.8%	0.066
Our Lady's Hospital, Cashel <sup>6</sup>	0	0	0.0%	0.000	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Our Lady's Hospital, Navan	9	6	66.7%	0.143	6	1	16.7%	0.025	11	3	27.3%	0.083	6	1	16.7%	0.028	5	1	20.0%	0.041
Portiuncula Hospital, Ballinasloe	9	3	33.3%	0.060	12	7	58.3%	0.141	9	3	33.3%	0.065	9	4	44.4%	0.085	6	1	16.7%	0.028
Roscommon County Hospital	8	3	37.5%	0.094	11	4	36.4%	0.128	3	0	0.0%	0.000	8	5	62.5%	0.175	4	1	25.0%	0.052
Rotunda Hospital	12	0	0.0%	0.000	14	0	0.0%	0.000	15	0	0.0%	0.000	10	0	0.0%	0.000	4	2	50.0%	0.049
Royal Victoria Eye and Ear Hospital, Dublin	0	0	0.0%	0.000	0	0	0.0%	0.000	1	1	100.0%	0.140	0	0	0.0%	0.000	1	1	100.0%	0.200
Sligo General Hospital	28	13	46.4%	0.147	31	10	32.3%	0.126	21	5	23.8%	0.055	35	7	20.0%	0.073	15	4	26.7%	0.057
South Infirmery/Victoria University Hospital, Cork	6	4	66.7%	0.072	13	4	30.8%	0.078	13	5	38.5%	0.098	17	7	41.2%	0.147	8	0	0.0%	0.000
South Tipperary General Hospital, Clonmel	8	1	12.5%	0.013	17	5	29.4%	0.064	16	6	37.5%	0.082	10	4	40.0%	0.056	13	4	30.8%	0.080
St Columcille's Hospital, Loughlinstown	22	8	36.4%	0.187	14	4	28.6%	0.095	15	5	33.3%	0.119	9	0	0.0%	0.000	6	0	0.0%	0.000
St Finbarr's Hospital, Cork <sup>1</sup>	4	3	75.0%	0.113	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
St James's Hospital	125	61	48.8%	0.203	96	31	32.3%	0.106	93	29	31.2%	0.098	90	22	24.4%	0.077	48	12	25.0%	0.055

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
St John's Hospital, Limerick	5	2	40.0%	0.078	2	0	0.0%	0.000	6	2	33.3%	0.099	8	2	25.0%	0.093	3	2	66.7%	0.128
St Luke's Hospital, Kilkenny	20	10	50.0%	0.114	12	4	33.3%	0.048	25	4	16.0%	0.048	15	2	13.3%	0.025	13	2	15.4%	0.032
St Luke's Hospital, Rathgar	3	2	66.7%	0.045	7	2	28.6%	0.045	11	2	18.2%	0.049	4	1	25.0%	0.023	2	0	0.0%	0.000
St Mary's Orthopaedic Hospital, Gurranebraher	0	0	0.0%	0.000	1	0	0.0%	0.000	1	0	0.0%	0.000	0	0	0.0%	0.000	0	0	0.0%	0.000
St Michael's Hospital, Dun Laoghaire	4	2	50.0%	0.077	5	0	0.0%	0.000	11	1	9.1%	0.035	5	3	60.0%	0.123	7	1	14.3%	0.057
St Vincent's Private Hospital	9	3	33.3%	0.065	11	4	36.4%	0.089	9	1	11.1%	0.023	8	0	0.0%	0.000	7	0	0.0%	0.000
St Vincent's University Hospital, Elm Park	69	28	40.6%	0.158	70	28	40.0%	0.165	79	22	27.8%	0.134	74	13	17.6%	0.079	58	19	32.8%	0.155
University College Hospital, Galway <sup>2</sup>	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

Hospital Name	2007				2008				2009				2010				2011(Q1-3) †			
	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used	SAU number	MRSA number	% MRSA	MRSA rate per 1,000 bed days used
Waterford Regional Hospital	54	26	48.1%	0.182	48	19	39.6%	0.129	49	12	24.5%	0.087	48	14	29.2%	0.101	35	14	40.0%	0.135
Wexford General Hospital	13	0	0.0%	0.000	18	5	27.8%	0.065	30	8	26.7%	0.114	32	8	25.0%	0.122	16	3	18.8%	0.060
Total ROI	1393	536	38.5%	0.135	1303	439	33.7%	0.110	1309	355	27.1%	0.089	1251	305	24.4%	0.078	840	206	24.5%	0.070

† Data for 2011 provisional to the end of Q3.

\*Denominator data (Activity/BLC numbers) not provided.

\*\*No longer classified an acute hospital — see note below.

\*\*\*See note below.

<sup>1</sup>In 2007, maternity services at Erinville Hospital and St Finbarr's Hospital, Cork transferred to Cork University Maternity Hospital, which together with Cork University Hospital (CUH) compose CUH group. All data for CUH group as of 2007 are presented under Cork UH.

<sup>2</sup>University College Hospital, Galway and Merlin Park University Hospital incorporated as Galway University Hospitals as of January 2008.

<sup>3</sup>No data from Midland Regional Hospital, Tullamore for 2006 or for the period Q3-4 2008: activity data (bed days used and inpatient admissions) adjusted accordingly.

<sup>4</sup>In Aug 200, acute services at Monaghan General Hospital ceased.

<sup>5</sup>No data from OLLH, Drogheda for 2006 or for the period Q1-3 2007: activity data (bed days used and inpatient admissions) adjusted accordingly.

<sup>6</sup>In Jan 2007, acute services at Our Lady's Hospital, Cashel transferred to South Tipperary General Hospital, Clonmel.

Data in the shaded area represent updates from previous reports.

Note: National rates are calculated only where both numerator (e.g. numbers of isolates) and denominator (e.g. numbers of bed days used) data are available.

## Health Protection Surveillance Centre (HPSC)

## Confirmed norovirus outbreaks in acute hospital settings by region

HSE Region	2006	2007	2008	2009	2010	2011
East	22	11	9	8	10	6
Midland	12	4	3	2	5	4
Mid-West	5	6	6	6	3	6
North East	5	5	9	4	4	6
North West	9	1	10	3	2	2
South East	9	11	4	5	7	10
South	14	6	8	4	6	3
West	4	4	6	2	10	8
Total	80	48	55	34	47	45

**Health Centres**

717. **Deputy Dara Calleary** asked the Minister for Health the position regarding the primary care centre in Ballyshannon, County Donegal; the date on which it will be sent to tender; and if he will make a statement on the matter. [8191/12]

**Minister for Health (Deputy James Reilly):** Following the publication of the 'Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework', the Health Service Executive commenced drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. A draft capital plan for the period 2012-2016 has been submitted to my Department. My Department is reviewing the proposals and following up with the HSE where further details may be required. The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform. Details of the plan will be published by the Executive following its approval.

**Medical Cards**

718. **Deputy Mattie McGrath** asked the Minister for Health when a decision will be made on a medical card appeal in respect of a person (details supplied) in county Tipperary; the average appeal time; and if he will make a statement on the matter. [8195/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

I have held detailed discussions with the HSE regarding the ongoing back-log in medical card appeals.

The HSE is moving additional staff to this area to help address the unsatisfactory waiting times.

719. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a medical card in respect of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [8200/12]

**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.

### **Ambulance Service**

720. **Deputy Pearse Doherty** asked the Minister for Health the steps being taken to have a national ambulance service transfer policy set up; when he expects this to be implemented in view of the fact that the ambulance service is a regional service without a transfer policy between regions. [8203/12]

**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 Insurance**

721. **Deputy Robert Dowds** asked the Minister for Health the circumstances under which a health insurer can demand the balance of the insurance premium when the contract is terminated between renewal dates; and if there are any restrictions on this, or a limit on how much can be charged. [8207/12]

**Minister for Health (Deputy James Reilly):** While insurers provide a facility to consumers to pay premiums over the policy year, rather than at the start of the policy, this does not change the twelve month nature of contracts. Health insurance contracts are normally written for a term of one year. Like any contract, if a policyholder wishes to cancel their health insurance contract, the cancellation is subject to the relevant terms in the policy contract, provided the contract allows for mid term cancellation. If the policy contract does not allow cancellation during the term of the year, an insurer can seek to enforce the contract under contract law and demand the balance of the year's premium. All open market insurers give a 14 day cooling off period where they will cancel the contract and give a full premium refund. It is important to note that customers are free to cancel and change their policy at their renewal date without difficulty.

In respect of policies renewing or commencing in 2012, the current Scheme of Age-Related Tax Credits and Community Rating Levy provides for the payment by insurers of a levy of €285 per adult. It should be noted that, where customers leave before the twelve month insurance period expires, the insurer incurs a loss in relation to the levy paid as the levy may only be collected once. If a policy is cancelled mid policy year, insurers cannot reclaim a proportion of the levy. Where a policy holder switches to an alternative insurer, the second insurer does not have to pay the levy in respect of the replacement policy, if the two policies commence in the same accounting period. In this regard, accounting periods are normally the twelve month period starting on 1 August and finishing on 31 July.

### **Medical Cards**

722. **Deputy Billy Kelleher** asked the Minister for Health if he will address as a matter of urgency the medical card application of a person (details supplied) in County Cork; and if he will make a statement on the matter. [8230/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I have asked the Health Service Executive to provide a full account of the circumstances of this case to the Deputy.

723. **Deputy Billy Kelleher** asked the Minister for Health if he will address as a matter of urgency the medical card application of a person (details supplied) in County Cork; and if he will make a statement on the matter. [8231/12]

**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.

724. **Deputy Mattie McGrath** asked the Minister for Health when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Tipperary; the reason for the delay in processing the further information that was received on 6 December 2011; and if he will make a statement on the matter. [8232/12]

**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.

725. **Deputy Eric Byrne** asked the Minister for Health when an application for a medical card will be processed in respect of persons (details supplied); and if he will expedite same. [8251/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy. Under new procedures, a Medical Card will remain valid, irrespective of the expiry date shown on the card, once the Medical Card holder is genuinely engaging with the HSE review process. Eligibility can be confirmed by any Doctor or Pharmacist, or the Medical Card holder online at [www.medicalcard.ie](http://www.medicalcard.ie) or through the GP practice systems.

#### **Health Service Staff**

726. **Deputy Billy Kelleher** asked the Minister for Health the number of ambulance drivers by region; the number expected to retire as part of the early retirement scheme; if there will be a reduction in ambulance services as a result; and if he will make a statement on the matter. [8253/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

727. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if he will confirm when a paediatrics diabetes nurse specialist will be appointed to Letterkenny General Hospital, County Donegal, in line with the Health Service Executive's own agreed national diabetes strategy. [8255/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

728. **Deputy Dara Calleary** asked the Minister for Health the number of retirements from each of the centres of excellence established under the national cancer strategy; the breakdown of retirement between doctors, nurses and the professionals in each unit; the impact of retirements on each centre; and if he will make a statement on the matter. [8258/12]

**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.

#### **National Treatment Purchase Fund**

729. **Deputy Brendan Griffin** asked the Minister for Health if a person (details supplied) in

[Deputy Brendan Griffin.]

County Kerry will qualify for inclusion under the treatment abroad scheme, in view of the lack of suitable treatment for their condition here; and if he will make a statement on the matter. [8260/12]

**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

730. **Deputy Catherine Murphy** asked the Minister for Health if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department or the Health Service Executive beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department or the Health Service Executive; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8280/12]

**Minister for Health (Deputy James Reilly):** The table details payments made by my Department to retired employees of the Department of Health or the HSE for specific projects or tasks. No other such payments have been approved for staff due to retire from the Department in the near future.

With regard to the Health Service Executive, they have been asked to collate the data sought as soon as possible and it will be provided directly to the Deputy by them when available.

No.	Date Paid	Amount	Description	Total
1	Pat Harvey		Chair of Health Committee on Croke Park implementation	
	Paid to Harwyn Ltd	Fee only		
	22/12/2010	€6,050.00	Sep-Nov '10 Quarterly Payment	
	20/07/2011	€6,050.00	Mar-May 2011 Quarterly Payment	
	20/07/2011	€6,050.00	Dec'10-Feb '11 Quarterly Payment	
	09/11/2011	€6,679.00	Jun-Aug '11 Quarterly Payment	
	21/12/2011	€6,207.30	Sept-Nov '2011 Quarterly Payment	
		€31,036.30		€31,036.30
	Paid to Pat Harvey in 2011	€9,485.21	Travel and Subsistence only	
	in 2010	€2,874.90	Travel and Subsistence to attend meetings around Ireland	
		€12,360.11	Travel and Subsistence to attend meetings around Ireland	€12,360.11
2	Dermot Smyth		Evaluation Committee PHI Tender	
	23/11/2011	€1,200.00	Oct 11 — Evaluation Committee PHI Tender	€1,200.00
3	Kieran Hickey		Chair of Chiropody Committees	

No.	Date Paid	Amount	Description	Total
	09/05/2008	€18,232.00	Chair of Chiropody Committees: 53 days.	€18,232.00

### Hospital Services

731. **Deputy Gerry Adams** asked the Minister for Health if he will provide details of each outpatient department clinic which takes place in the Louth County Hospital, Dundalk and also in Our Lady of Lourdes Hospital, Drogheda; and in relation to each clinic if he will provide details on the waiting time a patient will experience before receiving their first appointment; and if he will make a statement on the matter. [8417/12]

**Minister for Health (Deputy James Reilly):** As these are service matters, they have been referred to the HSE for direct reply.

### Health Service Staff

732. **Deputy Gerry Adams** asked the Minister for Health when the national review of public health nursing will be published; his plans to appoint public health nurses in order to backfill PHN vacancies in County Louth; and if he will make a statement on the matter. [8418/12]

**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.

### Community Care

733. **Deputy Seán Kyne** asked the Minister for Health if he supports plans to redesignate the unoccupied beds at St. Francis Community Nursing Home in Galway city to step down beds which would relieve pressure on University Hospital Galway by enabling the transfer of patients from its facilities to another local facility equipped to provide residential care. [8425/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Departmental Staff

734. **Deputy Sean Fleming** asked the Minister for Health if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8438/12]

**Minister for Health (Deputy James Reilly):** The information sought by the Deputy on staff retired from my Department is not readily available. It is being collated and will be forwarded to the Deputy as soon as possible.

The information in respect of other Agencies is being collated by my Department and will be forwarded to the Deputy as soon as it is available. With regard to the Health Service Executive, they have been asked to collate the data sought as soon as possible and it will be provided directly to the Deputy by them when available.

### Health Service Staff

735. **Deputy Billy Kelleher** asked the Minister for Health the cost of recruiting doctors from overseas, including re-accommodation and transport costs; the numbers of doctors recruited; the number who sat and failed the professional assessment; the cost of relocating those doctors; and if he will make a statement on the matter. [8445/12]

**Minister for Health (Deputy James Reilly):** The HSE's recent NCHD recruitment drive in India and Pakistan and the introduction of the Supervised Division registration process has resulted in almost 290 doctors commencing work in the Irish health service for the first time. Following examinations in August 2011 and registration in September 2011, 236 doctors took up duty. A further 49 took up duty on 9th January 2012 and it is anticipated that five remaining doctors will commence work shortly.

The costs associated with this recruitment process, up to November 2011, were €1.95m. Of this figure, refund of flight costs amounted to approximately €169,000. It should be noted that the reduction in the need for locum/agency medical staff as a result of the appointment of these doctors will result in savings well in excess of the amounts spent on the recruitment process and associated issues.

A total of 116 doctors sat the examinations for the Medical Supervised Division in November/December 2011 and 54 (47%) passed. The HSE had previously advised doctors that, if they passed the exam, it would continue supports until they were registered. Given that the Medical Council appeals process for the Supervised Division examination is likely to take some time, the doctors were also advised that if they failed the examination they should return home and pursue any appeal to their results, or application to sit a further Supervised Division examination, from there. I understand that the great majority of doctors who did not pass the Medical Council examination have now left Ireland.

### Health Services

736. **Deputy Finian McGrath** asked the Minister for Health if he will support a matter (details supplied). [8474/12]

**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.

### Care of the Elderly

737. **Deputy Clare Daly** asked the Minister for Health his views regarding budget cuts in the Lusk Nursing Home, County Dublin, at which it is being proposed that rather than receiving freshly cooked meals the residents will instead receive reheated meal that are to be precooked in St. Ita's Hospital in Portrane [8283/12]

**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 Services

738. **Deputy Catherine Murphy** asked the Minister for Health the ICT projects the Health Service Executive intends to proceed with in 2012; if they will take account of new institutional arrangements for the organisation and if so, the way that this will occur; if it is expected that the investment of €40 million per year during the lifetime of this Government will reduce the

administrative needs of the HSE; if so, the staff savings likely to accrue; and if he will make a statement on the matter. [7579/12]

**Minister for Health (Deputy James Reilly):** The National ICT Directorate within the HSE is responsible for the delivery of ICT enabled projects and services. The ICT directorate is a support function that works in partnership with all directorates within the HSE to ensure that the services and projects pursued are directly aligned with service needs. At corporate level, the directorate is responsible for the development and implementation of the ICT Strategy.

The capital allocation for ICT spending in the HSE for 2012 is €40m. ICT capital spending is project based and is operated, by way multi-annual budgets due to the complexity and scale of most projects. The breakdown of the planned spending between the various business sectors is set out in the table below:

Project Type	No. of Projects	Investment
Hospital Clinical	36	€11,213,675
ICT Technical Infrastructure	22	€8,431,869
CoreHospital-iSoft (PAS)	6	€8,138,013
Pre Hospital Emergency Care	6	€4,570,624
Corporate Systems	12	€1,707,080
Community Clinical	11	€1,259,130
New Building/Refurbishment — Fit Out	1	€950,000
Core Hospital-iSoft (Order Comms)	1	€550,000
Minor/Miscellaneous Capital Projects	97	€3,121,963
Totals	192	€39,942,355

From an initial inspection of the list of projects that constitute the planned areas for investment, many of the items listed are clinical systems, deployed in support of hospitals and primary care facilities, and should not be affected in terms of any new arrangements.

Other projects recently approved, such as the insurance claims system will support a ‘money follows the patient’ environment and are already aligned with the Government’s agenda. As the Deputy is aware, since the moratorium in March 2009, a reduction in numbers of over 7,000 has been sustainable, in part, due to process improvements including ICT supports.

As part of a review of the HSE ICT strategy, my Department will be examining all currently sanctioned projects to determine how they are affected by the administrative changes envisaged as part of the Government’s reform agenda. Finally, it should be noted that approval for ICT expenditure within the HSE is subject to external approval by the Department of Public Expenditure and Reform, in accordance with Department of Finance Circulars 02/09 and 02/11 and the Department of Health.

### Ferry Services

739. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the position regarding the Cork to Swansea ferry service; the dealings he has had with the company operating this route; and if he will make a statement on the matter. [7552/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** I am disappointed to learn that the Cork-Swansea Ferry Service, operated by the Fastnet Line, has ceased to operate. I met with the West Cork Tourism Co-op on 17 January last when they outlined their plans for the future of the service. As a first step, however, the Co-op advised

[Deputy Michael Ring.]

me of the overriding requirement to secure further investment to bring the enterprise out of examinership.

I advised the Co-op at the time that the Department of Transport, Tourism and Sport and the State Agencies under its remit had no function in the subsidisation or provision of ferry services for this or other routes or indeed the finance to do so.

That said and within the strict confines of EU State Aid rules, the State Tourism agencies have been supportive of the ferry service since its inception. In particular, they have provided co-operative marketing support, offered a range of business supports and Fáilte Ireland certified the venture for Business Expansion Scheme funding. I know that in recent months the State tourism agencies had more discussions with the operators and were assisting them in putting together a marketing plan. Further general business supports were also offered to the company which were intended to assist the service in securing sales and improving yields had it been able to exit the examinership process.

Regrettably the company was not able to reach a position where it could have availed of those supports.

### Road Network

740. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport the reason the National Roads Authority has failed to honour commitments given to residents to engage in tree planting along the M50 motorway; the reason for the delay; and if he will make a statement on the matter. [7590/12]

**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 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.

### Public Transport

741. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport the total annual subvention to Córas Iompair Éireann for each year from 2008 to 2011, inclusive; and if he will make a statement on the matter. [7591/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The annual subvention for the provision of public service obligation (PSO) services by the CIÉ operating companies is subject to contract between the companies and the National Transport Authority (NTA) since 2009.

The amounts paid in respect of PSO services since 2008 are as follows:

Year	Iarnród Éireann	Bus Átha Cliath	Bus Éireann	Total
2008	€181.15m	€85.63m	€41.85m	€308.63m
2009	€170.62m	€83.20m	€49.36m	€303.18m
2010	€155.14m	€75.68m	€45.04m	€275.86m
2011	€148.69m	€73.04m	€43.41m	€265.14m

### Taxi Regulations

742. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport the number of inspectors there are to regulate taxis; and if he will outline the work of inspectors. [7725/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The regulation of the taxi industry, including coordination of enforcement activities, is a matter in the first instance for the National Transport Authority (NTA) under the Taxi Regulation Act, 2003. I have arranged for your question to be forwarded to the NTA for a direct response. If you do not receive a response within ten working days, please notify my private office.

The position in regard to enforcement in the small public service vehicles (SPSV) sector was examined during the recent review of the taxi industry — see section 3.5 of the Taxi Regulation Review Report which is available on my Department's website.

### Departmental Staff

743. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he will provide an organisational chart detailing officials and their responsibilities within his Department. [7747/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Department's Organisation chart giving details of senior management of my Department and their responsibilities is available for printing from the Departments website at the link <http://www.dttas.ie/about/OrgChartPrintable.htm>.

Further detail on the functions, records, rules, practices and contact personnel for the Department are detailed in the Department's Freedom of Information Section 15 and 16 Reference Book, which is also available on the website at <http://www.dttas.ie/contactus-FOI-reference.aspx>.

### Tourism Industry

744. **Deputy Jonathan O'Brien** asked the Minister for Transport, Tourism and Sport, further to Parliamentary Question No. 43 of 9 November 2011, if he will ensure that Fáilte Ireland provides the information requested regarding the efforts he has made to ensure a viable and sustainable bed and breakfast sector here; and if he will make a statement on the matter. [7752/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I understand that the initial e-mail with the relevant information was sent to an incorrect e-mail address and I apologise for this error. I understand that the requested information has since been provided to the Deputy. If in future the Deputy does not receive the information referred to in an answer to a Parliamentary Question within ten working days, he may contact my office directly.

### Ministerial Appointments

745. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport if he will list all appointments to State boards and agencies made by him since he came to power; the persons appointed; to which boards and agencies; the remuneration details of each appointment; and if he will make a statement on the matter. [7830/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The information requested by the Deputy regarding appointments to State Boards is available on my Department's website and is updated regularly. Full details of the remuneration paid to directors is

[Deputy Leo Varadkar.]

set out in the Annual Report of the relevant Agency. I am also arranging for my Department to publish on its website a document which sets out the currently approved levels of Board fees for the agencies under my aegis.

### **Sports Capital Programme**

746. **Deputy Tom Hayes** asked the Minister for Transport, Tourism and Sport the grants available for handball clubs to carry out renovation and upgrade works on their facilities for the coming year; and if he will make a statement on the matter. [7883/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I recently announced that the Department of Transport, Tourism and Sport will be advertising two new rounds of the Sports Capital Programme between now and 2016. I am currently making the necessary arrangements to launch a new programme. It will be open to any organisation to submit an application under the terms and conditions that will apply at the launch of the new programme.

### **Public Service Contracts**

747. **Deputy Arthur Spring** asked the Minister for Transport, Tourism and Sport the amount that was spent by the National Roads Authority and local authorities on road markings and road resurfacing contracts here each year since 2008; the percentage of the total costs of the contracts that were paid to non-Irish companies; and if he will make a statement on the matter. [7935/12]

**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 under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting this I have referred this part of 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.

The improvement and maintenance of regional and local roads is a statutory function of each road authority within its area, in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads, including road markings and signage, are a matter for the relevant local authority to be funded from its own resources which may be supplemented by State road grants.

On the basis outlined, each County Council has individual responsibility for contracting out any work it has in the area of interest to the Deputy. This Department has no records of individual spends in these areas.

### **Industrial Relations**

748. **Deputy Aodhán Ó Ríordáin** asked the Minister for Transport, Tourism and Sport with reference to the green field agreement between Aer Lingus and SIPTU of 15 February 2010 regarding proposed outsourcing of administrative staff from Aer Lingus, if he will confirm if he will use the State's 25% shareholding leverage to ensure that employment rights of existing Aer Lingus staff will be upheld, that outsourcing to foreign based companies will be prevented, that redeployment opportunities for existing workers will be maximised, that he will engage with the company and the union to ensure that a mutually agreeable transition can be achieved; and if he will make a statement on the matter. [7938/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** It should be noted that the purpose of the 25% shareholding by the State in Aer Lingus is to support the general public interest, for example, boosting tourist numbers or securing a dividend for the taxpayers rather than to support any sectoral interest whether it be staff or management.

The terms of the Greenfield plan for Aer Lingus were agreed by Aer Lingus management and the Unions in 2010 following an intensive negotiation process and with the assistance of the Labour Relations Commission. The implementation of that agreement is entirely a matter for the Board, management and staff of the company and it is not one in which I have any role.

It is not open to the Government to intervene in the day to day operations of Aer Lingus. While the State's 25% shareholding in the company entitles the Minister to nominate three directors for appointment to the Board, the duties of these directors derive from the Companies Acts so the directors are obliged to pursue the best interests of the company. Subject to that duty, the three directors are mandated to seek to ensure that all decisions of the company that have significant implications for wider Government, aviation or regional development policies are considered at Board level. In any such decisions they are directed to seek to reconcile commercial and public policy objectives.

Where necessary, the established industrial relations mechanisms in the State are available to assist. I understand that the LRC assisted in the negotiation of the greenfield plan.

### School Transport

749. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the licences required for a registered charity to provide a school bus service in respect of children with special needs. [7968/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The legislation governing bus passenger route licensing is the Public Transport Regulation Act 2009 which excludes bus services solely for carrying children to or from school from its definition of a public bus passenger service. Therefore such school services do not require a bus passenger route licence.

The carriage of passengers otherwise than for profit in vehicles owned by voluntary organisations, is exempt from the requirement to hold a road passenger transport operator's licence by my Department, under the recently enacted Road Transport Act, 2011. Any such organisation can make contact with the Road Transport Operator Licensing Unit of my Department to confirm that the particulars of its operation falls within that exemption.

I should add that any such school bus service would need to consult with the Garda Síochána concerning compliance with vehicle and safety standard requirements.

### Energy Saving Projects

750. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport if he has considered a proposal (details supplied) to request local authorities to turn off specific public lighting at night time in rural locations as a cost saving measure which he estimates could save the State somewhere in the region of €10 million to €11 million annually, and as is the current practice in some European cities. [7977/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual national roads projects are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

[Deputy Leo Varadkar.]

The improvement and maintenance of regional and local roads is a statutory function of each road authority within its area, in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads including the installation, maintenance and operation of traffic lights are a matter for the relevant local authority. The safe operation of traffic lights and the potential for energy savings are also a matter for each local authority.

Regarding the potential for energy savings on national roads, 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.

### Sports Capital Programme

751. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the national lottery funding disbursed to local sporting organisations for each of the years 2009, 2010, 2011 and to date in 2012; and if he will provide a breakdown on a county and club basis for the same years. [8158/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** Under the Sports Capital Programme the Department provides funding at local, regional and national level to sporting clubs and organisations, voluntary and community organisations, local authorities and, in certain circumstances, schools/colleges towards the provision of sporting facilities and the purchase of sporting equipment.

The amounts disbursed in 2009, 2010 and 2011 will be available on the Department's website [www.dttas.ie](http://www.dttas.ie) by the end of the week. The figures for payments this year, up to Friday 10 February, are included in the table:

Table

Carlow	€53,210
Palatine GFC	€3,250
St Laurence O'Toole Athletic Club	€49,960
Cork	€42,046
Fermoy Rowing Club	€1,776
Freemount Development Association	€750
Rathpeacon GAA Club	€10,408
Wilton United FC	€16,542
Youghal Lawn Tennis Club	€12,570
Donegal	€112,186
Donegal VEC and St John Bosco AC	€13,500
Killea FC	€20,688
Letterkenny RFC	€77,998
Dublin	€468,042
Cherry Orchard	€49,280
Co Dublin VEC Collinstown Park	€50,447
Cycling Ireland	€6,110
DCC Ballymun Leisure Centre	€1,592
DCC Finglas Leisure Centre	€1,075
DCC Finglas Leisure Centre	€319
DCC Finglas Leisure Centre	€1,648
DCC Finglas Leisure Centre	€1,018

Table

DCC Irishtown Stadium	€905
DCC Irishtown Stadium	€903
DCC Phibsborough ABC	€5,718
McKelvey Celtic AFC	€98,454
Round Towers — Clondalkin	€64,000
Ski Club of Ireland	€83,642
Spinal Injuries Ireland	€50,446
Sport Against Racism Ireland	€2,431
St Francis FC	€25,698
St Helena's Rivermount Boys	€3,120
St Paul's Youth Club (Artane) Ltd	€200
Templeogue Synge St	€7,454
Trackside LTC	€13,582
Galway	€3,342
Sylane Hurling Club	€3,342
Kerry	€6,242
Killarney Legion GAA Club	€6,242
Kildare	€67,250
Clonmullion FC	€8,000
Kilcock GAA Club	€16,800
Prosperous United AFC	€9,450
Raheen GAA Club	€8,500
Round Towers GFC	€7,000
St Kevins GFC	€17,500
Laois	€6,110
Portarlington GAA Club	€6,110
Leitrim	€13,280
Leitrim Gaels Community Development	€13,280
Limerick	€69,262
Ballybrown Youth Field Project	€4,900
Garryowen RFC	€27,500
Moyross Development Company	€3,551
Old Crescent RFC	€24,687
Prospect Priory FC	€8,624
Longford	€50,198
Grattan OG GAA	€6,198
Longford Town Co — The Mall	€40,000
Rathcline GAA	€4,000
Mayo	€38,630
Ballinrobe Rugby Football Club	€36,630
Swinford Amenities Development	€2,000
Meath	€142,854
Donaghmore Ashbourne GAA	€60,000
St Peters GAA Club Dunboyne	€82,854
Sligo	€52,093
Ballisodare Comm Sports	€22,500
Cloonacool Community Park Ltd	€8,055
Curry Moylough GAA and Community Centre	€15,538

[Deputy Michael Ring.]

Table

St Michael GAA Sligo	€6,000
Tipperary	€25,000
Durlas Og GAA Club	€25,000
Westmeath	€13,250
Coralstown/Kinnegad GAA Club	€13,250
Wexford	€110,518
St Fintans GAA Comm Grounds	€5,303
Wexford Borough Council	€105,215
Wicklow	€58,800
Bray Emmetts GAA	€54,700
Cobra Gymnastics Club	€2,000
St Anthony's Football Club	€2,100

### Public Transport

752. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will consider the reintroduction of the scheme that offered reduced public transport fares for senior overseas citizens as part of an effort to boost visitor numbers. [8196/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter is primarily an operational one for Iarnród Éireann in the first instance working conjunction with the tourism agencies. I have referred the Deputy's question to Iarnród Éireann, Fáilte Ireland and Tourism Ireland for direct reply. Please inform my private office if you do not receive a reply within ten working days.

### Road Safety

753. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the time-frame he expects the nationwide audit of speed limits to take; and if he will make a statement on the matter. [8197/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department will shortly engage with the National Roads Authority and local authorities throughout the country with a view to ensuring a nationwide audit of speed limits takes place. The aim of this audit is to examine and improve, where appropriate, the application by local authorities of speed limits and speed limit signage throughout the country, in accordance with my Department's "Guidelines for the Application of Special Speed Limits", which were issued last year. As this work will involve extensive input from and engagement with the NRA and road authorities to reduce inconsistencies and the potential for driver confusion, it will take some time but it is intended to complete this project during the course of 2012. I am determined that the necessary improvements should be implemented as soon as possible to further enhance road safety, save lives and reduce serious injuries.

### Tourism Promotion

754. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will consider the introduction of an accreditation system or information briefing for front line tourism industry workers based on knowledge of local heritage, attractions and general tourist

information as part of an effort to enhance the experience for visitors to Ireland; and if he will make a statement on the matter. [8198/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** It is the responsibility of every front-line tourism business to ensure its employees provide a first-class customer service to our visitors. This extends to engaging with visitors and sharing knowledge and information with them to ensure they enjoy their holiday to the fullest extent possible. The most recent Visitor Attitude Survey published by Fáilte Ireland for 2010 shows that 95% of visitors to Ireland expressed satisfaction with the friendliness of the people they met on their visit. This suggests that we are, generally speaking, getting things right in this area. Fáilte Ireland is responsible for promoting and supporting the training and education of people for employment in the tourism industry. In this regard, Fáilte Ireland has many programmes that provide training aimed at ensuring an excellent customer service for visitors. I have referred the Deputy's question to Fáilte Ireland to enable the agency to inform the Deputy of its activity in this area. Please advise my office if you do not receive a reply within ten working days.

### National Car Test

755. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the amount of revenue generated through the fees of driving tests and the national car testing services for 2009, 2010, 2011 and to date in 2012; the reasons the fee for an NCT was increased from €50 to €55; the reason vehicles aged over ten years will now be required to undergo a NCT each year; and if he will make a statement on the matter. [8209/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006), the operation of the driver testing and national car testing (NCT) services are matters for the Road Safety Authority. I have referred this part of the Deputy's question to the authority for direct reply. Please advise my private office if you do not receive a reply within ten working days. The €5 increase in the NCT fee from €50 to €55 was sanctioned to take account of the VAT increase on services, the increase in the consumer price index for 2011 to help make the RSA self-financing over the coming years, thereby removing its reliance on Exchequer funding. I have indicated that there will be no further increase in NCT fees for the next three years. The effects of wear and tear on a vehicle become more evident as it ages and a corresponding increase of failure rates is seen at NCT. When NCT testing was first introduced, less than 4% of vehicles passed the test at the first attempt. Since then, the pass rate has risen steadily to almost 70% for cars which are four years old, while the pass rate on the first attempt for cars over ten years old had deteriorated to just 33%. With effect from 1 June 2011, cars older than ten years must undergo annual roadworthiness testing. Road traffic collision statistics for 2009 show that 41.5% of fatal collisions and 46% of serious injuries arose from collisions that involved vehicles that were ten years old or more, and older vehicles are also more likely to be involved in a collision. As at the end of 2011, 28% of all taxed private motor vehicles were ten years or older. For those reasons, I believe the annual testing of vehicles of ten years and older is a valuable safety measure.

### Public Transport

756. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport if he will request Dublin Bus to have buses regularly going to Dublin Airport from a location (details supplied) in Dublin 13; and if he will make a statement on the matter. [8210/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The provision of services is a matter for Dublin Bus in conjunction with the National Transport Authority. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

### **Driving Test**

757. **Deputy Michael McCarthy** asked the Minister for Transport, Tourism and Sport when a national review of driver test centres involving him, the Road Safety Authority and the Office of Public Works will be completed; the aim of the review; the criteria that will be considered in terms of assessing the feasibility of each centre; the number of centres that he envisages will close as a result of the review; if an appeals mechanism will be provided for centres that may face closure; and if he will make a statement on the matter. [8238/12]

758. **Deputy Michael McCarthy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the value and contribution of the Skibbereen driving test centre to the community of west Cork; if he will take into consideration in the context of the ongoing national review of test centres by him, the Road Safety Authority and the Office of Public Works; the way the centre compares to its counterparts around the country in terms of waiting times and applicant numbers; and if he will make a statement on the matter. [8239/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 757 and 758 together.

A review of the estate requirements for the driver testing services, conducted by consultants on behalf of the Road Safety Authority, was completed in 2010. This review was commissioned to analyse the current position, and to examine the future needs of the driver testing service and make recommendations if appropriate for the rationalisation of the driver testing estate. It was agreed that any decisions on matters addressed in the review should wait on the completion of the option appraisal for the future delivery of driver testing services, which was then being planned. The option appraisal was completed last year. Following from it, I asked the RSA to expedite the implementation of efficiencies identified in the appraisal. I subsequently asked the RSA to submit specific proposals to me in relation to the driver testing estate. I expect to receive these proposals in the near future.

### **Smarter Travel Project**

759. **Deputy Joan Collins** asked the Minister for Transport, Tourism and Sport the areas that won the competition for the smarter travel project; and if he will make a statement on the matter. [8247/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The result of the National Competition for Smarter Travel Areas was announced on 1 February. Limerick city, Dungarvan and Westport will share in funding of €23 million over a five-year period to transform into Smarter Travel areas, promote cycling and walking, increase the use of public transport and reduce car travel. The three successful areas put forward excellent proposals for transforming people's travel behaviour, with support from local businesses and communities. My Department's investment in Smarter Travel areas will reshape and transform these areas, reduce congestion and pollution, improve road safety, create local employment opportunities and improve people's health and fitness, as well as enhancing town and streetscapes locally.

### Departmental Staff

760. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if any remuneration, stipend, expense facility, financial facility or similar payment is being made from the Exchequer to any senior public servant who has retired from his Department beyond any accrued pension entitlements; if any such payment has been sanctioned for current senior public servants who are about to retire from his Department; if he will list the name, positions and details of any relevant moneys paid or scheduled to be paid of any person in receipt of or sanctioned to receive such a payment; and if he will make a statement on the matter. [8279/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Five retired civil servants from my Department who were rehired during 2011 are still working in the Department. Four are Radio Officer grade III and one is an Aeronautical Officer Grade 1. They are working on an *ad hoc* basis and are paid according to the salary scale applicable to the grade they retired on subject to the standard abatement rules (i.e. the pension is reduced so that when added to the remuneration of any new position to which a pensioner is appointed, the sum is no greater than the remuneration of the position from which the pensioner retired). These staff are required for essential front-line functions until such time as replacements can be appointed. With regard to current senior staff who are about to retire from my Department, no remuneration, stipends, expense facility, financial facilities or similar payments have been sanctioned or are scheduled to be made beyond their accrued pension entitlements.

### Architectural Heritage

761. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if grants are available for the renovation of listed buildings such as old hotels and guest houses in County Kerry; and if he will make a statement on the matter. [8402/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. 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 Network

762. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the details of road projects in the country, if any, granted funding by him under the specific improvement road grants programme for 2012 to a value of less than €250,000 and the reason for the funding of any project granted funding below this threshold; and if he will make a statement on the matter. [8403/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I take it that the Deputy is asking about grant assistance from my Department for Regional and Local Roads across the Country. Details of the funding provided to each Local Authority are available in the Oireachtas Library. Allocations of less than €250,000 can be made in the case of forestry roads, some urban schemes, completion payments, advance design or land acquisition together with bridge rehabilitation and improvement works.

### Departmental Staff

763. **Deputy Sean Fleming** asked the Minister for Transport, Tourism and Sport if he will outline on a yearly basis from 2008 to 2015 in respect of staff leaving the public service in his Department; the cost of lump sums; the cost of severance payments; the cost of pensions of

[Deputy Sean Fleming.]

those leaving the service through retirement or other means; the loss of the pension levy from employees who have left; the loss of superannuation payments from retired or departed employees, in tabular form; and if he will make a statement on the matter. [8444/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Department of Transport, Tourism and Sport was established on 9 March 2011. The information requested by the Deputy on the cost of lump sums, pensions and severance payments for the years between 2008 and the end of February 2012 is set out in Table 1, which follows this reply. The information provided is available with respect to the former Department of Transport only prior to March 2011. As the Department does not know at present how many staff will retire from 1 March 2012 to the end of 2015, it is not possible to provide information in respect of this period. With regard to the loss of the pension levy and superannuation payments, the collation of this information would involve considerable expenditure of time as it would have to be compiled manually for each individual concerned. The severance payments were as a result of cessation of employment contracts which either reached the end of the contract terms or were as a result of a change in Government.

Table 1

Year	Department	Lump sum cost	Gross annual Pension cost	Cost of Severance Payment
2008	Transport	€665,275	€219,120	Nil
2009	Transport	€4,775,230	€1,622,743	€164,467
2010	Transport	€2,050,145	€784,128	Nil
2011	Transport, Tourism and Sport	€1,550,960	€494,500	€33,543
1/1/12-29/2/12 (anticipated)	Transport, Tourism and Sport	€1,688,020	€530,472	Nil